

PLANNING & ZONING COMMISSION
September 9, 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 Inspector Eisenhuth, Assistant City Engineer Welch (meeting only)

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:

4. 34900 Bridle Trail Lane – Luke and Emily Dautovic – detached garage area variance, garage height variance: Councilman Pelunis said at the last Planning Commission meeting, the applicant was asked to meet with the Planning Department and try to reduce the area variance.

Mr. Frankland said the variance has been reduced from 1,020 sq ft to 540 sq ft. Although a new plan has not been submitted, the applicant has agreed to remove the porch which was 480 sq ft.

5. 5022 Hidden Creek Circle – Govind Dixit and Neera Gupta – various fence setback variances, fence type variance and fence height variance: Councilman Pelunis said the applicant was asked to meet with the Planning Department to review options.

Mr. Frankland said the applicant is reviewing the various options and asked to be tabled tonight. He said the applicant will be at the next meeting or might ask to withdraw the application.

NEW:

9. 5800 Ledgebrook Lane – PP#'s 952-33-006 and 952-330-022 – David J. Sarver - front and rear yard setback variances, not parallel to the street variance and a lot consolidation: Mr. Jeffrey Bogart, Architect, was present representing the applicant.

Mr. Frankland said there are issues with the plan as it does not have the actual house footprint.

Councilman Pelunis said the plan does not contain any elevations or pertinent information. He believes the variance requests are premature at this time.

Mr. Stolarsky said if the Commission acts on these variances, they are basically acting on a hypothetical plan.

Mr. Bogart said receiving approval of the site plan from the Commission is giving them the right to build on the property which is what is being requested. He said there are problems and hardships with this property, including a pond in front of the proposed location for the home. Therefore, if the home is situated on the property according to Zoning Code guidelines, it will create additional hardships for the applicant and they will never be able to do anything to their property without applying to the City for variances.

Mr. Stolarsky said the Commission has a right to know what the footprint of the home is in order to approve variances that accurately reflect its location. Therefore, if the variances are acted upon the plan submitted, this is what will be considered the footprint of the house.

Mr. Newberry said the front yard setback is justified but the rear yard setback is more problematic because there is ample room in the box on the plan to fit a home. However, he believes the not parallel to the street variance is the most important variance and might interfere with the adjacent property.

Councilman Pelunis said there are too many unanswered questions with the application and he understands there are also concerns from some of the neighbors.

Mr. Bogart said he will confer with his clients and determine if they want the application to move forward tonight or be tabled.

The Commission discussed moving two items from the Inactive Agenda to the Active Agenda.

The caucus ended at 7:15 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:

Ms. Maria Nastasi, 5721 SOM Center Road, was present to speak about Item 9, the variances for 5800 Ledgebrook Lane. She is on the Board of Directors for the Sherbrook Gardens Condominium Association whose property is located in front of the 5800 Ledgebrook Lane property. Ms. Nastasi said she has concerns about the development of the property and how it might affect Sherbrook Gardens.

Ms. Nastasi feels there is a lack of information on the applicant's plan about elevations as the Sherbrook Gardens property is at a higher elevation. She is concerned about the removal of trees and vegetation when the property on Ledgebrook Lane is prepared and excavated for construction as it might disturb the Sherbrook Gardens property and compromise the driveway because of the changes in elevation.

Ms. Nastasi said there might also be potential water issues. She said that Sherbrook Gardens is located on a natural spring with water on either side and in the middle of the property is a pond which flows to the pond located on Ledgebrook Lane. Ms. Nastasi said the previous owners of the Ledgebrook Lane property had issues with the property becoming saturated whenever it rained substantially. Therefore, if the property is re-developed, she believes proper drainage and possibly a retaining wall should be installed to prevent flooding issues for the new owner as well as Sherbrook Gardens.

APPROVAL OF MINUTES:

Motion by Mayor Drucker, seconded by Mr. Bentley to approve the minutes of the August 26, 2014 meeting as presented.

