

PLANNING & ZONING COMMISSION
March 15, 2011 – 7:00 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, City Engineer Busch, Councilman Pelunis

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. 33325 Bainbridge Road – Richard Alaimo/Tom Steinbauer/Frank Bonsignore – variances, site plan approval and cross access agreement: Mr. Mazur said he believes that all of the pending issues have been adequately addressed; including, the approval of the landscape plan by the City Architect. However, the fence material question still needs to be discussed during the meeting.
2. 38700 Aurora Road – PP#'s 955-37-111 and 955-37-112 – Jim and Pam Shikner: A public hearing is scheduled.
3. 5916 Glasgow Lane – PP#'s 955-03-085 and 955-03-086 – Ray and Janet Tartabini: A public hearing is scheduled.

NEW:

4. 6465 S.O.M. Center Road – Norm & Brian Ginis/Toby Shurden – A1 Wireless (Sprint) – site plan for building façade renovations: Mr. Mazur requested the applicant consider painting the garage door in the rear a darker color.

5. 32450 Cromwell Drive – Liberty Hill Apartments I, Ltd. (Goldberg Company) – site plan for new lighting, fencing, landscaping, and exterior alterations: Mr. Mazur said a play area is depicted on the rendering, however, it is not being considered at this time.

6. 5480 Brookside Trail – Premier Customer Builders – driveway side yard setback variance and front yard setback variance: Mr. Mazur said he will ask Mr. Busch for an explanation of a bio retention area that is depicted on the submitted plan.

Mr. Mazur said the necessity for the variances is due to the elevation of the house and concerns about the 100-year flood plains. He asked Mr. Busch if the plan satisfied his concerns and Mr. Busch said it did.

7. 6340 Melbury Avenue – Solon VFW Post 1863 – site plan for bocce ball courts: Mr. Mazur said the site plan does not include lighting, tables or chairs. Therefore, he assumes those items are not being requested.

Ms. Susan Doherty said they might add a couple of picnic tables.

Mr. Mazur said the picnic table location should be depicted on the rendering to determine if additional parking spaces will be lost. Ms. Doherty said no additional parking spaces will be lost.

Mr. Mazur said he believes the addition of concrete barriers and/or curbing has been discussed to prevent cars from accessing the area.

8. 6137 Kruse Drive – Automotive Realty – Building material variance, aisle width variance and site plan for a building addition: Mr. Mazur said this is for an addition to the current building which is grandfathered and will match the existing building.

COUNCIL REFERRAL:

9. Proposed Rental Occupancy Registration Program: Mr. Mazur said there is no public hearing scheduled for this item and anyone wishing to speak about this issue should do so at the beginning of the meeting during the Comments from the Audience Section. He asked that comments be made about the registration program only and limited comments about the inspection program.

Mayor Drucker questioned what procedure should be used to re-introduce the issue of inspections to the Council.

Councilman Pelunis said the registration issue is still pending with the Council. He conferred with Mr. Lobe who advised if it is determined that the inspection program should also be considered, the procedure would be for a member of Council to make a motion to amend and consider the original legislation submitted.

Councilwoman Richmond believes if people have reviewed and analyzed the two ordinances, they should be able to comment on both of them and should not be limited to the registration program only.

Mr. Mazur said he is trying to prevent redundancy. He said numerous public hearings were held and the Planning Commission determined the inspection program would not be considered at this time. It was, however, determined that the registration program would be considered and he feels it is not pertinent to discuss the inspection program when that is not before the Commission.

Mr. Mazur said after hearing the comments from the last meeting, he is going to recommend registration occur every year.

Mr. Lobe said the Code has no speaking time limitations for Committee meetings. Therefore, the Chairman has various rights and powers to conduct the meeting in a manner he deems appropriate. However, under the Roberts Rules of Order, the Chairman can be challenged by the other members and a vote can be taken.

Councilwoman Richmond said the Planning Commission tabled this item to allow additional public comment. She believes the public should be extended the courtesy to make their comments.

