

PLANNING & ZONING COMMISSION
February 8, 2011 – 7:15 P.M.

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

Present: Commission Members Bentley, Mazur, Newberry, Councilwoman Richmond, Mayor Drucker, Law Director Lobe, Planning Director Frankland, Secretary McConoughey

Absent: None

Also Present: Fire Lieutenant Benedict

The following items remained on the Inactive Agenda:

- A. Thornbury Subdivision – Forest City Land Group – Dedication Plat for phases 7 and 8
- B. 34050 Aurora Road – BP America – Number of signs variance (to permit 16)
- C. Hawthorne Estates Subdivision – TransCon Builders

NOTES OF CAUCUS DISCUSSION:

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

Chairman Mazur presided.

PENDING:

1. 30400 Solon Road – SP & LP Management/ARM Holdings V – T-Mobile – PP# 953-31-005 – site plan approval for antenna collocation: A public hearing is scheduled. The Commission discussed whether a public hearing is necessary for this type of application. Mr. Frankland said notification is necessary to determine if installation of a new antenna would have any effect on certain businesses as there were some concerns in the past. It was determined this issue should be considered by the Master Plan Commission.

NEW:

3. 33325 Bainbridge Road – Richard Alaimo/Tom Steinbauer/Frank Bonsignore – variances, site plan approval and cross access agreement: Mr. Frankland said a cross access agreement or landscape plan has not been submitted as the applicants were waiting for feedback in regard to the bocce ball court before proceeding with the plan.

Mr. Lobe said he provided an example of an easement document for the applicant's attorney to review. Once the agreement is prepared, he will review the document which should include access to all of the properties.

Mr. Mazur said there is a small access drive located on the property to the west.

Mr. Mazur said the chairlift was noted on the plan as optional, however, he believes it is an ADA requirement which will be determined by the Building Department.

COUNCIL REFERRAL:

4. Proposed rental occupancy permit ordinance: A memo was received from Councilman Pelunis with various recommendations, one of which is to have separate regulations for rental units and single family homes. It was noted however, a previous legal opinion indicated that it is illegal to separate the requirements.

Lieutenant Benedict said there are no legal regulations governing group homes for adult family care having five or less occupants living as a group. They are considered a "family unit". This type of unit is specifically exempt from City regulations.

Mr. Lobe explained since registration of these types of homes cannot be legislated, it would be helpful to both the occupants of the home and the City to meet with responsible parties and have them voluntarily discuss who lives there and various medications and medical conditions, etc.

Mr. Frankland said the City currently has legislation restricting more than four unrelated adults living in a single family home, however, the situation describe by Lieutenant Benedict regarding group homes is a different situation pertaining to disabled adults licensed by the state.

Mayor Drucker said the Administration should reach out to these entities and assist them.

The caucus ended at 7:35 P.M. and the meeting convened at 7:36 P.M.

Mayor Drucker introduced and welcomed Commission Member Bentley to the Planning Commission.

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. Mazur, seconded by Mayor Drucker to approve the minutes of the January 11, 2011 meeting as presented.

Roll Call: Aye: Drucker, Mazur, Newberry, Richmond
Nay: None
Abstain: Bentley

Motion Carried

Motion by Mayor Drucker, seconded by Councilwoman Richmond to approve the minutes of the January 25, 2011 meeting as presented.

Roll Call: Aye: Drucker, Mazur, Newberry, Richmond
Nay: None
Abstain: Bentley

Motion Carried

PENDING:

2. SP & LP Management/ARM Holdings V – 30400 Solon Road - 003-2011
T-Mobile – PP# 953-31-005
- Site plan approval – antenna collocation

A public hearing was scheduled.

Mr. Mazur opened the public hearing and asked for comments.

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

Mr. Jesse Styles, representative for T-Mobile, displayed the plan and explained T-Mobile would like to perform routine maintenance at the existing tower facility location. Mr. Styles indicated the Engineering Department has given approval that the site structurally passes with the additional loading. He noted that equipment will be replaced at the existing site.