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

Nay: None

Motion Carried

PENDING:

- | | | | |
|----|---|----------|---|
| 1. | 5750 Harper Road – Nestlé Prepared Foods | 053-2014 | 5 |
| | <ul style="list-style-type: none"> ▪ 9' maximum free standing ground sign height variance (Sign A) ▪ 35 sq ft maximum free standing sign area variance (Sign A) ▪ 2' maximum directional sign height variance (Signs B, C, D, E) ▪ 10 sq ft maximum directional sign area variance (Signs B, C, D, E) | | |

Councilman Pelunis said this item has been tabled since June and correspondence was received from the applicant requesting this item be withdrawn.

Motion by Mr. Mazur, seconded by Mr. Newberry to accept the applicant's withdrawal of this item.

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

Nay: None

Motion Carried

2. **PUBLIC HEARING** - 30500 Carter Street - PP#'s 953-28-005 055-2014 7
& 953-28-006 – Pat Christopher
- Lot consolidation

A public hearing was scheduled and 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 Mayor Drucker, seconded by Mr. Mazur to approve the lot consolidation for PP#'s 953-28-005 and 953-28-006.

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

Motion Carried

3. **PUBLIC HEARING** - 33000 Solon Road – New Par dba Verizon Wireless 077-2014 6
- Modifications to existing collocated antennas

Mr. Nathan Meyer, PBM Wireless Services, was present representing the applicant. He explained that Verizon would like to replace the 12 antennas on the existing tower at the same height with 12 new antennas. The tower is owned by the City of Solon and located next to the Police Department.

A public hearing was scheduled and 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. Mazur, seconded by Mr. Newberry to approve the modifications to existing collocated antennas at 33000 Solon Road.

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

Motion Carried

4. 34900 Bridle Trail Lane – Luke and Emily Dautovic – 8/26 tabled 079-2014 4
- ~~1,020~~ 540 sq ft detached garage area variance
 - 9' detached garage height variance

Mr. Luke Dautovic displayed the plan for the proposed detached garage and indicated the area for the 480 sq ft porch. He said he met with the Planning Department at the request of the Planning Commission and the determination was made to remove the porch and thereby reduce the variance to 540 sq ft.

In response to Mayor Drucker's question regarding the Metroparks easement located behind his home, Mr. Dautovic said the garage will be quite a distance away from it and will not affect the easement.

Mr. Newberry thanked Mr. Dautovic for working with the Planning Commission and considering their recommendations.

Motion by Mr. Newberry, seconded by Mr. Bentley to approve a 540 sq ft detached garage area variance.

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

Motion Carried

Motion by Mr. Bentley, seconded by Mayor Drucker to approve a 9' detached garage height variance.

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

Motion Carried

5. 5022 Hidden Creek Circle – Govind Dixit and Neera Gupta – 080-2014 5
8/26 tabled - NO NEW MATERIAL
- 30' fence setback from residence variance
 - 19' fence setback from street right-of-way variance (Miles Road)
 - 19' fence setback from street right-of-way variance (Hidden Creek Circle)
 - Fence type variance
 - 1.5' fence height variance

Motion by Mr. Bentley, seconded by Mayor Drucker to table consideration of Item 5.

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

Motion Carried

NEW:

6. 5252 Naiman Parkway – HRP, Nom LLC (land), Crown Castle (tower) 082-2014 5
- Site plan - new antennas

Mr. Jesse Styles, Strategis, LLC, was present representing the applicant. He explained that Verizon is proposing the installation of additional antennas at the 100' level on the existing 197' tower. There will be no increase in tower height or increase in the base of the tower. Mr. Styles said the City's wireless consultant has approved the request and an approved structural study has also been submitted.

Motion by Mr. Mazur, seconded by Mr. Newberry to schedule a public hearing for 5252 Naiman Parkway for a site plan for new antennas on September 23, 2014.

