

PLANNING & ZONING COMMISSION
May 12, 2015 – 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: Director of City Services Bandiera, Fire Inspector 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)

Councilman Pelunis presided.

PENDING:

1. SOM Center Road (on existing utility tower) – PP# 956-02-006 – CEI (land owner)/Verizon Wireless (applicant) – tower height variance, cell tower spacing variance, fence height variance, landscape buffer variance, plant height variance and site plan: Councilman Pelunis said the applicant requested this item be tabled until the first meeting in June.

Mayor Drucker asked if an opinion from a structural engineer was received.

Mr. Frankland said this item is still being reviewed and advised there has been correspondence received from adjacent neighbors regarding the location of the tower.

Councilman Pelunis said the public hearing will remain open so affected residents can voice their opinions.

NEW:

2. 32725 Solon Road (Roselawn Cemetery) – City of Solon – site plan review for new retaining wall and landscaping: Councilman Pelunis said this item is scheduled to be considered by the Safety and Public Properties Committee tomorrow, May 13th.

Mr. Frankland said approval tonight can be contingent upon the approval by the Safety and Public Properties Committee. He said the material and the color can be reviewed as a minor alteration at a future meeting or approved by the Planning Director.

3. 29775 North Park Blvd. – Douglas and Tina Rhee – driveway side yard setback variance: In response to Mayor Drucker's question, Councilman Pelunis said no comments were received from any neighbors.

5. 5410 Harper Road – William, Marilyn, David and Laura Schultz – accessory use location variance (AC unit and generator): Mr. Frankland said this request is for two air conditioning units and a generator. However, the cover letter indicated that one of the air conditioning units might be wall mounted. Mr. Frankland said if one of the units is wall-mounted, a variance is unnecessary.

In response to Councilman Pelunis' question, Mr. Frankland said inspections for the unit would still be necessary.

Mr. Newberry said due to the many different additions to the house, the means of installing this equipment varies as some of the additions are on slab foundations and there is no room for duct work to be installed. Therefore, a wall-mounted unit is the appropriate installation choice.

Mayor Drucker said as the equipment will be in the front of the house, she would like the screening plan to be discussed during the meeting.

6. 6270 SOM Center Road – Walgreens – Ronald Katz – building area variance: Councilman Pelunis said this is for a collection bin for Special Olympics.

Mr. Frankland said, if approved, contingencies regarding location and maintenance should be required and the Fire Department should also approve the location.

7. Proposed amendment to fence code requirements

Mr. Frankland asked the Commission to carefully consider aggregate openings as it pertains to picket fences during the review process. He noted the Engineering Department has requested the prohibition of fences in easements be reviewed.

The Commission discussed the Inactive Agenda and it was determined the two items that received no response from the Clerk's inquiry letter will be moved to the Active Agenda and acted upon at the next meeting.

The caucus ended at 7:11 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:

There were no comments from the audience.

APPROVAL OF MINUTES:

Motion by Mayor Drucker, seconded by Mr. Bentley to approve the minutes of the April 28, 2015 meeting as presented.

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

Motion Carried

PENDING:

- | | | | |
|----|--|----------|---|
| 1. | SOM Center Road (on existing utility tower)
PP# 956-02-006 - CEI (land owner)/Verizon Wireless (applicant) | 044-2015 | 2 |
| | <ul style="list-style-type: none">▪ 18' wireless cell tower height variance▪ Wireless cell tower spacing variance▪ 1' fence height variance▪ Minimum landscape buffer variance▪ 2' minimum evergreen plant height variance▪ Site plan – new wireless cell tower | | |

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

Mr. Terry Uhl, 34403 Bramble Lane, was present. He said that he and his neighbors agree with the comments made at the last meeting by the Planning Commission that installing the tower near SOM Center Road is not good for the City and it will not look good. Mr. Uhl said they endorse the decision to try and find an alternate location. It is believed that as there is already development to the north, this would be a better location for it. Mr. Uhl said if it needs to be located to the south which would be located closer to their properties, the advantage would be better cell reception. He said as it seems cell towers are an ongoing issue, he asked if the various providers and CEI could determine a long-range plan rather than continuing to add to the current towers.

There were no further public comments, therefore, the public hearing was closed for tonight but will remain open for further public comment.

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

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

Motion Carried

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|----|--|----------|---|
| 2. | 32725 Solon Road (Roselawn Cemetery) – City of Solon | 045-2015 | 6 |
| | <ul style="list-style-type: none">▪ Site plan – new retaining wall and landscaping | | |

City Services Director Bandiera was present. He displayed a photograph of the existing retaining wall and said it is a segmental concrete block wall. Mr. Bandiera noted the severe deterioration and believes this was mostly due to the use of road salt as the blocks were not treated with sealant to assist with protection from the elements or road salt. He indicated where the wall was crumbling and falling onto the sidewalk and said most of the wall has been removed as it was becoming a safety hazard.