Mr. Newberry said it is his understanding that what is currently before the Commission is an amendment to the Zoning Code. Mr. Frankland said it is an amendment to the Building Code.

Mr. Newberry said it is the Commission's responsibility to review what the Council has referred in terms of Code revisions and make a recommendation back to the Council. The issue before the Commission now is whether or not to recommend the approval of the registration of rental units.

Mayor Drucker said the legislation could be sent back to the Council from the Planning Commission and a Council member could make a motion to reconsider the issue of inspections and the original legislation.

Mr. Mazur said if inspections are ever implemented, registration will be necessary. Therefore, in order to get this process started, he believes passing the registration legislation at the Council level is an important first step. He believes if the registration program is already in place, the process will be further along if it is determined in the future that inspections are necessary.

Mayor Drucker said the Council will have to hold a public hearing on this issue. Mr. Mazur believes it would be more appropriate for additional discussions to be heard during that time.

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

CHANGES TO THE AGENDA:

There were no changes to the agenda.

COMMENTS FROM THE AUDIENCE:

Mr. Chris Bryant, 33860 Country View Lane, spoke regarding Item 9. He believes the legislation is necessary to preserve and protect the property values of residents, maintain the quality of the schools and the rights of tenants and renters. Upon speaking with some Council members and a City official, it is his belief that they wish to have this issue forwarded to the Council from the Planning Commission for further discussion. Mr. Bryant believes there are others who also believe rental properties should be inspected to ensure the health, safety and well being of those renting them.

Mr. Bryant said he met with Mr. Frankland who explained the ICC Property Management Code. In an attempt to provide clarity when explaining the proposed legislation to others, he stated that Solon has the state mandated building code that is comparable to other communities because it was required to be adopted in 2006. The International Code Council has put forth a nationally approved property management code that many communities have already adopted. This code is different from the Building Code because the Building Code is meant to inspect new homes and structures. The property management code is meant to be used to determine the safety and well being of existing, lived-in structures.

Mr. Bryant encouraged the Commission to request legislation to include the entire International Code Council Property Maintenance Code.

Mr. Bryant believes this legislation is needed now and will provide the renting population a level of security by knowing the property they have rented is safe and up to code and exceeds unregulated rentals in other communities. Mr. Bryant believes that the passage of this legislation will ensure higher property values and assist in maintaining comparable housing stock in the City.

Mr. Bryant believes the legislation will assist the safety forces with more knowledge of who is living in rental properties which will be beneficial in case of an emergency.

Mr. Bryant feels the legislation will also help the schools by sharing the occupancy permit information with them to assist in conjunction with admission standards.

Mr. Mark Yax, 36755 Pettibone Road, spoke regarding Item 9. He explained an incident that occurred in his neighborhood approximately 10 years ago which he believes is pertinent. Mr. Yax said a house was for sale and he went to view it with the thought of purchasing it for his elderly mother. He said the garage was dilapidated and the basement had a dirt floor which he could not stand up in. Mr. Yax decided not to purchase the home. However, it was eventually purchased and rented. Mr. Yax later heard that a family lived on the main floor and another family lived in the dirt floor basement. He said exits were limited and if there had been a

fire, it might have ended in tragedy. Therefore, he believes it is time for this legislation, especially from a safety perspective.

Mr. Adam Waldbaum, 34800 Bridle Trail Lane, spoke regarding Item 9. He believes approximately 12% of the population in Solon lives in rental units. Mr. Waldbaum thinks that due to the economy, that number will rise and it is important to have a rental ordinance in place.

APPROVAL OF MINUTES:

Motion by Mayor Drucker, seconded by Mr. Newberry to approve the minutes of the February 8, 2011 meeting as presented.

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

Motion Carried

Motion by Mr. Mazur, seconded by Mr. Bentley to approve the minutes of the February 22, 2011 meeting as presented.

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

Motion Carried

Mr. Mazur thanked the residents who spoke this evening for sharing their comments with the Commission.

