

PLANNING & ZONING COMMISSION
December 10, 2013 – 7:15 P.M.

The Planning Commission met at City Hall on the above date.

Present: Commission Members Bentley, Mazur and Newberry, Mayor Drucker, Councilman Pelunis, Prosecutor Stolarsky, Planning Director Frankland, Secretary McConoughey

Absent: None

Also Present: Fire Lieutenant Eisenhuth, Assistant City Engineer Welch

NOTES OF CAUCUS DISCUSSION:

(Secretary's note: Agenda items not mentioned under Notes of Caucus Discussion are items that were not pertinently discussed during Caucus)

Chairman Mazur presided.

PENDING:

2. 33615 Aurora Road – Mid America Management – various sign variances and right-of-way variances: The Engineering Department determined there was not sufficient data to be certain that the sign would not be located within the right of way and requested a survey be completed.

NEW:

4. 30600 Carter Street – Carter Street, LLC dba First Industrial Realty Trust – Dave Harsch – structure location variance, minimum parking lot aisle width variance and site plan review: Mr. Mazur asked how visitors would gain access. Mr. Harsch explained the gate will be open during the day and employees will have an access code. Visitors will have to call for access.

Mr. Frankland briefly reviewed three minor alterations.

The caucus ended at 7:25 P.M. and the meeting convened at 7:30 P.M.

Chairman Mazur presided.

CHANGES TO THE AGENDA:

There were no changes to the agenda.

COMMENTS FROM THE AUDIENCE:

There were no comments from the audience.

APPROVAL OF MINUTES:

Motion by Mayor Drucker, seconded by Mr. Bentley to approve the minutes of the November 26, 2013 meeting.

Roll Call: Aye: Bentley, Drucker, Mazur, Newberry

Nay: None

Abstain: Pelunis

Motion Carried

PENDING:

1. 29000 Aurora Road – Aurora Commerce, LLC (Cleveland Clinic) 091-2013 5
- 0.4' minimum parking aisle width variance (west side parking lot)
 - 0.7' minimum parking space depth variance (west side parking lot)
 - 1.2' minimum parking aisle width variance (east side parking lot)
 - 0.05' minimum parking space depth variance (east side parking lot)

Mr. Frankland said a landscape plan was submitted and was forwarded to the landscape architect for review. The plan has not yet been approved and is pending modifications.

Motion by Mr. Mazur, seconded by Mayor Drucker to table consideration of Item 1.

Roll Call: Aye: Bentley, Drucker, Mazur, Newberry, Pelunis

Nay: None

Motion Carried

2. 33615 Aurora Road – Mid America Management – 11/26 tabled - 102-2013 6
- 13 sq ft maximum sign area variance
 - 10" maximum sign height variance
 - 3' – 10" maximum sign width variance
 - 8' minimum sign setback from right-of-way variance (Solon Boulevard)
 - 7' minimum sign setback from right-of-way variance (Aurora Road)

Mr. Mazur said as discussed in Caucus, the Engineering and Planning Departments are not satisfied that the sign is not located within the right-of-way. He said the applicant advised they will provide a proper survey for the next meeting.

Motion by Mr. Newberry, seconded by Mr. Bentley to table consideration of Item 2.

Roll Call: Aye: Bentley, Drucker, Mazur, Newberry, Pelunis

Nay: None

Motion Carried

NEW:

3. 7650 Royal Portrush Drive – Gary Cohen 104-2013 1
- 204' front yard setback variance
 - Not parallel to the street variance

Mr. Sam Papa, BVQ Builders, 7570 Mentor Ave, Suite 102, Mentor, was present and said he will be building a house for Mr. & Mrs. Cohen. Mr. Papa said the lot was developed in 2001 or 2002 and is significantly set back from other lots on the street. He advised that the Code cannot be met based on the setback and proposed position of the house.

Mr. Mazur said he believes there will be no objections to the variances as they were likely approved years ago when the site was developed. He asked Mrs. Welch to discuss the contingencies for approval as recommended by the Engineering Department.

