

SOLON PLANNING & ZONING COMMISSION
August 9, 2022 – 7:30 P.M.

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

Present: Commission Members Greenspan, Newberry, Sutton, Councilman Bentley, Assistant Law Director Stolarsky, Secretary Letourneau, Planner Consultant Kasimov

Absent: Mayor Kraus

Also Present: Fire Inspector Eisenhuth, Assistant City Engineer Lyndon

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. Agenda topics may not have been discussed in order; however, they have been placed in order for the convenience of this record.)

Councilman Bentley presided.

Mr. Stolarsky explained that since one of the Commission members is absent, four voting members constitute a quorum and an affirmative vote of three members is necessary for approval. He said if an applicant believes they may benefit from a full Commission, they may request their item be tabled before a vote.

Councilman Bentley explained to the applicants the procedures that take place during the meeting when they present their applications. He also explained that if their application includes a memo from the Engineering Department, they will be asked to agree to the requirements of that memo prior to the Commission voting and before a permit is issued. Councilman Bentley also explained there are two times during the meeting where comments from the audience can be heard.

PENDING:

1. Aurora Road – PP#'s 953-02-001, 951-17-012, 953-06-001 – Hawthorne Golf Estates LLC - Subdivision plat approval: Mr. Stolarsky said this item will need to be tabled tonight. The variances have not yet been determined as the City is waiting for final information from the applicant. Once the variances are determined, notification letters will be mailed. He said the public hearing can proceed and be left open for the next meeting.

2. 34645 Aurora Road – PP#'s 954-30-017, 018, 019 – Drs. Pavlick and Reppas, Inc.- Lot consolidation and numerous variances: The Commission discussed if all information had been received to proceed this evening. Mr. Kasimov said the contingency regarding the architectural elevations can be removed as the City's landscape architect has since approved the submitted information. It was determined all of the necessary information has been received.

NEW:

4. 5327 SOM Center Road – Howard & Deborah Bobrow – accessory driveway pavement variance: Mr. Stolarsky said a letter from the Metroparks was received stating this application does not violate the deed restrictions.
5. 29525 Fountain Parkway – MP Biomedicals – Site plan: Mr. Kasimov said the contingency regarding the architectural elevations can be removed as the City's landscape architect has since approved the submitted information. Councilman Bentley thanked the applicant for submitting an application for the new building with no variances. He said it makes for a smoother and quicker process when no variances are required. He anticipated the site plan would be approved this evening.
6. 30275/30325 Bainbridge Road – PP#'s 951-30-030, 951-30-031, 951-30-034, 951-33-006 – Nestle USA – Accessory use variance for a non-principal structure and site plan: Councilman Bentley said this is for approval of a dog park for Nestle employees. The Planning Commission discussed the section of the Engineering Department memo that indicated the lots should be consolidated. Mr. Stolarsky said the applicant would not have to apply for the variance if the lots were consolidated, but the applicant does not wish to consolidate the lots at this time so there is a need for an accessory use variance.
7. 102 Meadow Lane – John Chin – accessory structure height variance (detached garage): Mr. Chin explained that his job has become fully remote and requests to add a room over the garage to create office space.

The caucus ended at 7:20 P.M. and the meeting began at 7:30 P.M.

CHANGES TO THE AGENDA:

There were no changes to the agenda.

COMMENTS FROM THE AUDIENCE REGARDING AGENDA ITEMS:

There were no comments from the audience.

MINUTES:

Motion by Mr. Greenspan, seconded by Mr. Newberry to approve the minutes of the July 26, 2022 meeting as presented.

Roll Call: Aye: Bentley, Greenspan, Newberry

Nay: None

Abstain: Sutton

Motion Carried

PENDING:

1. Aurora Road - PP#'s 953-02-001, 951-17-012, 953-06-001 - Hawthorne Golf Estates LLC
PCPC-2021-171 - Ward 5
 - Subdivision plat (submitted 5/27/22)

A public hearing was scheduled.

Mr. Larry Apple, Hawthorne Golf Estates, was present and displayed a site plan. Mr. Apple provided a brief explanation of the project. He reported his planners are in the process of providing information requested by the Engineering Department. He is hopeful the information will be submitted by the next meeting.

Councilman Bentley opened the public hearing and asked for comments.

There were no comments from the audience. Councilman Bentley said the public hearing will remain open.

Motion by Ms. Sutton, seconded by Mr. Newberry to table consideration of Item 1.

