

PLANNING & ZONING COMMISSION
May 13, 2014 – 7:00 P.M.

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

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

Absent: None

Also Present: Fire Lieutenant Eisenhuth, Councilman Kitora (meeting only), Councilman Kraus (entered meeting at 8:00 P.M.), 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 Pelunis presided.

PENDING:

1. 6445 SOM Center Road – Fifth Third Bank – structure color variance, structure material variance and number of wall signs variance: Councilman Pelunis said this item has been on the agenda for some time and as there has been no new information, the Clerk sent them a letter requesting a response. As no response has been received, he recommended the item be removed from the agenda or moved to the Inactive Agenda.

The Commission members discussed the item and it was the consensus to place it on the Inactive Agenda.

Mr. Stolarsky noted a minor change to one word in the minutes of April 17, 2014.

Councilman Pelunis recommended the minutes be approved as read.

NEW:

8. 30003 Bainbridge Road – Nestlé Prepared Foods Company – wall sign area variances on east and west side: Ms. Kira Kabo, Nestlé, was present. In response to Mayor Drucker's question, Ms. Kabo confirmed the signs are 185 square feet.

COUNCIL REFERRAL:

9. Proposed Zoning Code Amendment – Comprehensive Revision of Permitted Uses: Councilman Pelunis said a revision to the amendments based on previous items discussed was submitted by Mr. Frankland. He will review those revisions this evening during the meeting.

The Commission discussed the timing of forwarding this item to the Council for their review. It was determined that a decision will be made after the public hearing this evening based on possible additional comments.

10. University Hospitals Health System/The Fountains of Solon – requesting the rezoning of property located on Franklin Park Boulevard from the C-3 (Commercial) Zoning to R-3 (Multi-Family Residential) Zoning for an apartment/townhouse complex: As a public hearing is scheduled, Councilman Pelunis asked the Commission to consider a time limit for speaking on this item since there is a substantial amount of residents in attendance.

It was the consensus of the Commission to ask residents not to be redundant with their comments and that no time limit will be placed on comments.

The caucus ended at 7:08 P.M. and the meeting convened at 7:30 P.M.

Councilman Pelunis 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 Mr. Newberry, seconded by Mr. Bentley to approve the minutes of the April 17, 2014 meeting as read.

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

Motion Carried

Motion by Mr. Bentley, seconded by Mayor Drucker to approve the minutes of the April 29, 2014 meeting.

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

Motion Carried

PENDING:

1. 6445 SOM Center Road – Fifth Third Bank

018-2014 6

- Structure color variance
- Structure material variance
- Number of wall signs variance to permit 1 additional
Maximum wall sign square footage variance
- Option 1 – 3.5 sq ft variance
- Option 2 – 1.1 sq ft variance

- Site plan for alteration to drive-through ATM

Motion by Mr. Mazur, seconded by Mr. Newberry to move Item 1 to the Inactive Agenda.

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

Motion Carried

2. 28300 Miles Road, Unit C – Brainard Miles Retail Development, LLC 026-2014 5
- Re-approval of site plan for drive-thru (Subway)

Councilman Pelunis said this item is pending with the Safety and Public Properties Committee which is scheduled to meet tomorrow, Wednesday, May 14th.

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

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

Motion Carried

3. 28200 Miles Road, Unit G – Brainard Miles Retail Development, LLC 027-2014 5
- Re-approval of site plan for drive-thru (Regal Cleaners)

Councilman Pelunis said this item is pending with the Safety and Public Properties Committee which is scheduled to meet tomorrow, Wednesday, May 14th.

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

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

Motion Carried

4. 5252 Naiman Parkway – Crown Castle (Sprint) 028-2014 5
- Site plan – new antennas

Mr. Roy Schecter, Attorney, Crown Castle, was present. He displayed a rendering indicating the existing antennas and another plan with the new antennas and said a structural analysis has been submitted to the City for review. The proposal is to replace older antennas with new, upgraded antennas to allow 4G reception and improve reception for Sprint customers.

A public hearing was scheduled.

Councilman Pelunis opened the public hearing and asked for comments.

There were no comments from the audience, therefore, the public hearing was closed.

Motion by Mr. Newberry, seconded by Mr. Bentley to approve the site plan for new antennas for Sprint (Crown Castle) for 5252 Naiman Parkway.