Mr. Mazur said the request was approved by the City's consultant, Mr. Jacobowski. He said in the past, Bird Electronics has made comments regarding telecommunication towers.

Mr. Frankland said no comments were received from adjacent property owners.

Mr. Newberry indicated Bird Electronics were more concerned with a Verizon tower closer to their property.

Motion by Councilwoman Richmond, seconded by Mr. Newberry to recommend approval of the site plan for antenna collocation at 30400 Solon Road.

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

Motion Carried

NEW:

2. 6583 Hyllwynd Circle - Dinallo & Wittrup Homes, Inc. 004-2011
- 5' rear yard setback variance

Mr. Rick Dinallo, Dinallo and Wittrup Homes, displayed the plan and explained the homeowner is a Solon resident requesting to build a one-story ranch style home.

Considering the ranch floor plan is somewhat larger than the requirements of a 1½ to 2-story home, a 5' rear yard setback variance is being requested.

Mr. Dinallo noted that the curve of the road affects the setback of the house causing the house to be pushed back an extra 1½', unlike a rectangular lot. Mr. Dinallo said the deck will be even with the back of the home with a 5' setback.

Mr. Mazur said the Commission is typically favorable to these types of variances considering the property backs up against a dedicated preserved area.

Motion by Mayor Drucker, seconded by Councilwoman Richmond to approve the 5' rear yard setback variance for 6583 Hyllwynd Circle.

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

Motion Carried

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| 3. | 33325 Bainbridge Road – Richard Alaimo/Tom Steinbauer/
Frank Bonsignore | 005-2011 |
| | <ul style="list-style-type: none"> ▪ 11 space total parking space variance ▪ 20' front yard setback variance ▪ Structure location variance (bocce ball court) ▪ Fence location variance ▪ Cross access agreement ▪ Site plan for outdoor patio, bocce ball court, building alterations, fence and lighting fixtures | |

Mr. Richard Alaimo, Mr. Thomas Steinbauer, Mr. Frank Bonsignore and architect, Neil Safran, were present. Mr. Alaimo explained they have conducted research and determined there are no true "wine bars" in Solon and believes their project will be well received. He said wine bars are becoming popular locations and compared them to coffee houses which started becoming popular approximately 15 years ago. Mr. Alaimo said they have determined that Solon is a good location for their establishment.

Mr. Alaimo said they wish to locate the wine bar in an older building because the location lends itself to a feeling of charm, atmosphere and relaxation. He said the renovations will maintain the look of the period. Mr. Alaimo displayed a site plan and reviewed the various interior areas.

Mr. Alaimo said many different types of wines will be available and there will be a retail area to purchase a bottle of wine as well. He said a menu with light items; such as, cheese and cracker platters, salads and appetizer style foods will be served. Mr. Alaimo said this will require the issuance of a D-5 liquor license which will include wines, specialty beers and mixed drinks. In addition, Mr. Alaimo said there will be a seasonal outdoor area with fencing for activities that will include a bocce ball court which will be well landscaped.

Mr. Safran displayed a site plan indicating the footprint of the building and the location where a patio is proposed to be surrounded by fencing. He indicated the location for a proposed bocce ball court. Additional changes to the outside of the

building will include; new Azek decking, new railing, sconce lighting, and an ADA lift for handicapped patrons. Mr. Safran displayed another rendering of the front of the building and said goose-neck lighting is proposed for the outside and they intend to re-use the original front door.

In response to Mayor Drucker's question, Mr. Safran said the front door will not be used regularly, but is required as a second exit. The main entrance will be in the rear of the building where the new vestibule area will be located.

Mr. Safran displayed a photograph of the picket fence they propose to surround the patio area. Mr. Alaimo said a wooden picket fence was selected because he is a woodworker. In addition, there are many areas around the City that have wrought iron fences and they all look similar. Mr. Alaimo said because he will be installing the fence, it will be less expensive and they would prefer to have their establishment stand out and be a little different.