PENDING:

1. 33325 Bainbridge Road – Richard Alaimo/Tom Steinbauer/
Frank Bonsignore 005-2011
- 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 and Mr. Neil Safran were present.

Mr. Safran said during the last meeting, it was determined that some issues required clarity. One of the items was the cross access agreement with the adjacent funeral home.

Mr. Lobe said he and Mr. Frankland reviewed the submitted cross access agreement and found it to be sufficient.

Mr. Safran displayed a photometric plan and indicated the pole lights. He said the illumination will have 150 watt metal halide lamps which will relate to the photometric plan that has been submitted. He displayed a rendering which graphically depicted the illumination that will be emitted with the new lighting submission.

Mr. Safran said another request was to decrease the length of the armature for the gooseneck lighting. A submission was made with the proposed change of 16" less than the original submission. He displayed a rendering of the various elevations and indicated the change.

Mr. Alaimo displayed a rendering of the proposed streetscape view from the street with the newly submitted plan. He indicated where the bocce ball court will be located and said it would be surrounded by plantings.

Mr. Mazur said the landscape architect reviewed and approved the landscape plan.

Mr. Safran displayed a site plan and indicated the grading issues. He said the issue of drainage was questioned by Mr. Busch and the revised plan submitted will assist with the drainage issues.

Mr. Bentley said he was concerned with the location of the bocce ball court being so close to the road and the potential for balls rolling into the street. However, he spoke to people who belong to bocce ball leagues and one said he has only seen the ball come out of the court once, and another said he had never seen a ball come out of the court. He likes the idea of being able to see people on the patio having a good time. This will help bring in more business.

Mayor Drucker's previous concerns about the bocce ball court location have been addressed. She viewed the site with the applicants and realized the site of the proposed bocce ball court is the only logical location. Mayor Drucker said she will support the request.

Mr. Bentley said another issue is the fencing material. He understands the applicant would like to use wood, however, he will not support the variance request. He said the code required wrought iron fencing and believes it will match other fences in the area. He said the applicant should install a wrought iron fence.

Mr. Newberry said all of the issues that were discussed previously have been addressed in an exemplary fashion and he will support the request.

Mr. Mazur also requested the applicant consider wrought iron fencing rather than white wooden fencing.

Mr. Alaimo said although he understands the Commission's desire to have wrought iron fencing, he still prefers the wood fencing. Mr. Alaimo said other communities have a mixture of wrought iron and white picket fences in their historic district and it looks very attractive. He does not feel it is necessary to have everything look the same to look attractive. Although he appreciates the Commission's opinion and did consider the recommendation, he prefers the white wooden fence and feels it will enhance the ambiance of the style of building. Mr. Alaimo said it will be a unique wooden fence and will be very attractive.

Mr. Mazur said although he would prefer the wrought iron fencing, he will not object to the white picket fence and believes the applicants have the right to request the materials they prefer. He said based on the depiction in the rendering of the establishment, it appears the fence will be somewhat obscured from the road view.

Mayor Drucker requested the applicant display the rendering again and indicate the location of the fence with regard to the landscaping.

Mr. Safran displayed the rendering and advised the fence will surround the outdoor seasonal patio.

Mr. Frankland requested the street view illustration be displayed and said it was an accurate reflection from the street view and the fence is almost completely hidden by the landscape mounding. Therefore, the fence will not be very visible.

Councilwoman Richmond said she has no issues with the fence and feels it will add to the quaintness of the establishment.

Mr. Mazur said under the City code, alcohol may be consumed on the patio but not on the bocce ball court. Mr. Alaimo and Mr. Safran said they are aware of this restriction.

Motion by Mr. Mazur, seconded by Mayor Drucker to approve an 11 space total parking space variance.

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

Motion by Mayor Drucker, seconded by Councilwoman Richmond to approve a 20' front yard setback variance.

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

Motion by Councilwoman Richmond, seconded by Mr. Newberry to approve the structure location variance for a bocce ball court.

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

Motion by Mr. Newberry, seconded by Mr. Bentley to approve the fence location variance.