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

Nay: None

Motion Carried

NEW:

5. 31135 Cannon Road – PP#'s 951-39-003 & 951-39-004 033-2014 5
– David Ferrante
- 520.5' front yard setback variance
 - 4' driveway width variance
 - 325 sq ft accessory pavement area variance
 - Lot consolidation

Motion by Mayor Drucker, seconded by Mr. Mazur to schedule a public hearing for the lot consolidation of PP#'s 951-39-003 and 951-39-004 on May 27, 2014.

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

Nay: None

Motion Carried

6. 33678 Linden Drive – Marc A. Solomon 034-2014 7
▪ 15' Accessory pavement setback variance

Mr. Marc Solomon was present. He displayed a site plan of the accessory pavement he is proposing to install and photographs of other driveways in the neighborhood where pavement has been added.

Motion by Mr. Mazur, seconded by Mr. Newberry to approve a 15' accessory pavement setback variance.

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

Nay: None

Motion Carried

7. 7297 Winchester Drive – Matt and Liz Johnson 035-2014 2
▪ 12' side street setback variance

Mr. and Mrs. Johnson were present. Mr. Johnson displayed a site plan indicating the location adjacent to the garage where a shed is proposed. He explained that there is an environmental easement on the property, however, the slope of the yard makes it difficult for placement of the shed and will require a variance.

Mr. Mazur asked Mr. Johnson what kind of shed he is proposing.

Mr. Johnson said it is a pre-fab shed and has been approved by the Homeowner's Association.

Motion by Mayor Drucker, seconded by Mr. Mazur to approve a 12' side street setback variance.

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

Motion Carried

8. 30003 Bainbridge Road – Nestlé Prepared Foods Company 036-2014 5
- 85 sq ft wall sign area variance (east side)
 - 85 sq ft wall sign area variance (west side)

Ms. Kira Kabo, Corporate Facilities and Securities for Nestlé, was present. Ms. Kabo said although Nestlé has a large campus they do not have well developed signage. She displayed a photograph of the prepared foods building, 30003 Bainbridge Road, indicating the new signage proposed for the east and west façade. Ms. Kabo said each sign will be 185 sq ft and as the code allows 100 sq ft, a variance of 85 sq ft is necessary for each sign. She said the signs will be internally lighted with LED lighting and the existing printed sign will be removed and the wall repaired.

Mr. Newberry believes the new updated signage will be an improvement over the current signage as it has been on the building for a long time.

Motion by Mr. Newberry, seconded by Mr. Bentley to approve an 85 sq ft wall sign area variance for the east side of the building.

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

Motion Carried

Motion by Mr. Bentley, seconded by Mayor Drucker to approve an 85 sq ft wall sign area variance for the west side of the building.

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

Motion Carried

COUNCIL REFERRAL:

9. Proposed Zoning Code amendment – Revision of Permitted Uses 108-2013

Mr. Frankland said the amendments to the proposed zoning code are intended to address the issues that the Commission raised at several previous public hearings. He said it is still considered a draft and the Commission may choose to make further changes.

Section 1287.11 Agriculture:

Mr. Frankland said the agricultural ordinance has been removed from the residential section and placed in the accessory use section of the Code.

Mr. Frankland explained the current code allows unrestricted agriculture and the amendment defines regulations. He explained the agricultural section is

supplementary to Section 1287.06 which regulates horses. He said the agricultural section is separated into two sections: cultivation and the keeping of agricultural animals. He explained Section A, permitted agricultural animals, lists the animals that can be kept based on square footage of property. Not more than three chickens or rabbits can be kept per 10,000 square feet of lot area. A maximum of 20 chickens and/or rabbits can be kept on any property unless otherwise excepted in the Code. As an example, he said 10,000 square feet would be equivalent to a lot in the ABC streets in which up to three chickens could be kept. He explained not more than one goat or sheep can be kept per 20,000 square feet of lot area. A maximum of five goats or sheep can be kept on any property unless otherwise excepted in the Code. Mr. Frankland said these numbers are subject to change based on the Commissions comments.

Mr. Frankland read from the prohibited agriculture animals section which includes animals that are considered large, potentially dangerous or loud. He read from sections in regard to fencing and housing for animals which are required to be built in a workmanlike manner as described in the Code. He explained one accessory building is permitted per property and if a shed or other structure exists and a property owner wants to build housing for animals, the property owner will need a variance. Mr. Frankland explained housing is required to be 30' from any residence, therefore, it may be difficult to place a structure in the ABC streets based on lot size. He said the purpose of such distance is to keep rodents and odor from adjacent homes.