Mr. Bandiera said the proposal is to replace the retaining walls and move them back 5' from the current position which will place the walls on the Roselawn property and remove them from the right-of-way. The additional 5' will move the walls further from the road which will reduce the amount of road salt being sprayed on them. Mr. Bandiera said another segmental block wall is proposed but will be made of construction-grade block and treated with sealant for protection from the elements and road salt.

Mr. Bandiera said a manufacturer has not yet been selected for the concrete block. He displayed a photograph of the segmental wall and the earth blend color he is proposing. Mr. Bandiera said the blocks are 12" and each block weighs approximately 80 pounds and he believes this product will function well for this application.

In response to Councilman Pelunis' question, Mr. Bandiera said the existing wall was installed approximately seven years ago and there is no warranty. He said the planters and brick pavers that were installed on SOM Center Road were dipped in sealant and have withstood the road salt and elements well. Mr. Bandiera anticipates similar results for the new sealant-treated retaining walls.

Mr. Bandiera said although a manufacturer has not yet been selected, the companies he has met with all have good warranties for this product. However, until a manufacturer is selected, the specific warranty is unknown.

Mr. Bandiera displayed an aerial view of the property indicating the location for the proposed retaining walls. He also displayed the proposed landscape plan and said there will be plantings in front of the wall and plantings behind the wall. Mr. Bandiera said the selected plants are salt-tolerant and should thrive in that location.

Motion by Mr. Bentley, seconded by Mr. Mazur to approve the site plan for the new retaining wall and landscaping with the contingency that the material and brick color is approved by the Planning Director and approved by the Safety and Public Properties Committee at the May 13th meeting.

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

Nay: None

Motion Carried

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|----|--|----------|---|
| 3. | 29775 North Park Boulevard – Douglas and Tina Rhee | 046-2015 | 5 |
| | ▪ 5' driveway side yard setback variance | | |

Mr. Douglas Rhee was present. He displayed a site plan indicating the location of the driveway and said the driveway extension is necessary because of the tight turn into the garage. Mr. Rhee displayed photographs of his damaged vehicle noting the scratch marks and paint on the vehicle and noted the paint is the same color as his house. He said, unfortunately, he has hit the side of the house with his vehicle more than once. Mr. Rhee said it is even more challenging during the winter because of the snow drifts.

Motion by Mr. Mazur, seconded by Mr. Newberry to approve a 5' driveway side yard setback variance.

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

Motion Carried

4. 5315 SOM Center Road – Zoe and Jane Viray
▪ 3' driveway side yard setback variance

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Mr. Don Cacciacarne, Season Contractors was present representing the applicant. He displayed a plan and indicated the area for the driveway.

Councilman Pelunis asked if the existing home and driveway will be removed.

Mr. Cacciacarne said yes the existing home and driveway will be removed.

Mr. Newberry asked what the required setback for a building structure is in this district.

Mr. Frankland said this area is zoned R-1-D and the required setback is 20 feet.

Motion by Mr. Newberry, seconded by Mr. Bentley to approve a 3' driveway side yard setback variance.

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

Motion Carried

5. 5410 Harper Road – William, Marilyn, David and Laura Schultz
▪ Accessory structure location variance (AC unit and generator)

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Mr. David Schultz and Mr. William Schultz were present. Mr. David Schultz displayed an aerial view of the property and indicated the locations for the air conditioning unit and the generator. He explained that a second air conditioning unit is also necessary, however, he believes it will be some type of a wall-mounted unit. Mr. Schultz noted most of the area in the rear of the house is already taken up by a driveway, a deck and other equipment.

Mr. Schultz said the air conditioning unit and the generator will be well screened. In addition, the property is at a high elevation on Harper Road which makes it difficult to see from the street.

The Commission discussed whether the wall-mounted air conditioning unit would require a variance.

Mr. Schultz displayed a photograph of the proposed natural gas generator and said it is 26.2" x 48" and 28.9" tall. He said it will be gray in color.

Motion by Mr. Mazur, seconded by Mr. Newberry to approve an accessory structure location variance for (possibly 2) AC units and a generator with the contingency that it must be screened.