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

Motion Carried

7. 34731 Pettibone Road – Heather & Joe Ferencie 083-2014 1
- 29' front yard setback variance

Mr. Ferencie displayed an aerial view of the property indicating where an addition is proposed in the rear of the property and an attached garage addition to the front of

the home. Mr. Ferencie provided a letter to the Clerk from his neighbor indicating he has no objections to the variance and he supports it.

In response to Councilman Pelunis' question regarding the aerial view, Mr. Frankland said the Planning Department's calculations are based on measuring from the front property line on the lot on which the home is built and the 29' front yard setback variance is correct.

Motion by Mayor Drucker, seconded by Mr. Mazur to approve a 29' front yard setback variance for 34731 Pettibone Road.

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

Motion Carried

8. 30201 Aurora Road – Verizon Wireless (Cosmo-Solon Ltd) 084-2014 6
▪ Site plan - replacement antennas

Motion by Mr. Mazur, seconded by Mr. Newberry to schedule a public hearing for 30201 Aurora Road for a site plan for replacement antennas on September 23, 2014.

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

Motion Carried

9. **PUBLIC HEARING** - 5800 Ledgebrook Lane – PP#'s 952-33-006 and 952-33-022 - David J. Sarver 085-2014 4
▪ 94.5' front yard setback variance
▪ 10' rear yard setback variance
▪ Not parallel to the street variance
▪ Lot consolidation

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

There were no comments from the audience, however, the public hearing will remain open for the next meeting.

Motion by Mayor Drucker, seconded by Mr. Mazur to table consideration of Item 9.

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

Motion Carried

10. **PUBLIC HEARING** - 30000 Aurora Road – Tarkett USA, Inc. 086-2014 6
PP#'s 953-40-001, 953-40-005, 953-40-006 and 953-40-007
▪ Lot consolidation

Mr. Chris Dempsey, Dempsey Surveying, was present representing the applicant. Mr. Dempsey said the four parcels involved are required by City code to be consolidated to be in compliance.

A public hearing was scheduled and 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. Mazur, seconded by Mr. Newberry to approve the lot consolidation for PP#'s 953-40-001, 953-40-005, 953-40-006 and 953-40-007, Tarkett USA, Inc., 30000 Aurora Road.

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

Motion Carried

11. 34885 McAfee Drive – David Chambers 087-2014 4
- 115' fence setback from dwelling variance – fence #1
 - 95' fence setback from dwelling variance – fence #2
 - 140' fence setback from dwelling variance – fence #3
 - 30' fence setback from street-right-of-way – fence #3

The applicant was not present.

Motion by Mr. Mazur, seconded by Mr. Newberry to table consideration of Item 11.

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

Motion Carried

12. 28500 Miles Road – Brainard Miles Retail Development LLC 088-2014 5
- Fence location variance
 - 13' building setback variance
 - 80 space total parking variance
 - Site plan - deck/outdoor dining area

The applicant was not present.

Motion by Mr. Newberry, seconded by Mr. Bentley to table consideration of Item 12.

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

Motion Carried

13. 32250 Woodsdale Lane – Rebecca Smith 089-2014 4
- 1.5' front yard setback variance
 - 312 sq ft accessory pavement area variance

Mr. Matt Smith, Hudson, OH, was present representing the applicant. He said that his architect was unable to attend the meeting, however, he was informed that the 1.5' front yard setback variance is necessary for plumbing items and door spacing.

Mr. Smith said the proposal is to add a mud room/laundry room as he works in scrap processing and comes home from work very dirty. He finds this is an important luxury for them in their new home that he be able to keep all of his work

clothes separate and in one location near the washer and dryer. As he is originally from Solon, Mr. Smith said he is anxious to move back.

Mr. Newberry understands the need for the variances because of the practical difficulty with the pie-shaped lot and the addition the applicant is proposing and will support the variances.

Motion by Mr. Bentley, seconded by Mayor Drucker to approve a 1.5' front yard setback variance for 32250 Woodsdale Lane.

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

Motion Carried

Motion by Mayor Drucker, seconded by Mr. Mazur to approve a 312 sq ft accessory pavement area variance.