Roll Call: Aye: Bentley, Greenspan, Newberry, Sutton

Nay: None

Motion carried

2. 34645 Aurora Road - PP#'s 954-30-017, 018, 019 - Drs. Pavlick and Reppas, Inc.
PCPC-2022-274 - Ward 6
 - Lot consolidation
 - 0.21 acre minimum lot area variance
 - 4' front yard setback variance (building)
 - 15' front yard parking setback variance
 - 6 space minimum number of parking spaces variance
 - 3' minimum parking setback variance from building
 - 7' minimum parking aisles setback from building variance
 - 9' parking aisle width variance
 - 175' landscape buffer at residential property line variance
 - Accessory structure location variance (generator in side yard)Site plan

A public hearing was scheduled. Councilman Bentley opened the public hearing and asked for comments.

There were no comments from the audience.

Mr. Ronald Shaw, Alber and Rice Engineering, was present representing the applicant. Mr. Shaw displayed the plan and explained the proposal for a one-story, 3,500 square foot oral surgery office building on Aurora Road and surface parking lot. Mr. Shaw advised the plan accommodates a flood zone and wetlands, therefore, the building and parking area is proposed to be closer to Aurora Road. Mr. Shaw explained the proposed location resulted in the need for multiple variances to allow front yard parking, to eliminate six parking spaces, to accommodate safety vehicles, build on a lot less than two acres and to accommodate a generator in the side yard.

Mr. Kasimov explained the remaining variances. He noted vegetative screening is required when across from a residential area, however, screening will not be placed in the wetland area.

At Mr. Kasimov's request, Mr. Shaw indicated on the plan the location of the generator in the side yard. He explained if the generator is placed in the rear yard, it would be visible to the recovery and consultation rooms. He said the location would also impact the wetlands area as well. Mr. Shaw said the side yard location provides closer proximity to the utility room and better access to re-fuel the diesel generator.

Motion by Mr. Newberry, seconded by Ms. Sutton to approve a lot consolidation for PP#'s 954-30-017, 954-30-018, 954-30-019 located at 34645 Aurora Road.

Roll Call: Aye: Bentley, Greenspan, Newberry, Sutton
Nay: None Motion Carried

Motion by Mr. Greenspan, seconded by Mr. Newberry to approve a 0.21 acre minimum lot area variance.

Roll Call: Aye: Bentley, Greenspan, Newberry, Sutton
Nay: None Motion Carried

Motion by Ms. Sutton, seconded by Councilman Bentley to approve a 4' front yard setback variance (building).

Roll Call: Aye: Bentley, Greenspan, Newberry, Sutton
Nay: None Motion Carried

Motion by Councilman Bentley, seconded by Ms. Sutton to approve a 15' front yard parking setback variance.

Roll Call: Aye: Bentley, Greenspan, Newberry, Sutton
Nay: None Motion Carried

Motion by Mr. Newberry, seconded by Mr. Greenspan to approve a 6 space minimum number of parking spaces variance.

Roll Call: Aye: Bentley, Greenspan, Newberry, Sutton
Nay: None Motion Carried

Motion by Mr. Greenspan, seconded by Mr. Newberry to approve a 3' minimum parking setback variance from building.

Roll Call: Aye: Bentley, Greenspan, Newberry, Sutton
Nay: None Motion Carried

Motion by Ms. Sutton, seconded by Mr. Newberry to approve a 7' minimum parking aisles setback from building variance.

Roll Call: Aye: Bentley, Greenspan, Newberry, Sutton
Nay: None Motion Carried

Motion by Councilman Bentley, seconded by Ms. Sutton to approve a 9' parking aisle width variance.

Roll Call: Aye: Bentley, Greenspan, Newberry, Sutton
Nay: None Motion Carried

Motion by Mr. Greenspan, seconded by Mr. Newberry to approve a 175' landscape buffer at residential property line variance.

Roll Call: Aye: Bentley, Greenspan, Newberry, Sutton
Nay: None Motion Carried

Motion by Ms. Sutton, seconded by Councilman Bentley to approve an accessory structure location variance (generator in side yard).

Roll Call: Aye: Bentley, Greenspan, Newberry, Sutton
Nay: None

Motion Carried

Motion by Mr. Newberry, seconded by Ms. Sutton to approve the site plan for 34645 Aurora Road contingent upon requirements in the August 3, 2022 Engineering Department memo and the July 28, 2022 Fire Department memo.

Roll Call: Aye: Bentley, Greenspan, Newberry, Sutton
Nay: None

Motion Carried

3. 34182 Aurora Rd - Echo Realty (Starbucks)
PCPC-2022-278 - Ward 6
 - Site plan

This item was referred to the Safety and Public Properties Committee for review and recommendation.