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

Motion Carried

6. 6270 SOM Center – Walgreens – Ronald Katz 049-2015 6
- 1,175 sq ft structure area variance
 - 1 space onsite parking variance
 - Building color variance
 - Building material variance
 - 15 sq ft wall sign area variance
 - Number of wall signs variance
 - Site plan – clothing donation bin

Mr. Bob Knecht, representing Special Olympics, was present. He said the proposal is to install a white collection bin at Walgreens.

Councilman Pelunis said he has concerns with the maintenance of collection bins. He said past experience with collection bins has caused issues with hazardous materials and debris being left on the ground by the bin. Councilman Pelunis is also concerned about the location for the bin as it is in a tight area and he does not want to see it interfere with the drive-thru lane getting blocked.

Mr. Knecht said there is a phone number on the bin for any issue that arises and a representative will be out as soon as possible to rectify any issues that might occur.

Mayor Drucker suggested a condition for approval be considered, whereas, if it is not properly maintained, it will be removed. She recalls some of the past issues were with collection bins located in residential areas, however, bins are now only approved in commercial areas. Therefore, she will support this request as it is in the commercial area. Mayor Drucker said since concerns about maintenance have been raised, it is the applicant's responsibility to ensure the bins are maintained regularly and this should be a contingency for approval.

Mr. Knecht said the agreement with Walgreens gives them the right to have the bin removed at any time. He understands that the bin should never become a nuisance.

Motion by Mayor Drucker, seconded by Mr. Mazur to approve a 1,175 sq ft structure area variance.

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

Motion Carried

Motion by Mr. Mazur, seconded by Mr. Newberry to approve a 1 space onsite parking variance with the contingency that the collection bin be placed between the two lines.

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

Motion Carried

Motion by Mr. Newberry, seconded by Mr. Bentley to approve a building color variance to permit the collection bin to be white.

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

Motion Carried

Motion by Mr. Bentley, seconded by Mayor Drucker to approve a building material variance.

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

Motion Carried

Motion by Mayor Drucker, seconded by Mr. Mazur to approve a 15 sq ft wall sign area variance.

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

Motion Carried

Motion by Mr. Mazur, seconded by Mr. Newberry to approve a number of wall signs variance.

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

Motion Carried

Motion by Mr. Newberry, seconded by Mr. Bentley to approve the site plan for the collection bin with the contingency that it must be kept free from debris or the City can demand to have it removed and it does not interfere with the Safety forces.

Councilman Pelunis believes these are the same contingencies placed on a Special Olympics collection bin approval for the Shoppes of Solon North and he is not aware of any issues that have occurred. Although he is not in favor of collection bins, he said he approved the bin in the Shoppes of Solon North, therefore, he will also approve this one and be consistent. However, he will not approve a collection bin in a residential neighborhood.

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

Motion Carried

7. Proposed amendment to Fence Code requirements

Mr. Frankland said a public hearing should be scheduled for this proposed amendment. This change addresses fence issues in the Zoning Code that the Commission requested be addressed before the construction season begins. Mr. Frankland said the proposed amendment addresses the use of fences and walls in front yards.

Mr. Frankland said currently picket fences, split rail fences and similar fences are permitted in the front yard and required to be no further than 30' from the house and at least 30' from the front street right-of-way line. The amendment would remove the maximum setback from the house requirement and allow the setback to be further than 30' from the house. The amendment would expand the types of fences that would be allowed and include decorative metal fences and other fences with a certain amount of aggregate openings. Mr. Frankland recommended the aggregate opening be amended to 45 percent from 70 percent, which will allow most types of picket fences to be permitted.

Mr. Frankland said the Commission will have to determine if the 30' setback from the street should be maintained or if exceptions should be made through the continued use of variances.

Mr. Frankland said the amendment also addresses the use of salt-screening fences or cloth fences that are installed during the winter months to protect vegetation from road salt. He said the amendment proposes the fences should be made of fabric with the poles located on the inside of the fence. They must be installed perpendicular to the ground, securely attached and be no taller than 6' and not block line-of-sight, as determined by the safety forces. Mr. Frankland said the fences would be permitted from November 1st through April 30th. Mr. Frankland said the Engineering Department recommended that the fences not be permitted within easements without a variance.

It was determined a public hearing would be scheduled and will remain open for public comment.

Councilman Pelunis requested the amendment be posted to the City's website so residents can review it prior to the public hearing.

Mr. Mazur asked Mr. Frankland to define the street right-of-way.

Mr. Frankland said the street right-of-way line is the area set aside for streets and utilities. This can contain the street, sidewalk and utilities and it is measured from the center of the street at 30' to the property. The street right-of-way line is usually located at the sidewalk. Mr. Frankland said a fence could be located 30' from the right-of-way.