The exceptions section addresses properties greater than 10 acres in which restrictions for agricultural animals do not apply. However, agriculture must be 75' from any adjacent property that is zoned or used for residential purposes and all other provisions of the code are met.

Mr. Frankland said the restriction of onsite commercial activity connects the agricultural section to the requirements of the home occupation ordinance.

Mr. Mazur questioned why Mr. Frankland selected three for the number of hen chickens allowed. Mr. Frankland said he based the recommended number on the acreage of property and from his personal experience. He said there is no correct answer to the question and referenced the smaller ABC street properties as an example.

Mr. Newberry said if three chickens are permitted on 10,000 square feet, then six chickens should be permitted on 20,000 square feet.

Mr. Frankland believes the revision provides more flexibility.

Mr. Mazur asked if an odd number of chickens are acceptable in regard to pecking order. Mr. Frankland said based on his experience, a smaller number of chickens is better for the chicken at the bottom of the pecking order.

Mr. Mazur said he had read that the number of chickens in regard to the pecking order can be critical.

Mr. Newberry believes the number of permitted chickens is a starting point and the number can be amended at any time.

Mr. Bentley appreciates Mr. Frankland's diligence in preparing the amendment and also believes it is a starting point to recommend to the Council.

Office Zoning District:

Mr. Frankland explained places of worship have not been allowed in the commercial areas of the city due to parking issues. However, places of worship are permitted in 75% of the city, normally in residential districts. He advised churches, synagogues, temples and other places of worship are prohibited uses in every commercial and industrial district and also O-2 (Office Park) districts.

Commercial Zoning District:

Historic District: Mr. Frankland explained business services including duplicating and printing were restored to the historic commercial district as it was deleted in the first draft. Hotels and motels were added as a prohibited use.

Mr. Frankland said prohibited use wording regarding pawnshops, thrift stores, etc. is written in each commercial district.

In regard to language added to the prohibited section involving pawn shops, thrift stores, etc., Councilman Pelunis questioned if it is enforceable.

Mr. Frankland said the section was added after discussion with the assistant law director as to whether it could be enforced.

Mayor Drucker does not support telling businesses what they can and cannot sell. She said, from her experience working in an antique store, in addition to sales, there is trading and bartering. She believes it will be difficult to enforce and does not agree with declaring value and mandating the sale price of an item.

Mr. Frankland said the first part of the verbiage is necessary as it defines the operation of an antique store, however, the wording regarding "value" can be refined.

Mayor Drucker expressed disagreement with the second part of the verbiage and said she has no issues with the first part.

Mr. Stolarsky said it was difficult to define "value."

Councilman Pelunis believes there is subjective standards in the definition and agrees with the Mayor's comments. He questioned the definition of valuable and collectable.

Mr. Frankland said every ordinance has some level of subjectivity and any number for "value by age" will be subjective but will hold up in court.

Councilman Pelunis believes the court considers the legislative intent. He believes it is important to go forward and state what is defined.

Mr. Frankland questioned the Commission's preference of whether to amend the second part of the statement in regard to value.

Councilman Pelunis disagreed with the second part.

Mr. Newberry believes it is a good starting point for discussion by the Council.

Mayor Drucker finds this to be a good example of why the code should be sent to the electorate in sections. She believes the draft is a good starting point and noted she would not reject the entire ordinance because she disagrees with one sentence.

Mr. Mazur agreed with Councilman Pelunis and Mayor Drucker's comments. He would support keeping the first part of the sentence and removing the verbiage regarding "value."

Mr. Bentley believes the goal is to allow antiques but prohibit thrift stores, etc. He questioned if it is possible.

Mr. Frankland said the language shows the intent of the ordinance in court.

The Commission determined to remove the second sentence "Items shall be deemed "valuable" if they are being sold for at least three times the price such item would have sold for at the time they would have originally been offered for sale."

Mr. Newberry would welcome anyone familiar with antique stores to offer suggestions for a definition that can be enforced.

C-6 General Commercial:

Mr. Frankland explained sit down, casual and fast food restaurants were removed from the general commercial district. He said the Master Plan recommends the area be developed as a planned unit development at some time, however, the out parcels would maintain their current use. Mr. Frankland said the Commission specifically requested that fast food restaurants be removed from this section as traditionally they have not been permitted in this area.