Roll Call: Aye: Drucker, Mazur, Newberry, Richmond
Nay: Bentley Motion Carried

Motion by Mr. Bentley, seconded by Mr. Mazur to approve the cross access agreement.

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

Motion by Mr. Mazur, seconded by Mayor Drucker to approve the site plan for an outdoor patio, bocce ball court, building alterations, fence and lighting fixtures.

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

Motion Carried

Mr. Lobe said the applicant is required to execute and file the agreement with the county recorder and return a time-stamped copy of the declaration of the easements.

In response to Mr. Mazur's question, Mr. Alaimo said they hope to open in June.

2. 38700 Aurora Road – PP#'s 955-37-111 and 955-37-112 - 007-2011
Jim and Pam Shikner
 - Re-approval of lot consolidation

Mr. Frankland said the application is for the re-approval of a lot consolidation that was previously approved. He displayed a site plan and indicated the two lots to be combined as required by the Code.

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.

Motion by Mayor Drucker, seconded by Councilwoman Richmond to re-approve the lot consolidation for PP#'s 955-37-111 and 955-37-112 at 38700 Aurora Road.

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

Motion Carried

Mr. Mazur asked Mr. Frankland if the applicant is required to pay a fee for re-approval.

Mr. Frankland said they would normally have to pay a fee if the time limit has expired and the Clerk's office would be responsible for collecting the fee.

Clerk McConoughey said there is no fee for residential lot consolidations.

3. 5916 Glasgow Lane – PP#'s 955-03-085 and 955-03-086 - 008-2011
Ray and Janet Tartabini
 - Lot consolidation

Mr. Frankland displayed a site plan and indicated the 2 one-acre lots. He said each lot is a complying buildable lot and combining them will create one large lot which will be good for the City.

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. Newberry believes this is a good decision for the City as there have been subsidence problems with some lots in that area and this will prevent someone else from making a building mistake.

Motion by Mr. Mazur, seconded by Mr. Newberry to approve a lot consolidation for PP#'s 955-03-085 and 955-03-086 at 5916 Glasgow Lane.

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

Motion Carried

NEW:

4. 6465 S.O.M. Center Road – Norm & Brian Ginis/Toby Shurden - 009-2011
A1 Wireless (Sprint)
 - Site plan for building façade renovations

Mr. Marc Cohen, President, Northcoast Architects, was present and said they are seeking approval for exterior renovations to 6465 S.O.M. Center Road for a new Sprint (A1 Wireless) store. He displayed an aerial view of the property and indicated the location and the adjacent streets. Mr. Cohen explained this is an existing one-story brick building with canvas awnings that is currently vacant. He displayed photographs depicting the various elevations and said the store front glazing is an aluminum system.

Mr. Cohen displayed a rendering of proposed renovations which will include, removing the canvas awning across the front, maintaining the existing aluminum glazing but adding dividers to create a separation. Another window will be added on the opposite side to create balance. In addition, new awnings will be installed and decorative lighting will replace the gooseneck lighting on the entire building. Mr. Cohen indicated the rear of the building where a new window will be added with an awning to match the front of the building. He said the garage door will be replaced with a new one with windows and decorative lighting.

Mr. Cohen said the building will be capped with new coping and cornice detail made of a wood-like product which will be painted. Mr. Cohen said he was the architect for the renovation of the D.O. Summers building and the same design standards will be used since he understands how important this is to the City. He said the brick will be stained a reddish brown color, the trim will be painted an off-white color and black canvas awnings will be added over the windows. Mr. Cohen said the existing planting beds will be upgraded, shrubbery will be added to the rear of the building and the plan has been reviewed and approved by the City landscape architect.

Mr. Cohen displayed an overview of the exterior renovation and a picture of the new lighting.

Mr. Mazur asked if it would be possible to change the color of the garage door in the rear of the building to make it less obvious.

Mr. Cohen said the color was chosen was to add some detail to the rear of the building and break up one dark color. However, they will review the color choice.