Mr. Safran displayed samples and renderings of the patio pavers, goose-neck lamps and the proposed sconces. Mr. Safran said they plan to install pole lights that will illuminate the outside seating area and add character. He displayed a rendering of the selected light fixture which is similar in design to ones that are currently located in the City.

Mr. Steinbauer displayed a site plan of the location and the adjacent funeral home. He explained that the property to be used for the wine bar is part of the funeral home property. Mr. Steinbauer said he was informed that a cross-access easement for parking would be necessary and this is currently under review by their attorney. He said there should be no issues sharing the parking facilities since the two businesses will have opposite hours of operation. Mr. Steinbauer said services at the funeral home are generally completed by 8:00 P.M. during the weekday and funerals on the weekend do not occur very often. Mr. Steinbauer said a letter explaining the details of the cross-access arrangement was submitted with the application.

Mr. Mazur asked where the pole lights would be located and Mr. Safran displayed a site plan indicating two will be located on either side of the patio which will be parallel to the bocce ball court. A third one will be located on the sidewalk leading from the parking lot.

Councilwoman Richmond asked what color the building will be painted. Mr. Alaimo said currently the building is white and will remain white although the long-term plan is to replace the siding of the building in the future with a color yet to be determined.

In response to Councilwoman Richmond's question regarding signage, Mr. Alaimo said there currently is a sign in the front of the building that was used by a former tenant. They plan to use the current sign by updating it and adding the new business name. Mr. Alaimo said there will be a smaller sign located in the rear of the property identifying the business.

Mr. Steinbauer said he was made aware of concerns regarding the bocce ball court creating a loud atmosphere when in use which might be inappropriate next door to a funeral home. He located the court on the site plan and indicated where buildings and natural landscaping will separate it from the funeral home. He believes more noise is generated from the bowling alley than will be generated by the wine bar.

Mr. Mazur has concerns about the picket fence and asked that wrought iron fencing be considered. He would prefer to see uniformity in the City and believes the Master Plan Committee determined wrought iron fencing is more appropriate for the historical area. Mr. Mazur said he will not support the variance for a wooden picket fence.

Mr. Bentley commended the applicants for bringing a much needed service and business to the City. He said the idea of contextually designing is to make details blend in and it is important to compliment when designing. The guidelines have already been determined for this area and wrought iron fencing has been recommended.

Mr. Alaimo said although he understands the recommendations, he does not believe the intent was to have everything look the same.

Mr. Bonsignore said the fencing will not be very visible since it is in the rear yard. However, it was determined that fencing will also be in the front yard of the property.

Mr. Mazur said, in his opinion, the fencing should be made of wrought iron to prevent the need for a variance and he will not support the variance for a wooden picket fence.

Mr. Newberry said he is concerned with the spillover from the goose neck lighting proposed for the building. He believes the size that has been selected is too large for the location.

Mr. Safran said it was determined that when goose neck lighting fixtures are very close to a building, it creates "hot spots" on the building. He compared the lighting to the CVS building and a Chinese restaurant's lighting. He said the design intent was to have the lamp angled back toward the building, protruding by approximately 5' and washing the first story of the building with a soft light.

Mr. Newberry said although he understands the applicant's intent to create a soft light, he does not believe this is the right application for this building. He said the CVS building's lights are located toward the top and the Chinese restaurant's lights are located on top of a tower.

Mr. Safran said if the amount the lights are protruding from the building is problematic, a shorter version is also available.

Mr. Newberry believes that would be more appropriate. He also had concerns with the bulb wattage, believing it was 250 watts.

Mr. Safran said the proposal is only for 100 watt bulbs.

Mr. Newberry also had concerns about the height of the proposed light poles which are 12' and asked if it was their intent to mount them on a foundation above grade or flush.

Mr. Safran said the poles would be mounted flush. Mr. Newberry said he believes the flush mounting would be appropriate.

Mr. Newberry is concerned with the brightness of the light that will be located along the side of the bocce ball court which might spill into the surrounding streets and questioned if it will blend with the rest of the street lights in that area.

There was further discussion regarding the size and location of the lights and the wattages. Mr. Newberry believes the lighting would be appropriate providing it is incandescent and between 150 to 200 watts.