Industrial Zoning District:

Mr. Frankland explained in the I-1 District, research and development facilities were added. Low intensity contractors that do not use heavy equipment were added in the I-1 and I-2 districts.

Definitions:

Mr. Frankland explained the definition for "agricultural animals" was taken directly from the APA's definition. He questioned if "by-products" should be added. The Commission agreed with the addition of "by-products."

A public hearing was scheduled.

Councilman Pelunis opened the public hearing and asked for comments.

There were no comments from the audience.

Councilman Pelunis asked how the Commission would like to proceed.

Mr. Mazur preferred the public hearing continue until the next meeting.

Mayor Drucker said the Council will hold many public hearings as well. She said if the Commission agrees, the amendments can be forwarded to the Council where the public will have the opportunity to speak and the Council can provide their comments.

Mr. Mazur believes the Commission should recommend to the Council that the code amendments should be separated into sections for consideration by the electorate to avoid the entire code amendment from being rejected due to one section.

The public hearing was closed.

Mr. Newberry thanked the Planning Department for their efforts.

Motion by Mr. Newberry, seconded by Mr. Bentley to recommend to the Council adoption of the proposed comprehensive revision of the Solon Zoning Code permitted uses as presented and discussed this evening and to recommend dividing the sections into separate ordinances.

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

Nay: None

Motion Carried

10. From University Hospitals Health System/The Fountains of Solon 029-2014 4
requesting the rezoning of property located on Franklin Park Boulevard
from the C-3 (Commercial) Zoning to R-3 (Multi-Family Residential) Zoning for
an apartment/townhouse complex

Mr. Nathan Lancry, developer, was present. He said he has listened to comments made by residents and a main concern seems to be what ensures and defines the

project as luxury apartments. Mr. Lancry said Mr. Kluchin has compiled information that he feels will answer many of those concerns.

Mr. Lancry said in the development of a typical apartment complex, the estimate per unit is approximately \$85,000 to \$90,000. However, the budget that has been set for this project is \$140,000 to \$150,000 per unit. Mr. Lancry said doubling the typical investment will ensure a high-end finished product which will justify the luxury lifestyle that will be detailed in the development agreement with the City. Additionally, they have been approached by other investors regarding their interest to become involved with the project. Mr. Lancry said their offers were declined as there is complete satisfaction with the current investment group and two of the members reside in Solon.

Mr. Lancry referenced historical information regarding the ups and downs of the stock market and the banking industry as they are related to the economy and are relevant factors to change. He said this is important since there will be a bank involved with supporting this project which is indicative that there is a viable market for the project. Mr. Lancry explained that underwriting through the bank in addition to the amount the investors contribute to the project will ensure the success of the project.

Councilman Pelunis asked where the additional money per unit will be allocated.

Mr. Lancry said the additional money will go towards creating high-end finishes and amenities that warrant a luxury-living complex which Mr. Kluchin will expound upon.

Mr. Ron Kluchin, Architect, was present and said research was conducted prior to determining this would be a good location for the project. He said they spoke with many Solon residents, numerous Solon businesses and the Northern Ohio Apartment Association regarding vacancy rates in Solon, which was found to be practically 0%. The conclusion they reached is that there is a significant market for luxury housing in Solon.

Mr. Lancry said as the economy changes and grows, the companies headquartered in Solon or have business relationships in Solon, especially the national companies, regularly search for talented individuals to employ. He believes this project of luxury housing will fill the current void in housing and assist with attracting such individuals.

Mr. Kluchin displayed an aerial view of the property and noted its proximity to the highway which they believe is a positive factor and reviewed the site details. He displayed a rendering of the proposed project and noted all of the various details and amenities previously reviewed at the meeting of April 29th.

Mr. Kluchin said he prepared a rendering of what could be built on the site under the current zoning of C-3. However, Councilman Pelunis said as there have been no other proposals made for the parcel, which could include many different things,

it is not necessary to display the rendering and he prefers to concentrate on the current proposal.

Mr. David Hartt, DB Hartt, Inc., was present and said he has 45 years of planning experience with a concentration in comprehensive planning, neighborhood revitalization planning, zoning services and land use recommendations. He was asked to give general planning perspectives about the project.