Mrs. Welch said the applicant is proposing to install a portion of the driveway over a sanitary easement. The Engineering Department recommends approval be contingent upon no utilities being located within the sanitary sewer easement and the property owners written agreement that in the event that any repairs to the sanitary sewer are necessary and a portion of the drive has to be removed, the City will not be responsible for repairing the driveway.

Mr. Papa agreed to provide a letter signed by Mr. & Mrs. Cohen agreeing to the contingency.

Mrs. Welch said this will be reviewed by the Law Director and, if approved, the homeowner is requested to record it with the County.

Councilman Pelunis requested the letter be prepared by Mr. Stolarsky.

Mr. Newberry said the letter and the contingencies will be substantially similar to approval requirements of the adjoining lot when the lots were created.

Mr. Bentley is familiar with the lot and supports the variances.

Motion by Mr. Bentley, seconded by Mr. Newberry to approve a 204' front yard setback variance.

Roll Call: Aye: Bentley, Drucker, Mazur, Newberry, Pelunis

Nay: None

Motion Carried

Motion by Mr. Newberry, seconded by Mayor Drucker to approve a not parallel to the street variance contingent upon compliance with the Engineering Department's requirements that no utilities be located within the easement and the property owners written agreement that the City will not be responsible to replace any portion of the driveway removed for necessary repairs to the sanitary sewer.

Roll Call: Aye: Bentley, Drucker, Mazur, Newberry, Pelunis

Nay: None

Motion Carried

4. 30600 Carter Street – Carter Street, LLC dba First Industrial Realty Trust 105-2013 7
- Structure location variance
 - 10' minimum parking lot aisle width variance
 - Site plan

Mr. Dave Harsch, First Industrial Realty Trust, was present. He displayed a plan and explained the proposal to install a gate structure to restrict trespassing trucks from the property to prevent damage to the parking lot.

In response to Mr. Mazur's question, Fire Lieutenant Eisenhuth said he spoke with Mr. Harsch several times and reviewed the drawings. He said the Fire Department does not have any issues with the plan.

Mr. Bentley requested Mr. Harsch indicate on the plan where trespassing trucks are turning around. Mr. Harsch indicated the location and said in 2009, he granted Home Depot temporary access to the lot for staging until their lot was repaved, however, truck traffic continues to use the parking lot.

Mr. Bentley questioned a second entrance and Mr. Harsch said the entrance is for cars only and he has not had problems with trucks at that entrance.

Mayor Drucker clarified that a 24' width is necessary for a parking lot aisle and the applicant is proposing 14', therefore, the 10' minimum parking lot aisle width variance is necessary.

Mr. Mazur asked Mr. Harsch to explain the operation of the gate on a daily basis.

Mr. Harsch said the gate will function with a seven-day program in which it will open at 6:00 A.M. and close at 7:00 P.M. He explained another company in the building has vehicles entering and exiting at all times. He advised the other two tenants do not have visitors other than truck traffic. He noted those drivers will have an access code.

Motion by Mayor Drucker, seconded by Councilman Pelunis to approve a structure location variance.

Roll Call: Aye: Bentley, Drucker, Mazur, Newberry, Pelunis
Nay: None Motion Carried

Motion by Mr. Newberry, seconded by Mr. Bentley to approve a 10' minimum parking lot aisle width variance.

Roll Call: Aye: Bentley, Drucker, Mazur, Newberry, Pelunis
Nay: None Motion Carried

Motion by Mr. Mazur, seconded by Mayor Drucker to approve the site plan.

Roll Call: Aye: Bentley, Drucker, Mazur, Newberry, Pelunis
Nay: None Motion Carried

Motion by Mr. Mazur, seconded by Mayor Drucker to amend approval of the site plan contingent upon the removal of three parking spaces on the west side of the lot.