Mr. Mazur said he is concerned because that side will be facing the shopping center and he feels it would be beneficial to make it look less like a loading area. He congratulated Mr. Cohen on the renovation of the D.O. Summers and said it looks very attractive.

Mr. Newberry said he appreciates Mr. Cohen's renovation of the D.O. Summers building and hopes he can do the same for this building.

Mayor Drucker said the renovation of the D.O. Summers building is a vast improvement over the way it formerly appeared and she commended Mr. Cohen for work he intends to do on this building. She believes it will improve and enhance the location. She is pleased that the building vacancy will be filled and also pleased with the renovation of the building.

In response to Mr. Mazur's question, Mr. Frankland said the cross-access agreement with the shopping center will remain and they will likely require a maintenance agreement between them. Mr. Frankland thanked the applicants for taking on the challenge of renovating the building and creating the Western Reserve appearance the City is striving for.

Mayor Drucker said although she understands Mr. Mazur's issue with the color of the garage door, she believes the decision should be left to the applicant and the architect to determine what color will look best on the garage door.

Mr. Cohen said they will review what the garage door will look like painted a darker shade and coordinate their decision with the Planning Department.

Councilwoman Richmond said she is excited to see this project move forward.

Motion by Mr. Newberry, seconded by Mr. Bentley to approve the site plan for façade renovations for 6465 S.O.M. Center Road.

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

Nay: None

Motion Carried

5. 32450 Cromwell Drive – Liberty Hill Apartments I, Ltd. 010-2011
(Goldberg Company)
- Site plan for new lighting, fencing, landscaping, and exterior alterations

Mr. Eric Bell, Goldberg Companies and Mr. Stan Jakse, Construction Manager, Goldberg Companies, were present. Mr. Bell said they are planning to make renovations to the Liberty Hill leasing center, fitness center and common area.

Mr. Bell said although the application is for exterior improvements, they will also be making interior improvements as well.

Mr. Bell displayed a rendering of the existing blue building and said it will be painted a tan color. He displayed a sample of the color. Mr. Bell said a double door in the rear of the building will be replaced with a double window. In addition, a brown canvas canopy on a steel frame will be added to match the canopy that currently exists over the front door. Mr. Bell said a double window on the side of the building will be replaced with a double door which will give direct access to the maintenance office.

Mr. Bell displayed a site plan and explained the improvements that will be made to the landscaping. He said they will upgrade the plain rectangular concrete pad around the pool and create with additional concrete and stamping, a more flowing, rounded pool pad. He said the chain-link fence will be removed and a decorative aluminum fence will be added. The area will be expanded to bring some of the plantings and landscaping into the pool area to create a more pleasing atmosphere for those visiting the pool.

Mr. Bell said additional sidewalks will be added for ease of getting from one area to another. He believes the improvement will be a welcome one for the residents and the City.

Mr. Frankland said the landscape plan has been reviewed by the City landscape architect and he determined that it is a very attractive plan and approved it.

Mr. Mazur said a play area is depicted on the site plan but is not being considered tonight.

Mr. Cohen said the play area might be added at a later date.

Motion by Mayor Drucker, seconded by Councilwoman Richmond to approve the site plan for new lighting, fencing, landscaping and exterior alterations for 32450 Cromwell Drive.

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

Motion Carried

6. 5480 Brookside Trail – Premier Custom Builders 011-2011
- 5' driveway side yard setback variance
 - 6' front yard setback variance

Mr. Brad Camposo, Premier Custom Builders, was present. He displayed a site plan and explained the need for the side yard setback variance. He explained there is a 100-year flood drainage easement on the right-side of the driveway and a culvert and another drainage easement on the left-side of the driveway. He said the variances are necessary because of the easement and will bring everything closer to the property line.

Mr. Camposo said the second variance is for a front yard setback which is necessary to give the home owner some back yard. By pushing the setback back, there will still be room to install the sidewalk.

In response to Mr. Mazur's question, Mr. Busch said this is a difficult site to work with and the applicant is abiding by all of the rules as best they can.