Mr. Hartt feels the City has two choices; one is the implication of what can happen and the impact upon the City if this proposal is approved, and the second; the City must consider what the parcel can be used for under the current zoning. Mr. Hartt believes the most logical use under the current zoning would be a consolidated retail shopping center. However, from a general planning perspective, the current proposal responds to the current needs of the region, demographic changes and the manner in which many are looking at the variety of housing choices. Mr. Hartt believes this project will also be a benefit to local employers to assist with their employees housing needs. Based upon what is happening in the region in terms of occupancy and the development of apartments, this proposal reflects those demands.

Mr. Hartt said only 1.1% of the land in Solon is available for two-family development and the three, multiple-family districts combined, which is only 120 acres; including the senior housing district. He understands there is no other land available in Solon in a reasonable location for this type of project. Mr. Hartt said this is a good site for the project and it is important to note that the expectations regarding surroundings is different for people interested in apartment living vs. people living in single homes. He said this project will produce less traffic than a shopping center will create. This project will also generate tax revenue for the City and the schools. Mr. Hartt said a conservative estimate is that 30% of the units will be occupied by people who work in Solon.

Mr. Hartt said a development agreement has been submitted and is being reviewed by the City. This will ensure that the developer, upon the rezoning, is bound by the terms of the development agreement to all of the pre-determined quality representations that have been made. Mr. Hartt said there is always confusion between contract zoning and a development agreement. He explained that contract zoning is when the City unilaterally states when the property is rezoned, it will only be used for the specified purpose and it will not be used for the variety of other uses that are permitted within that district. Mr. Hartt believes this project is the best use for the property.

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

Mr. Donald Gallo, 34540 Sherbrook Park Drive, was present. He displayed photographs that he took from different locations on the property for the proposed development and indicated what will be viewed from the locations. He noted

Sedlak Interiors, the highway and Erico will be prevalent in many locations and questioned the views as previously described by Mr. Kluchin.

Mr. Mark Haas, 36400 Pepper Drive, was present. He said that Solon has a history of under-engineering and the repairs eventually become the City's problem or the homeowner's problem. Mr. Haas said, for example, the development he lives in was fitted with 15" sewer pipes for 43 houses and every time it rains, it floods. The City is now replacing the pipes with 4' drainage pipes and the project has been going on for ten years. Therefore, he feels that a promise from the developer, whose intentions are probably good, is not a guarantee for the homeowners and people located downhill from the project. Mr. Haas said the developer has said he cannot fix the City's traffic congestion but Mr. Haas believes they can make it worse by developing this project. He feels the people who have thus far commented in favor of the project will not be directly impacted by it or lack objectivity if they are related to a member of the development team. Mr. Haas said although the developer said land coverage for the proposed project will only be 36%, currently there is no land coverage on the parcel and the land drains naturally. Mr. Haas feels the developer is using scare tactics to discuss what could eventually be on the property based on the current zoning.

Mr. Larry Siegel, 35800 Timberlane Drive, was present. He is associated with a commercial real estate appraisal firm and he lives and works in Solon. Mr. Siegel said he is very aware of the traffic issues in Solon. He viewed the site today and believes it will eventually be developed. Mr. Siegel said it is always good to have dialogue with the neighborhood as everyone is impacted when development happens. Mr. Siegel grew up in Pepper Pike and is happy he had the choice to move to Solon and although he feels it is a great City, he wishes he had more housing choices for apartments as he may have chosen apartment living over being a homeowner. He is pleased that the Commission will take the time to review the proposal with the community and he is in favor of the project. Mr. Siegel feels that current development is handled with more imposed guidelines to follow for responsible development; such as, green development and this project will be developed correctly for Solon.

Ms. Michelle Asher, 31140 Miles Road, was present. She also supports the project and believes it will fill a niche that is lacking in Solon of upscale apartment living. Ms. Asher also feels it will assist the companies located in Solon to attract talented employees and will help with the City's tax base. She said the apartment market is very strong and the City already has enough shopping centers. This proposal will fill a need in Solon and she believes it is a good project for the site.

Mr. Don Champa, 34240 Maple Drive, was present. He has lived in Solon for 30 years in different apartments. The first location was off of Route 91 where he lived with his wife and two children, one a junior in high school and one a senior. Mr. Champa said they were asked to leave because it was considered, at that time, to be a high-end apartment and children were not permitted. Although the developer has said there will not be many children living in the proposed apartments, he is unsure if this will happen and he will not support the project.