Roll Call: Aye: Bentley, Drucker, Mazur, Newberry, Pelunis
Nay: None

Motion Carried

5. 30775 Solon Industrial Parkway – Anchor Industries (Grandwood) 106-2013 7
- Number of parking spaces variance (82)
 - 4' drive aisle width variance
 - Site plan for addition

Mr. Brandon Kline, Geis Companies, displayed a plan and explained the proposal to construct a 50,000 square foot addition to a warehouse facility. The new addition will have the same material, height, size and color and reveal joints as the existing structure.

Mr. Kline said a 20' drive aisle currently exists and is necessary to avoid a detention pond area.

Mr. Mazur said during the Caucus, Mr. Kline said he believes the lots have been consolidated as part of approval of the first addition to the building. Mr. Kline said if this has not been completed, he will pursue the lot consolidation.

Mr. Mazur asked that the lot consolidation be confirmed before the December 16th Council meeting.

Mr. Mazur said the City is pleased to see additions to the industrial area and noted the previous approval included a gravel driveway which will now be asphalt.

Mr. Newberry said he does not object to the number of parking spaces variance, however, there is ample space at the north end of the lot to land bank additional parking spaces. He said the variance is appropriate but not entirely necessary.

Mr. Mazur said he discussed it with Mr. Frankland and noted the variance is based on the assumption that the use will be manufacturing or partially warehouse.

Mr. Kline said his client's employee count has never reached a number in which additional parking was necessary. He said his client anticipates 12 additional employees for the new addition, therefore, the need for additional parking is not necessary.

Mr. Mazur said the Engineering Department noted an additional tap in fee may be necessary. He said a contingency to approval requiring a detention basin agreement between the applicant and the City will be necessary.

Mr. Bentley questioned how long the temporary 4' aisle width variance will be necessary. Mr. Mazur clarified the variance is permanent and is necessary because

the curve in the driveway measures 20', however, the remainder of the driveway will be 24'.

Mr. Newberry explained the variance is necessary due to the location of the detention basin.

Mr. Mazur asked if the Fire Department had any concerns regarding the 20' portion of the driveway and Fire Lieutenant Eisenhuth said the Fire Department had no objection.

Motion by Mr. Bentley, seconded by Mr. Mazur to approve the number of parking spaces variance to permit 82.

Roll Call: Aye: Bentley, Drucker, Mazur, Newberry, Pelunis
Nay: None

Motion Carried

Motion by Mr. Mazur, seconded by Mayor Drucker to approve a 4' drive aisle width variance.

Roll Call: Aye: Bentley, Drucker, Mazur, Newberry, Pelunis
Nay: None

Motion Carried

Motion by Mayor Drucker, seconded by Mr. Mazur to approve the site plan for the addition contingent upon a lot consolidation, if necessary, and the applicant entering into a detention basin maintenance agreement.

Roll Call: Aye: Bentley, Drucker, Mazur, Newberry, Pelunis
Nay: None

Motion Carried

CORRESPONDENCE:

6. Correspondence regarding outdoor seating areas – opinion from Law Director received

Mr. Stolarsky explained the Commission does not have the authority to require individuals to make safety changes such as bollards for previously approved site plans. It was discussed in Caucus that possibly the Fire Department or another department contact the questionable locations to suggest that safety issues be reviewed.

Mr. Mazur finds it a reasonable expectation after the research that has been done and review by the Safety and Public Properties Committee to contact the locations.

Councilman Pelunis said due to the cost of bollards, he would like to ensure that the business owners understand installation of bollards is not mandatory or required but is an issue to review.

Mr. Stolarsky agreed and said it would only be a suggestion that the locations could consider.

Motion by Mr. Mazur, seconded by Mr. Bentley to request Fire Lieutenant Eisenhuth send correspondence approved by the Law Director or Assistant Law Director to locations that were identified with safety issues stipulating that, although it is not a compliance issue, the property owners should consider reviewing their individual situations.

Councilman Pelunis requested the Commission receive a copy of the correspondence.

Roll Call: Aye: Bentley, Drucker, Mazur, Newberry, Pelunis
Nay: None

Motion Carried

COUNCIL REFERRAL:

7. Proposed Zoning Code amendment – Comprehensive Revision of Permitted Uses

Mr. Frankland said the Commission will need time to review the lengthy ordinance, however, he provided a brief explanation.