Mr. Newberry asked if consideration had been given to the additional storm water runoff that will be produced with the increased impervious area.

Mr. Safran said this was discussed at a meeting with the Engineering Department but no concerns were noted. Therefore, it was believed that since such a small area will be paved, approximately the size of 3 parking spaces, no additional drainage would be necessary. However, if it is deemed necessary, it would not be difficult for his engineers to accommodate additional drainage requirements.

Mr. Newberry said he has familiarity with unilock pavers and one of the products is very durable and is also made with permeable stone with a wider gap between them for drainage.

Mr. Safran said the patio is proposed with as little gaps as possible to prevent grass from growing and to keep the surface as flat as possible to accommodate tables and chairs.

Mr. Newberry questioned what material would be under the bocce ball court.

Mr. Alaimo said a bocce ball court is constructed by digging and installing material for drainage. They are proposing a traditional court which will consist of a layer of oyster shells followed by a layer of very fine oyster flour mixed with clay. This creates an extremely porous surface to prevent puddling.

Mr. Newberry believes it is important to be environmentally aware when adding impervious area to a location.

Mr. Mazur requested input from the Engineering Department stating they have no drainage concerns. Mr. Mazur agreed with the size of the goose neck lamps reduction to 40" rather than a 52" extension. He visited the property and was uncertain about the exit in the rear of the property and requested clarification.

Mr. Steinbauer displayed a map and said all of the lots in the rear share ingress and egress and he indicated the property for the proposed wine bar. Mr. Steinbauer indicated the residence at 33285 Bainbridge Road, which includes an insurance agency, and a driveway adjacent to the property that is used for egress.

Mr. Mazur asked if it would be appropriate to have a cross-access agreement with this property owner.

Mr. Frankland said it will be more difficult to get another party involved and said access to the property is not essential to the project but, it would be desirable to have cross access.

Mr. Steinbauer said he has a letter from the owner of 33285 supporting the project and he believes the practice of sharing ingress and egress will continue.

Councilwoman Richmond said she will support the project and believes it is an appropriate business for the area. Furthermore, she has no issue with the picket fence and believes it would provide a contrast with the landscape plan. Councilwoman Richmond likes the idea of the pole lights and thinks it will look quaint and attractive for the area. In addition, she has no issues with the goose neck lamp lighting and believes it adds another element of quaintness.

Mayor Drucker said her only concern with the project is the bocce ball court located in the front yard. She believes it will be located too close to the sidewalk and asked if it could be moved further back.

Mr. Alaimo displayed a photograph and said he does not believe it is possible to move the court back further. Mr. Steinbauer said there is a very large tree in the front yard. Mr. Safran said he would not like to see a beautiful tree removed to make more room for the bocce ball court.

Mr. Alaimo displayed a photograph and explained where the court would be located. He said landscaping would surround it and it would be difficult to view when driving by. He further explained the different landscaping elevations that will be installed. Mr. Alaimo said the purpose of the bocce ball court is to create a fun atmosphere. He said this area was selected based on input received from the City regarding uses within the historic district and the desire to have a fun, pedestrian-friendly area. It is Mr. Alaimo's hope that in the future other businesses will locate in the area and create an atmosphere of walking to places of interest. Mr. Alaimo said he has visited California's wine country in the Napa Valley and bocce ball courts are prevalent in the wine bars. This helps to create an atmosphere of fun and an action activity. Mr. Alaimo said the installation of the bocce ball court is extremely important to the life of this project because he believes it will attract patrons. He said the court is a very big expense for the investors and the partners to bring this establishment to Solon and they are seeking the Commission's assistance to do so.

Mr. Jay Ross, 5240 Fairfield Oval, said he used to own a business in Solon and has lived in Solon for 35 years. He said he has been approached in the past to be an

investor in businesses. Mr. Ross said he feels very strongly about this project and said it has been in the development stages for 2 years. As an investor, there are risks involved and the food industry is one area that has a high mortality rate. In addition, it takes time to raise the capital for this type of venture. However, he believes this group has done a great job putting this potential business together and he feels Solon is the best location for it. It was their plan and the bocce ball court that made him want to invest in this business endeavor. Although he is not a principal owner, he is an investor and wished to relay to the Commission the importance of the project as presented. He believes the project speaks well of their intention to try to bring current and new business to the City.