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

Motion Carried

MASTER PLAN PRESENTATION - Proposed updates to the Economic Development Section:

Mrs. Peggy Weil-Dorfman, Economic Development Manager, explained, in general, the recommendations in the plan have not changed much but many conditions that effect economic development in Solon have changed. Updates have been made to all of the demographics that appear in the section.

Section 3, Analysis of Current Economic Development Tools and Programs: Mrs. Weil-Dorfman said most of the current programs have remained the same. However, a change to the GRIP Program has been made to encourage re-development of the City's core shopping centers and it has been used successfully in the development of Solon Village. Support programs have also been added and one such program is the *Get Connected* program which began in 2009. This is a consulting service provided to businesses that have issues with voice and data communications and 40 businesses have been assisted by this program.

Mrs. Weil-Dorfman briefly discussed the City's existing economic development marketing strategies and programs. She said an important part of the program is consistent follow-up after initial contact is made with perspective businesses.

Section 4, Industrial Districts: Mrs. Weil-Dorfman explained the many changes to the Current Conditions Section with regard to demographics. She said graphs have been added to the plan to demonstrate vacancy rates in the Industrial District. The office area was significantly affected by the recession, primarily effecting smaller offices.

Mrs. Weil-Dorfman said areas of the Challenges and Opportunities Section have been deleted, primarily due to changes being made to manufacturing throughout the nation. She explained there have been changes to the leasing patterns for office use as there has been much downsizing. This achieves more efficient use of

space and physical space is no longer as necessary as it once was due to desk sharing, telecommuting and the use of mobile technology.

Mrs. Weil-Dorfman said the recession created job loss which has resulted in more people becoming entrepreneurial and developing home-based businesses. Solon has approximately 1,300 home-based businesses which could result in some growth and having to move into commercial space within the City.

Mrs. Weil-Dorfman discussed the availability of land and buildings in Solon. She said the demolition of obsolete buildings in the City could potentially increase the amount of vacant land available for re-development.

Mrs. Weil-Dorfman said the City is also challenged by competition from neighboring cities. Most cities have become more involved over the years with economic development and offer similar incentive programs that are also offered in Solon.

Mrs. Weil-Dorfman said some aging building stock has been converted into office space. The GRIP Program has been successfully used to renovate some buildings.

Mrs. Weil-Dorfman does not anticipate great change and believes the primary goal for business attraction is to create and maintain a business-friendly atmosphere through a variety of methods.

Mrs. Weil-Dorfman spoke about marketing activities and their targeted audiences. She also discussed the various incentive programs the City offers and believes they will continue to serve the City well.

Mrs. Weil-Dorfman said previous concerns about broadband access availability for infrastructure and transportation have diminished. Significant investment by carriers has been made to the infrastructure and has greatly improved services.

Mrs. Weil-Dorfman said electrical capacity has also been a concern in the City. The City has worked closely with First Energy and significant improvements have been made, resulting in a stable situation.

Mr. Mazur asked if a "business incubator plan" had ever been considered.

Mrs. Weil-Dorfman said this has been considered and discussed with some business owners and the results indicate it is not a very cost-effective enterprise for them. She said there are agencies that fund incubator programs which have grant money available to them and she believes the programs are best left to those types of agencies.

Section 5, Retail/Commercial Districts: Mrs. Weil-Dorfman said much of the re-development in Solon has been assisted by the various incentive plans offered by the City. She referred to a vacancy rates chart and noted that the vacancy rates are declining and she anticipates this pattern will continue.

Mrs. Weil-Dorfman said Solon has been following national trends for retail development and she explained that certain types of businesses have been rebounding quicker from the recession. They include; discount stores, restaurants, drug stores, grocery stores, pet supply stores and sporting goods stores.

Mrs. Weil-Dorfman said the re-development of Solon Village has spurred other businesses to upgrade their property. The re-development of the core shopping centers should be encouraged and the City can work behind the scenes with programs to assist property owners.

Mrs. Weil-Dorfman believes the Master Plan will continue to be a useful tool for the City.