Mr. Frankland said in 2005, there was a comprehensive revision of the Zoning Code ordinance. He said at that time, permitted uses were not addressed and have not been comprehensively reviewed and/or revised in more than 70 years. He explained the ordinance addresses inconsistencies with permitted uses in which he provided examples. Mr. Frankland advised input will be necessary from the Planning Commission, the Council, the public and that public hearings and work sessions will be necessary.

Mr. Frankland said the ordinance will be placed on the city's website for review by the public. The ordinance will also be available at the library.

Mr. Frankland believes significant review will be necessary as many amendments have been proposed and will need to be adopted as a whole. He is hopeful to have the ordinance on the November 2014 ballot.

Mr. Mazur suggested two separate issues be placed on the ballot; one for residential and one for commercial, if necessary.

Mr. Newberry said he briefly reviewed the ordinance and was impressed. He questioned how many current uses will become non-conforming with approval of the ordinance. He believes further review will be necessary to avoid outlawing a use within a district where it exists and is thriving.

Mr. Mazur commended Mr. Frankland for the preparation and presentation of the ordinance.

Motion by Mr. Mazur, seconded by Mr. Newberry to table consideration of Item 7.
Roll Call: Aye: Bentley, Drucker, Mazur, Newberry, Pelunis
Nay: None Motion Carried

MINOR ALTERATIONS FROM THE PLANNING DEPARTMENT:

1. 30701 Carter Street – Cosmax (former L’Oreal building)

Mr. Frankland displayed an aerial view of the property. He indicated where additional equipment in the rear of the building is proposed and where an additional man door is proposed. Mr. Frankland said there will be no changes made to the parking.

The Commission members agreed no further review of this item was necessary.

2. 31635 Aurora Road – Shankman and Associates

Mr. Frankland displayed an aerial view of the property indicating an area on the rear side of the building where additional pavement is proposed. He said there are no variances associated with the proposal and the pavement will be used for access purposes.

The Commission members agreed no further review of this item was necessary.

3. 33321 Aurora Road – Solon Square Shopping Center (Champs)

Mr. Frankland displayed an aerial view of the property indicating the area adjacent to Earth Fare and the two tenant spaces that will be combined for the Champs store. He displayed a site plan indicating where the proposal is to add glass where certain doors are located and adding centrally located double doors.

The Commission members agreed no further review of this item was necessary.

Motion by Mr. Mazur, seconded by Mr. Newberry to schedule a public hearing for 6353 Glenallen Avenue for a lot consolidation of PP#’s 954-02-135 and 954-02-136 on January 14, 2014.

Roll Call: Aye: Bentley, Drucker, Mazur, Newberry, Pelunis
Nay: None Motion Carried

COMMENTS FROM THE COMMISSION:

Mayor Drucker welcomed Councilman Pelunis to the Planning Commission. She wished everyone a happy, healthy and prosperous 2014.

Councilman Pelunis thanked the Commission for the warm welcome and said he looks forward to working with everyone involved with the Planning Commission.

In turn, Commission members welcomed Councilman Pelunis and wished everyone a happy and healthy New Year.

Mrs. McConoughey said she received correspondence this afternoon regarding Inactive Agenda Item A and requested the Item be placed on the next meeting agenda.

Motion by Mr. Mazur, seconded by Mayor Drucker to place Inactive Agenda Item A, 33000 Solon Road – AT&T (tower owner) - Sprint (replacement antennas) on the active agenda for the January 14, 2014 meeting.

Roll Call: Aye: Bentley, Drucker, Mazur, Newberry, Pelunis
Nay: None

Motion Carried

COMMENTS FROM THE AUDIENCE:

There were no comments from the audience.

Motion by Mayor Drucker, seconded by Mr. Newberry to adjourn the meeting at 8:03 P.M.

Roll Call: Aye: Bentley, Drucker, Mazur, Newberry, Pelunis
Nay: None

Motion Carried

Chairman

Secretary