Mr. Mazur said he did have concerns about the bocce ball court being located so close to the street. However, after hearing all the viewpoints, he believes it is time for the City to follow the advice of the Master Plan Committee's concept of creating a pedestrian-friendly historical area. He said the plan for a bocce ball court is innovative and may be what is necessary to introduce that concept. Mr. Mazur suggested the addition of a fire pit be considered for the future. He will support the project.

Mr. Newberry believes this business would fit in with the concept the Master Plan Committee recommended. However, he has some concern with the size of certain fixtures and said the information in the packet states 250 watt bulbs to be used for the lighting. He recommended the lighting be kept as muted as possible and not compete with the street lighting. In addition, he has some concerns about storm water runoff and feels the concept of having the patio installed so that the runoff flows towards the bocce ball court is a good environmental design.

In response to Mr. Mazur's question, Mr. Frankland said the landscape architect has reviewed the landscape plan but does not find it currently acceptable. Mr. Frankland said the applicant was waiting for input from the Commission regarding the bocce ball court before having a professional landscape plan prepared.

Mr. Mazur recommended the applicant table the application and return with a completed professional landscape plan, a depiction indicating the accurate lighting, consider installing wrought iron fencing and have an approved cross-access agreement prepared. He feels it would be best to have all of this information before the Council reviews the application.

Mr. Safran requested additional direction for the lighting change. Mr. Newberry said the pole lamp recommended is fine, however, the wattage needs to be reduced.

Mr. Alaimo said they have no problem reducing the wattage and changing the length of the goose neck lamps.

Mr. Frankland said a photometric plan is also required and will explain the lighting requirements.

Mr. Mazur said there will also be tap-in fees due to the outside seating and the Engineering Department will determine this information.

Mr. Alaimo said he has been unable to reach the landscape architect, however, will comply with the requested requirements. He said he was hoping to have the approval for the bocce ball court prior to a final landscape plan as it will determine the final version.

Mr. Mazur said although it is not official, there appears to be enough Commission members who support the bocce ball court request. He believes the applicant should proceed and have the landscape plan completed with the bocce ball court.

Mr. Safran asked for clarification regarding the deadline for submittal of the requested documents.

Mr. Mazur said the next meeting is February 22nd. The Commission requires a complete package presented before voting on it and submitting it to the Council for their review.

Mr. Lobe said it is also important that the applicant submit a legal cross-access agreement for the shared parking.

Mr. Frankland said in terms of the drainage, it is only necessary for the Engineering Department to submit a memo stating the requirements they have deemed necessary for the site.

Mayor Drucker said she will request the City Engineer to contact the applicant to discuss any engineering concerns.

Mr. Frankland believes the Engineering Department has already reviewed the application and a representative was in attendance at the preliminary meeting.

Mr. Alaimo said he received a letter from the Engineering Department and no concerns were mentioned.

Mr. Mazur said a memo was received from Councilman Kraus supporting the project.

Motion by Mr. Mazur, seconded by Mr. Bentley to table Item 3.

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

Nay: None

Motion Carried

COUNCIL REFERRAL:

4. Proposed Rental Occupancy Registration Program

Mr. Frankland said in 2009, the Council requested a rental occupancy ordinance be prepared with interior and exterior inspections of all rental units. The ordinance was referred to the Planning Commission who provided their recommendations to

the Council. The Council decided not to proceed with the concept of internal/external inspections and to only proceed with a registration process. Mr. Frankland said this ordinance proposes only registration of rental units including name, address, telephone number of owners and agents or occupants of a rental unit. The permit is proposed to be renewed every five years for the purpose of ensuring compliance. A \$15 fee will be required to cover any change in occupancy within the five-year period.

Mr. Mazur said a public hearing is necessary for the next meeting.