Mr. Andy Markowitz, 28975 North Park Boulevard, was present. Mr. Markowitz said many of the newer housing developments in Solon have helped enhance the already positive reputation of Solon. He said the additional tax revenue generated by all of the new housing developments has assisted with the building of one of the finest community centers in northeastern Ohio. Mr. Markowitz said Solon has evolved over the years and is ranked number eleven in Ohio and number 274 nation-wide in the *U.S. News* best high school's 2014 ratings. In addition, Solon High School was ranked as the number one STEM (science, technology, engineering and mathematics) school nationally. Mr. Markowitz said between Beachwood and Aurora, there are no high-end apartments for young professionals to move into. He feels the lack of high-end apartments is causing Solon, as well as surrounding cities, to lose many local graduates to others cities, such as, Chicago and New York. Mr. Markowitz is the president of a company that is a wholly owned subsidiary of a publicly traded company and the biggest challenge they have is finding talented people to work for them. He believes there is more to accepting a job than just a competitive salary and the young professionals want good wages, good working conditions, flex hours and a good location to live. Mr. Markowitz said he started his business in Solon when it was privately owned and he still owns the office building. He sold the business and opened a warehouse with 115,000 sq ft of space outside of Solon. Mr. Markowitz said they re-locate employees with his company and he has no options to re-locate anyone to the City of Solon. He said the newer neighborhoods built in Solon have assisted in the justification for the new shopping center anchored by The Market District. He is unclear how adding 180+ new residents to the City that will also support the new businesses as well as help justify future capital improvements to the City, would not be considered a good situation. He asked the Commission to recommend this proposal to City Council.

Ms. Bin, 5815 Dodsworth Lane, was present. She asked if this item could be placed at the beginning of the agenda for the next public hearing. Ms. Bin said the developers said they had a traffic study performed and asked if that study could be shared with the residents. It is her belief that the \$2,000 monthly rental fee will make it difficult to fill the apartments and townhomes. She would also like to review the market study conducted by the developers to see who will be interested in living in the proposed development as she does not believe there is a local market for such expensive luxury apartments when there are many less expensive options in the area. Ms. Bin expressed her concerns about the possibility of the apartments becoming low income housing if it becomes difficult to find renters willing to pay \$2,000 per month. She is also concerned about the impact the new development will have on the schools as there is no way to know how many school children will live in the development. Ms. Bin is concerned about the additional traffic the development would bring to Solon. She also feels the development will add increased expense and burden to the City's Police and Fire Departments and various City departments. Ms. Bin questioned how the development would affect property taxes and housing values and would like to see a study completed to be assured that current residents will not be affected.

Ms. Rebecca Osborne, Human Resources Director, SS&G, 32125 Solon Road, was present. She said that SS&G supports the proposed development as they hire between 4 to 6 entry level accountants each year. Ms. Osborne said they are usually referred to surrounding areas for choices in apartment housing. She supports the statement made by the developer and has also found that many of the younger employees would prefer to work and live in the same community.

Mr. Phillip Siegel, 5820 Dodsworth Lane, was present. He believes he represents the majority of Solon residents who are ambivalent about the proposed apartment complex. He does not necessarily think it is a good or bad thing, however, he would rather have apartments on the site than another shopping center and have to contend with the ensuing traffic issues. Mr. Siegel's preference for the site would be to have the City buy it and use it for a park.

Mrs. Sue McStay, 5700 Ledgebrook Lane, was present. She has concerns about the location and does not consider anything about the proposed project to be a luxury. Mrs. McStay said the parcel is only 20 acres and she believes the proposal calls for too much to be crammed into 20 acres. She believes the project will fail and feels the Planning Commission should not even consider forwarding their approval to the Council. Mrs. McStay said per Mr. Frankland's comments in the April 10th, *Solon Times*; the developers are essentially planning to ignore the Master Plan recommendations for office use by going from commercial to R-3 as well as numerous variances associated with the proposal and there should be no additional population growth due to rezoning. She does not believe this proposal will pass in Ward 4 and feels the developers are fully aware of this. Mrs. McStay also expressed her concerns regarding additional traffic in an already congested area. She does not feel this is the right location for this project.

Mr. Mark Carrabine, 32828 Allenbury Drive, was present. He asked if it might be better to rezone this parcel to industrial since there are businesses on either side of the parcel. Mr. Carrabine said currently there is an abundance of retail space in the City and it might be necessary to keep this parcel for office and/or retail use in the future. It needs to be considered if this parcel will become more important in the future and, if it is not zoned industrial, it might be difficult to market.