Mr. Mazur asked Mr. Busch to explain the bio retention area that is displayed on the site plan.

Mr. Busch said a bio retention area is a water quality device. He said typically the owner would take the water run off from their roof or driveway and pipe it through this area that is usually made of compost and/or sand and ultimately act as a filter to remove contaminants found on the roof or driveway and eventually discharged into a local stream. He said this assists in maintaining water quality and also to help regulate downstream flows. Mr. Busch said the property owner is responsible for maintaining the bio retention area. He said it would also be inspected by the City and the Cuyahoga County Soil and Water.

Mr. Newberry said this is emerging technology and the industry is just beginning to understand its function. There is a biological component to it where the pollutants are filtered out and provide nutrients to plant life that might grow. The retention issues have not yet been defined to the point of quantifying them. However, it does assist with keeping the water clean.

Mayor Drucker said she has no issues with the requested variances, however, she is concerned with the proximity of the new home being built next to an existing home on the adjacent lot and asked about screening.

Mr. Camposo said although he did not originally develop this sub-division, he believes this was considered since fencing and landscape screening is already installed.

Mayor Drucker said it is difficult to see the screening on the aerial. She is concerned because in the past, new home construction and screening issues have led to disputing neighbors. Mayor Drucker said it is easier to remedy these issues prior to construction and suggested Mr. Camposo get a letter from the adjacent neighbor stating the current landscape screening will be sufficient before this item is reviewed by the Council.

Mr. Camposo said when the application was submitted, a notification regarding the variances was sent to adjacent and abutting neighbors. He has not been made aware of any objections and believed the notification sufficed. However, he does not object to sending a letter to the neighbors informing them that a home will be built on the lot and he will do so.

Mr. Bentley said this is a difficult site to work with and Mr. Camposo has done an excellent job situating the home on the lot. However, he is concerned about the bridge strength once construction vehicles start driving over it.

In response to Mr. Bentley's question, Mr. Camposo said he believes the developer installed the bridge. Mr. Camposo said he did get an oversized culvert with head walls and is planning to build up the head walls for additional safety during

construction. Mr. Camposo said he was told the bridge will support the weight of a fire truck.

Mr. Newberry said when this sub-division was introduced, it was understood this lot would be a challenge, especially with regard to the 100-year flood setback issues. He also thinks Mr. Camposo has done an outstanding job by taking on the task of building on such a difficult site.

Motion by Mr. Bentley, seconded by Mr. Mazur to approve the 5' driveway side yard setback variance for 5480 Brookside Trail.

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

Motion Carried

Motion by Mr. Mazur, seconded by Mayor Drucker to approve the 6' front yard setback variance for 5480 Brookside Trail.

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

Motion Carried

7. 6340 Melbury Avenue – Solon VFW Post 1863 012-2011
▪ Site plan for bocce ball courts

Ms. Susan Doherty and Mr. Jack Tesmer were present. Ms. Doherty displayed an aerial view of the site and indicated the location for the proposed bocce ball courts. She said there are approximately 64 people in their bocce ball league and they play two nights per week.

Ms. Doherty said it has been recommended that some type of barrier be installed for protection from vehicles. In order to accomplish this, 4 parking spaces will have to be removed to accommodate cement barriers. In addition, the bocce ball courts will be surrounded by railroad ties which will assist with blocking. She said the courts will not be visible from the road and indicated on the map the surrounding businesses and screening which will screen the courts.

Mr. Mazur said he believes the concrete barriers are necessary and recommended the applicant prepare another rendering of the site which include the barriers, prior to being reviewed by the Council.

In response to Mr. Mazur's question, Ms. Doherty said they will also have a set of bleachers for seating, there are 8 people to a court and with 2 courts there will be 16 people. Ms. Doherty said she will add the bleachers in the revised rendering so the Council will have all of the information.

Mr. Mazur said the consumption of alcohol will not be permitted in the area of the bocce ball courts. The applicants indicated they were aware of the restriction.