Councilwoman Richmond recommended that the revised ordinance be posted on the City's website in addition to the ordinance that was initially prepared to allow residents an opportunity to review information and to compare each ordinance.

Mr. Mazur questioned the reason for a 5-year renewal period. Mr. Frankland said his purpose was to establish a concept of an expiration period which can be changed, although he did not recommend more than 5 years. He said a 5-year renewal period would avoid causing a burden to people. Mr. Mazur recommended a 3-year renewal period.

It was clarified that if a person registers in September through December of 2011, the registration would cover a 5-year period beginning in 2012.

In regard to the \$15 fee, Mr. Newberry asked if the fee is paid once and then transfers of the permit happen as part of the operation without additional fee. Mr. Frankland said he wrote the ordinance to cover costs incurred by the City after conversations with those who would be involved in the process and indicated no additional fee would be required.

Mr. Newberry was pleased that it would not cost \$15 each time rentals turn over.

Mr. Mazur asked who would administer the program. Mayor Drucker indicated it would function through the Building Department under Mr. Frankland's direction.

Mr. Mazur questioned if email addresses would be pertinent. Mr. Frankland said support information was addressed, however, the entire process will not be planned until a final decision is made. Mr. Frankland said the email address can be requested.

Mr. Mazur believes it would be helpful to out-of-state property owners to be able to register online. Mr. Frankland said online registration would be available.

Mr. Mazur said Councilman Pelunis forwarded a memo recommending legislation separating single units from multi units. However, there was a previous legal presentation that the separation is not acceptable by law. Mr. Lobe agreed and said he will meet with the Planning Director to review the specifics of Councilman Pelunis' recommendations.

Mr. Mazur said Councilman Pelunis questioned if civil or criminal prosecution will result as a failure to register. He clarified that Mr. Lobe will address the question in his meeting with Mr. Frankland.

Motion by Mr. Newberry, seconded by Mr. Bentley to schedule a public hearing for the February 22, 2011 meeting.

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

Nay: None

Motion Carried

5. Correspondence from Economic Development Manager Weil-Dorfman
 - Community Reinvestment Area Housing Council

Mr. Mazur said correspondence was received from Mrs. Weil-Dorfman requesting the nomination of Mayor Drucker to be the Planning Commission's representative to the Community Reinvestment Area Housing Council.

Motion by Mr. Mazur, seconded by Councilwoman Richmond to appoint Mayor Drucker as the Planning Commission representative to the Community Reinvestment Area Housing Council.

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

Nay: None

Abstain: Drucker

Motion Carried

MINOR ALTERATIONS FROM THE PLANNING DEPARTMENT:

1. 6025 Kruse Drive – Party City

Mr. Frankland displayed a site plan of the location and indicated the vestibule area where the applicant proposes moving the double doors and installing a single door. He displayed a rendering of the new configuration and explained they would infill the area where the doors were removed with the standard storefront design. In response to Mr. Newberry's question, Mr. Frankland said the vestibule will be removed.

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

COMMENTS FROM THE COMMISSION:

Mayor Drucker welcomed Mr. Bentley to the Planning Commission.

Mayor Drucker feels the Swirl Wine Bar is a unique idea and looks forward to seeing the final plan from the applicants. She is hopeful that this business will be the catalyst to rejuvenate this area per the recommendations of the Master Plan Committee for a pedestrian-friendly area. She commended the applicants for initiating such a unique idea and appreciates the risk they are taking and their investment in Solon.

In turn, Commission members welcomed Mr. Bentley to the Commission.

Mr. Bentley thanked Mayor Drucker for the opportunity to serve the community. He and his family enjoy living in Solon and he is excited about being part of the upcoming projects being introduced in the City.

Mr. Mazur wished Mrs. Meany much success in her new appointment as Ward 5 Councilwoman.

COMMENTS FROM THE AUDIENCE:

There were no comments from the audience.

Motion by Councilwoman Richmond, seconded by Mr. Newberry to adjourn the meeting at 7:50 P.M.

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

Motion Carried

Chairman

Secretary