Mr. Ryan Mystkowski, 36450 Pepper Drive, was present. He is opposed to the proposed development and feels this is a bad location. He is opposed to anything that would create high density and multi-family housing for Solon. Mr. Mystkowski is concerned with the City being left with the outcome of a luxury apartment complex not living up to expectations. He believes the parcel is one of the most unattractive in the City and would never imagine a luxury apartment complex being constructed on it. In addition, the noise from the highway will be loud and incessant. Mr. Mystkowski believes the idea of advertising this as luxury apartments is disingenuous. He said the only luxury feature about the development is the Solon school system that the children from the complex will be able to attend. Mr. Mystkowski said there is a strong local history of these types of apartment complexes failing. He is concerned that the rezoning of this parcel will set a precedent and encourage further high-density housing. He recommended the

Commission not forward this to the Council for review, do not burden the electorate with turning out at the polls, and simply enforce the current Code.

Mr. Renyou Wang, 5815 Dodsworth Lane, was present. He expressed his concerns about the additional children living in the complex and the burden and additional expenses that will be placed on the school system and included statistics regarding student to teacher ratios. Mr. Wang asked that all these facts be carefully considered.

Mr. Frank Catalano, 7060 Wooduck Court, was present. He said he is opposed to the proposed project as he believes high-end apartments can easily become low-end apartments. Mr. Catalano said a local community recently bought a parcel of land when faced with a similar situation and created a community park.

Mr. Rob Castle, 6230 Sharondale Drive, was present. He feels the City's zoning and Master Plan, which was previously approved, should be upheld.

Mr. Bob Paulson, 33378 Allenbury Drive, does not think this item will pass if it goes to the electorate and will only serve to irritate residents who are opposed to the project even more. Mr. Paulson feels the developers should utilize the initiative petition process. He does not believe it is the City's or the residents' obligation to fill the "void" of upscale housing within the community because a developer took an option on 21 acres of land that is not zoned for their proposed project. He said it is not the City of Solon's responsibility to approve a project that is not in character with the area.

Mr. Larry Smith, 34825 Lakeview Drive, was present. He said he speaks for the majority of the residents who live in Sherbrook Park and they are opposed to the project. Mr. Smith said their concerns are with the additional traffic that will use their neighborhood as a cut-thru if this development is approved. Mr. Smith said they are also concerned about the possibility of people using the lake, especially after hours when there is no lifeguard on duty.

Mrs. Lisa Borovac, 34805 West Sharondale Drive, was present. She is opposed to the proposed project and does not want to see any development that will impact the schools in any way. Mrs. Borovac said she has issue with this project being considered a luxury complex as she lives in what she considers Erico's back yard. She said she hears explosions coming from Erico and would not consider this to be a luxury experience. Mrs. Borovac said she hears the highway from her home and the people who live in the complex will be even closer to the highway and, therefore, will also be able to hear it. She believes that the underground parking previously discussed by the developer will flood as she has had problems in the past with flooding. Mrs. Borovac does not believe additional rental units in Solon are necessary.

Mr. Tony Pizzino, 34900 Lakeview Drive, was present. He said Solon was still a village when he moved here and the reason people moved into Solon was for the acreage. The minimum amount of land to build a house on, at that time, was two

acres. Mr. Pizzino believes this project will be locating too many people into too small of an area and is not in accordance with the City's Master Plan. He suggested the developers buy enough land to add a private road to connect to SOM Center Road. Mr. Pizzino does not believe the numbers previously mentioned by the developers regarding the traffic study they conducted are accurate and feels the number of cars will be much higher. He spoke of various traffic issues and said he opposes the proposed project. Mr. Pizzino said if this is a project the developers really believe will succeed in Solon, then they should find the appropriate parcel to construct it on.

There were no further comments from the public, therefore, Councilman Pelunis closed the public hearing for this meeting but advised the public hearing will continue at the next meeting on May 27th.