Mr. Newberry said most of the sub-divisions have a utility easement that is set back from the right-of-way which gives 10' to 12' beyond the sidewalk where cable, power, telephone, etc., are located. He said it is important that fences not be allowed in these areas as it would be easy to cut the power if the fence is installed incorrectly.

Mr. Newberry referred to a section in the amendment and asked for clarification regarding the permissible fence height. He said the information about fence styles should match in all of the pertinent sections.

Mr. Frankland said the 3½' requirement will still apply to the fence height for fences in the front yard with the expanded styles of fence as well as the current 30' setback from the right-of-way line.

Mr. Frankland said he will add information to the section in question about height restrictions before it is posted to the website.

Motion by Mr. Newberry, seconded by Mr. Bentley to schedule a public hearing for the proposed amendment to the fence code requirements for May 26, 2015.

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

Motion Carried

COUNCIL REFERRAL:

8. Proposed amendment to the Building and Housing Code regarding a plan revision fee

Mr. Frankland said this amendment would establish fees for reviewing plan revisions. The definition of a plan revision is a plan submitted after the original plan has been approved and after building permits have been issued. Mr. Frankland said this happens frequently which causes repetitive work for departments. Mr. Frankland said it is common practice to have a plan revision fee within the building permit program. This amendment would establish such fees.

Mr. Frankland said the amendment is intended to assist with costs associated with the review process and to encourage the submittal of complete plans at the beginning of the process. He is proposing a \$200 fee for a non-residential plan revision and a \$50 fee is proposed for a residential plan revision.

Mr. Frankland said there is also a provision in the amendment for the Director of Planning and Community Development to waive revision fees when the City requests changes to the plan.

Councilman Pelunis asked if the amount of work involved in reviewing a non-residential plan is so substantial that it warrants a fee four times more than the residential revision review fee.

Mr. Frankland said the commercial review and revision review process is substantial and numerous departments are involved with the review. In response to Councilman Pelunis' question, Mr. Frankland said the proposed revision fees are comparable to other local cities and are in the medium price range.

Mr. Newberry said in his experience, revision fees can range from \$200 to \$3,000, depending on the building permit fees.

Motion by Mr. Newberry, seconded by Mr. Mazur to schedule a public hearing for May 26, 2015.

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

Motion Carried

MINOR ALTERATIONS FROM THE PLANNING DEPARTMENT:

1. 29001 Solon Road – FMI

Mr. Frankland displayed an aerial view of the property and indicated where a man door and ramp are proposed. He displayed a site plan for the ramp and said it will not interfere with existing parking and the Fire Department can review the plan to determine if bollards are necessary.

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

2. 34310 Aurora Road – Giant Eagle

Mr. Frankland displayed a site plan for the layout of the outside seasonal display. He said the Fire Department can review it from a safety standpoint.

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

3. 5100 Naiman Parkway – Vidmar

Mr. Frankland displayed an aerial view of the property. He indicated where two air conditioning units and bollards are proposed. Mr. Frankland said no parking spaces will be eliminated, however, the Fire Department should review the plan to ensure safety.

4. Preserve Subdivision Signs

Mr. Frankland displayed an aerial view of the property and said the proposal is to replace the monument signs with new signs in all of the same locations. He said new signs are proposed at Pettibone Road and Witchhazel Lane, Liberty Road and Spicebush Lane (north entrance) and Liberty Road and Spicebush Lane (south entrance).

Mr. Frankland displayed a rendering of the proposed signs which will be made of granite. He displayed photographs of the locations. Mr. Frankland said there is no current policy for subdivision signs and previous ABR Committee parameters are used when considering new signs. He said he is currently working on an amendment to the Zoning Code to address subdivision signs.

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

COMMENTS FROM THE COMMISSION:

Mayor Drucker invited everyone to attend the annual Memorial Day Ceremony on Monday, May 25th at 10:00 A.M. beginning at Veterans' Memorial Park and continued with the walk to Roselawn Cemetery.

Mr. Newberry said a letter was received from the applicant for Inactive Agenda Item A asking to be removed from the agenda.

Motion by Mr. Newberry, seconded by Mr. Bentley to remove Item A, rezoning request from DJM Group from the Inactive Agenda.

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

Motion Carried

Motion by Mr. Newberry, seconded by Mr. Mazur to remove Items B and C from the Inactive Agenda and add them to the Active Agenda for action at the May 26th 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 Mr. Mazur, seconded by Mayor Drucker to adjourn the meeting at 8:25 P.M.

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

Motion Carried

Chairman

Secretary