Motion by Councilman Bentley, seconded by Mr. Newberry to table consideration of Item 3.

Roll Call: Aye: Bentley, Greenspan, Newberry, Sutton
Nay: None

Motion carried

NEW:

4. 5327 SOM Center Road - Howard & Deborah Bobrow
PCPC-2022-279 - Ward 4
 - 834' accessory driveway pavement variance

Mr. Howard Bobrow was present and displayed the plan for additional driveway pavement. Mr. Bobrow explained the unique topography of the property. He indicated the location on the plan where additional pavement is proposed for safety purposes. Mr. Bobrow displayed pictures indicating access to the home.

Mr. Stolarsky advised a letter was received from the Cleveland Metroparks indicating the project would not violate deed restrictions.

Mr. Newberry asked Mr. Bobrow if he is aware of the Engineering Department memo associated for this application. Mr. Bobrow said yes.

Motion by Mr. Newberry, seconded by Ms. Sutton to approve an 834' accessory driveway pavement variance.

Roll Call: Aye: Bentley, Greenspan, Newberry, Sutton
Nay: None

Motion carried

5. 29525 Fountain Parkway - MP Biomedicals
PCPC-2022-280 - Ward 7
 - Site plan

Mr. Jeff Certo, DSC Architects, was present representing the applicant. Mr. Certo displayed the plan and the request for a new facility. He indicated on the plan the existing structure and a parking area that will become a new approximately 72,000 square foot building. He noted the parking area being removed will be relocated along Fountain Parkway and between the buildings. Mr. Certo said the plan meets the requirements of the Zoning Code. He said storm water detention will be provided as well.

Councilman Bentley commended the applicant for the proposal and for creating more jobs in Solon.

Mr. Newberry advised of an Engineering Department memo attached to this application that includes a requirement for a separate address for the new facility. Mr. Certo agreed to the requirements.

Mr. Lyndon advised an inspection and maintenance agreement for the detention basin will be required. Mr. Certo agreed to the requirements.

Motion by Ms. Sutton, seconded by Mr. Greenspan to approve the site plan for 29525 Fountain Parkway contingent upon requirements in the August 3, 2022 Engineering Department memo.

Roll Call: Aye: Bentley, Greenspan, Newberry, Sutton
Nay: None

Motion carried

6. 30275/30325 Bainbridge Road - PP#'s 951-30-030, 951-30-031, 951-30-034, 951-33-006 - Nestle USA
PCPC-2022-281 - Ward 6
 - Accessory use variance for a non-principal structure
 - Site plan

Ms. Kira Kabo, Nestle USA, was present. Ms. Kabo explained the request to install a dog park on property owned by Nestle adjacent to the Nestle Headquarters building. Ms. Kabo explained a program was introduced in 2018/2019 before COVID-19 to invite employees to bring their dogs to work on a limited basis. Based on the popularity of the program, Nestle wishes to expand the program to help bring employees, who are concerned about leaving their dogs alone at home, back to the office. Ms. Kabo explained two areas will accommodate and separate large dogs and small dogs. She said no lighting will be installed to prevent the park from being used at night.

Mr. Stolarsky said although this is not a specifically listed permitted use, he finds, from a legal standpoint, this is substantially similar to other permitted uses.

Mr. Newberry asked if Ms. Kabo reviewed the Engineering Department memo attached to this application. He advised of one item in the memo stating a lot consolidation should be considered for the four parcels. Mr. Newberry explained it was discussed in Caucus that a lot consolidation will not be pursued at this time should Nestle have a future use for the parcels that could make the lot consolidation problematic. Ms. Kabo said that is correct.

Mr. Newberry said a Fire Department memo attached to this item requests a Knox (lock) box for the property for the Fire Department to gain access if necessary and for an address to be included on the sign. Ms. Kabo agreed and added that the sign will state the area is private property.

Motion by Councilman Bentley, seconded by Mr. Greenspan to approve an accessory use variance for a non-principal structure.

Roll Call: Aye: Bentley, Greenspan, Newberry, Sutton

Nay: None

Motion carried

Motion by Mr. Newberry, seconded by Ms. Sutton to approve a site plan for 30275/30325 Bainbridge Road, PP#'s 951-30-030, 951-30-031, 951-30-034, and 951-33-006 contingent upon requirements in the August 3, 2022 Engineering Department memo (excluding Item 3 indicating the requirement for a lot consolidation) and the July 28, 2022 Fire Department memo.

Roll Call: Aye: Bentley, Greenspan, Newberry, Sutton

Nay: None

Motion carried

7. 102 Meadow Lane - John Chin
PCPC-2022-282 - Ward 4
- 4' accessory structure height variance (detached garage)

Mr. John Chin was present and explained the request for a height variance for a proposed garage addition to accommodate a home office on the second floor.