Councilman Pelunis said Mrs. Crombie will present the Residential Neighborhoods Section of the Master Plan at the September 23rd meeting. Both sections will be forwarded to the Council for their review after the next presentation.

REVIEW OF FENCE VARIANCE REVISIONS:

Mr. Frankland explained since there have been many variance requests for fencing lately, it was determined a general review would be appropriate. He said that a typical fence code does not permit fencing in the front yard or a yard that is adjacent to a street. However, this was permitted in Solon until 2005 when the Code was changed after receiving many resident complaints.

Mr. Frankland said in 2005, the Code was changed to specify that 6' high fences with 25% aggregate openings were permitted in rear yards. However, fences are prohibited when the front yard or side yard is adjacent to a street. He explained that the Code was more permissive in that it allowed 3½' fences or a 3' high wall under certain conditions in front yards. Mr. Frankland said this was subject to maintaining the 25% aggregate opening, the fence must be 30' from the street and the fence cannot be further than 30' from the house. He explained various reasons that fences are not generally permitted in front yards are maintaining clear and open yards, line of sight issues, maintenance issues, etc.

Mr. Frankland said although fences are generally not permitted in front yards, the Code can be changed and exceptions can be made or fences could be permitted in front yards by writing conditions into the Code that would still protect the aesthetics of the neighborhood.

Mayor Drucker asked the reason why aluminum fences are not permitted as she believes they look very nice.

Mr. Frankland said this could also be changed in the Code. He said rather than specifying the type of fences, perhaps only the amount of the opening could be specified.

Mayor Drucker asked for clarification about the fence not being permitted further than 30' from the house.

Mr. Frankland said the Mayor has addressed the two most discussed topics with the fencing code. He said this rule does become questionable when addressing a large property with a large front yard. Mr. Frankland said in cases with large yards, the most important issue would be the setback from the street and not the setback from the house.

Mr. Newberry agreed that the Code should contain setback from the street language which is more important than the setback from the house.

Mr. Mazur believes caution should be used if making changes to the Code as he feels yards in Solon currently look aesthetically pleasing and he is concerned about allowing fences in front yards. He does feel that the Commission has dealt with unique circumstances this year related to side yards and areas with busy streets.

Mr. Frankland said based on tonight's discussion, he could submit sample changes to the fence code for the Commission's review.

Mr. Mazur believes the size of the property should be considered when changes are reviewed.

MINOR ALTERATIONS FROM THE PLANNING DEPARTMENT:

Mr. Frankland had no minor alterations to present.

COMMENTS FROM THE COMMISSION:

Mayor Drucker said the Solon Historical Society will host a Wine and Cheese Night on Tuesday, September 16th, starting at 7:30 P.M. A wine steward from Solon's Giant Eagle Market District will present a taste testing program on wines.

Mayor Drucker said the indoor pool at the Community Center is closed for painting and maintenance and it will re-open on September 29th. Although the outdoor pools are usually closed after Labor Day, they will both remain open during this time. Residents may refer to the City website to view the posted schedules.

Motion by Mr. Mazur, seconded by Mr. Newberry to move Inactive Agenda Item A (Mid America Management) to the Active Agenda as correspondence was received from the applicant to remove it from the Inactive Agenda.

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

Motion Carried

Motion by Mr. Bentley, seconded by Mayor Drucker to move Inactive Agenda Item B (Fifth Third Bank) to the Active Agenda.

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

Motion Carried

Mr. Mazur said the Solon Chamber of Commerce golf outing on Friday, September 12th is sold out. However, tickets are still available for the Clam Bake on Saturday, October 11th.

Mr. Frankland commended Mrs. Weil-Dorfman for her presentation on the changes to the Economic Development section of the Master Plan. He also thanked the Master Plan Committee members for all of their input.

COMMENTS FROM THE AUDIENCE:

There were no comments from the audience.

Motion by Mr. Newberry, seconded by Mr. Bentley to adjourn the meeting at 8:30 P.M.

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

Motion Carried

Chairman

Secretary