Councilman Kotora is proud of Solon and the conduct of its residents even though not everyone agrees with the proposal. He commended City administration for the sound financial judgment exercised which has helped to weather the recent economic downturn that affected so many other local cities which forced them to raise taxes and/or reduce City services. Councilman Kotora also believes the City's current zoning codes have contributed to the City's success and the City's forefathers had the foresight to designate large parcels of land for industrial and commercial use. He said it is the strong income tax base from Solon businesses and those employed in Solon which has helped Solon prosper. Councilman Kotora said Solon residents have been the beneficiaries of strong industrial and commercial zones that are distinctly apart from the residential area thanks to the leaders of the past. He believes all residents should have concerns and require serious deliberations anytime the City considers a rezoning. Councilman Kotora recounted the history of the rezoning of Sedlaks and the term, spot zoning that was negatively associated with it. He believes this proposal is also spot zoning. Councilman Kotora is not convinced that the rezoning request is appropriate for this parcel or will be beneficial for Solon. He does not find it appropriate for Ward 4.

Councilman Pelunis thanked all of the residents who attended the meeting. He clarified they currently only have the one plan to review, The Fountains of Solon, and thus far, there have been no other plans submitted to the City for retail or any other use. Councilman Pelunis said the property is currently owned by University Hospitals and he believes the current C-3 zoning is the most economically viable use.

Councilman Pelunis said the term luxury means different things to people. The word "luxury" has been used in many other projects in Solon, i.e., in Ward 2, the sign that says, *Liberty Hill – Luxury Homes and Apartments*. He said some people may or may not consider this luxury which means it is a subjective term.

Councilman Pelunis said the City has a Growth Management Plan in place. One of the general principles of the plan is to have less residential density.

Mr. Frankland said the Growth Management Plan places less impact on City services and school services. However, there is an exception to this plan for specific overriding issues; such as senior housing.

Councilman Pelunis feels the plan would add density to an area of the City where additional residential density is definitely not needed.

In turn, Commission members discussed the importance of the review and deliberation for this rezoning request, as well as the impact of resident comments before they make a decision as to whether or not to recommend it be forwarded to the Council for their review.

Councilman Pelunis said if the Commission determines this proposal is not in the best interest of the City and does not forward it to the Council for their review, the developer is still able to use the initiative petition process to place it on the ballot.

Mr. Newberry said a drawback to the developer using initiative petition is that the City will lose the leverage and protection that a development agreement would provide making the project more amenable to the City.

MINOR ALTERATIONS FROM THE PLANNING DEPARTMENT:

1. 29000 Aurora Road - Cleveland Clinic

Mr. Frankland displayed an aerial view of the property and explained that front yard parking was added. He indicated a 36' x 6' wide section of sidewalk on the plan is a change from the approved plan. He said some striping would be modified for ADA spaces.

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

2. 6025 Kruse Drive – Dress Barn

Mr. Frankland displayed an aerial view and explained the proposal to add a man door for service purposes to the back of the building facing Route 422.

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

3. 6075 Cochran Road – Wrap Tite

Mr. Frankland displayed an aerial of the property and indicated an existing paved parking area that contains no striping. The proposal is for a striping plan that would comply with City requirements in regard to size of spaces. Mr. Frankland said the plan has been submitted to the Fire Department for approval before permits are issued to ensure there is adequate room for safety vehicles to maneuver around the building.

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

4. 7130 SOM Center Road – AT&T

Mr. Frankland displayed an aerial of the property and explained the equipment area below the high tension tower where antennas are located in the CEI easement. The request is to add a 4' x 10' concrete pad within the existing fenced area for an emergency generator.

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

5. 625 Kruse Drive/Uptown Solon – Playmatters

Mr. Frankland displayed an aerial of the property and explained the request to install the former Talbots entrance doors on their tenant space.

Councilman Pelunis asked if there would be any safety issues by changing the doors and Mr. Frankland said there are not.

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

COMMENTS FROM THE COMMISSION:

Mr. Newberry believes the residents have remained composed considering the proposed rezoning is a controversial issue.

Councilman Pelunis commended Mr. Frankland for his efforts with the proposed zoning amendments.

COMMENTS FROM THE AUDIENCE:

Mr. Haas believes it to be fair to ask the developer to not engage in making another sales presentation resulting in delay for residents to comment.

Mr. Haas believes for simplicity purposes, the Commission should amend the Code to state no thrift stores or second-hand stores, with the exception of antique shops.

Mr. Frankland said the proposed amendments, as revised by the Commission indicate that thrift stores or second-hand stores are not permitted uses and that antique stores are permitted.

Motion by Mr. Bentley, seconded by Mr. Newberry to adjourn the meeting at 10:25 P.M.

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

Motion Carried

Chairman

Secretary