Councilman Bentley advised four letters were received from neighbors in support of the project.

Mr. Chin displayed a plan and indicated the location of the garage in the back of the property.

Mr. Newberry asked if Mr. Chin reviewed the Engineering Department memo for this item. Mr. Chin believes his contractor read the memo and noted the contractor was called out of town and could not attend this meeting. Mr. Chin assumed his contractor has reviewed the memo.

Motion by Ms. Sutton, seconded by Mr. Greenspan to approve a 4' accessory structure height variance (detached garage) contingent upon requirements in the August 3, 2022 Engineering Department memo.

Roll Call: Aye: Bentley, Greenspan, Newberry, Sutton

Nay: None

Motion carried

8. 32047 Springside Lane - Dominique Caovan
PCPC-2022-283 - Ward 6
- Accessory structure location variance

Councilman Bentley advised this is one of three applications for variances to locate generators in the side yard. He said this is a common request and noted the additional costs that are sometimes involved in locating the generators in the rear

yard. Councilman Bentley advised it is the City's goal in the future to consider changing the code to approve such applications as minor alterations.

Mr. Mike Metcalf, Mattingly Brothers Electric, was present representing the applicant. Mr. Metcalf displayed the plan and explained the rear yard for the generator installation was determined to be unsafe because of existing basement "escape" windows that may be exposed to exhaust from the generator or be blocked by the generator. Mr. Metcalf said the proposed location is near existing electrical, however, the gas connection is on the other side of the house, therefore, gas lines will be installed in the basement.

Motion by Mr. Greenspan, seconded by Mr. Newberry to approve an accessory structure location variance contingent upon requirements in the August 3, 2022 Engineering Department memo.

Roll Call: Aye: Bentley, Greenspan, Newberry, Sutton
Nay: None

Motion carried

9. 6080 Liberty Road - Glen Vermilion
PCPC-2022-284 - Ward 4
 - Accessory structure location variance

Councilman Bentley advised the applicant requested this application be withdrawn as it was determined a variance is not necessary.

Motion by Ms. Sutton, seconded by Mr. Newberry to accept the applicant's withdrawal of Item 9.

Roll Call: Aye: Bentley, Greenspan, Newberry, Sutton
Nay: None

Motion carried

10. 5440 Brookside Trail - Shefali Malik
PCPC-2022-285 - Ward 5
 - Accessory structure location variance

Mr. Mike Metcalf, Mattingly Brothers Electric, was present representing the applicant. Mr. Metcalf displayed the plan and explained the proposed location for the generator was determined based on the location of the utilities, the driveway and a walk-out basement with ventilation windows. Mr. Metcalf apologized for installing the generator before a permit was approved.

Mr. Newberry said he does not usually approve variances after the work is complete, however, he understands current product and labor shortages are an issue and will support the variance. Mr. Newberry advised there is an Engineering Department memo attached to this application. Mr. Metcalf said yes.

Motion by Ms. Sutton, seconded by Mr. Newberry to approve an accessory structure location variance contingent upon requirements in the August 3, 2022 Engineering Department memo.

Roll Call: Aye: Bentley, Greenspan, Newberry, Sutton
Nay: None

Motion carried

11. 6223 Penfield Lane - Gregory Raskin
PCPC-2022-286 - Ward 3
- Accessory structure location variance

Mr. Mike Metcalf, Mattingly Brothers Electric, was present representing the applicant. Mr. Metcalf displayed the plan and explained the rear yard was not an appropriate location for the generator due to exhaust issues and was not near utilities. He apologized that this installation has already been completed.

Mr. Newberry advised there is an Engineering Department memo attached to this application. Mr. Metcalf said he has read the memo.

Motion by Mr. Greenspan, seconded by Ms. Sutton to approve an accessory structure location variance contingent upon requirements in the August 3, 2022 Engineering Department memo.

Roll Call: Aye: Bentley, Greenspan, Newberry, Sutton
Nay: None

Motion carried

COMMENTS FROM THE AUDIENCE:

There were no comments from the audience.

COMMENTS FROM THE COMMISSION:

Mr. Newberry thanked everyone involved with Home Days.

Councilman Bentley enjoyed the 5K race and Home Days.

Motion by Ms. Sutton, seconded by Mr. Greenspan to adjourn the meeting at 8:15 P.M.

Roll Call: Aye: Bentley, Greenspan, Newberry, Sutton
Nay: None

Motion carried

Chairman

Secretary