Mr. Newberry said the applicant might also consider using a barricade that is made out of recycled plastic bottles.

In response to Mr. Bentley's question about sealing the bocce ball courts, Ms. Doherty said they are hiring a professional to install the courts.

Motion by Mr. Newberry, seconded by Mr. Bentley to approve the site plan for 2 bocce ball courts for 6340 Melbury Avenue contingent upon the barricades and bleachers being added to the rendering before review by the Council.

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

Nay: None

Motion Carried

8. 6137 Kruse Drive – Automotive Realty

013-2011

- Building material variance
- 4' aisle width variance
- 2' aisle width variance
- Site plan for building addition

Mr. Jeff Davis and Mr. Al Wangenheim were present. Mr. Wangenheim said the proposal is to expand the existing Jaguar and Land Rover showroom to include a Maserati showroom with additional expansion in the rear for parts and a detail center for the entire campus. He explained the need for the two aisle variances.

Mr. Wangenheim said the addition will mirror the current building and the same materials will be used. In order to get the required branding for Land Rover, the existing pre-cast pylon will be expanded and the gabled hunter green metal roof will be expanded approximately 12". Mr. Wangenheim displayed a sample of the metal material.

Mr. Wangenheim said there will also be an elevation change for a branding requirement for Jaguar which will include expanding the existing pre-cast pylon on the left side of the showroom to a larger pre-cast with an inset spandrel panel to give the appearance of an entry since that is the location of their typical entry, however, there is not enough room on this site to complete the entry.

Mr. Wangenheim said the signage details are still under review and will not be determined tonight. In addition, lights will be removed in the existing islands. He was unable to present the photometric plan because it was their intention to present that information at the March 29th meeting, which was cancelled. He will submit the photometric plan prior to the installation of lighting, however, the lighting is similar to new lighting that was installed at BMW with LED's.

Motion by Mayor Drucker, seconded by Councilwoman Richmond to approve the building material variance.

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

Nay: None

Motion Carried

Motion by Councilwoman Richmond, seconded by Mr. Newberry to approve the 4' aisle width variance.

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

Nay: None

Motion Carried

Motion by Mr. Newberry, seconded by Mr. Bentley to approve the 2' aisle width variance.

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

Motion Carried

Motion by Mr. Bentley, seconded by Mr. Mazur to approve the site plan for a building addition.

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

Motion Carried

COUNCIL REFERRAL:

9. Proposed Rental Occupancy Registration Program (revised rental occupancy ordinance)

Mr. Mazur said after reviewing and listening to the input from various sources, he will recommend yearly registrations, as this will assist with keeping information up-to-date and bring attention to the importance of having a rental occupancy registration program.

Mr. Newberry asked Mr. Frankland if the fees will be restructured based on a shorter registration period.

Mr. Frankland said this will have to be reviewed but he does not expect the fee to change since it is only a \$15 fee. He said the purpose of the fee is to help cover costs associated with the program.

Councilwoman Richmond said she spoke with a real estate agent who sells property in Beachwood, South Euclid and University Heights. She was informed that the fee in Beachwood is \$500, the fee for South Euclid and University Heights is \$200. She clarified that the fees do include the inspection process. Therefore, she does not believe the annual fee of \$15 is too high for a registration program in Solon.

Motion by Mr. Mazur, seconded by Mayor Drucker to amend the proposed rental occupancy registration program to include yearly registrations.

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

Motion Carried

Mayor Drucker said the City is not intending to make money on the registration program, only to try and cover costs.

Mr. Newberry said the \$15 fee is minimal and it will likely cost more than that to process one registration.

In response to Mr. Mazur's question, Mr. Frankland said a data base will be used to track and administer the program electronically. He believes the information could be shared with the schools if it is recommended. Mr. Frankland said the forms will be available on line, however, paying on line will not be possible at this time.

Mr. Mazur said this item has been given a thorough review by the Commission and it his perception that the Council requested review and comments regarding the rental registration process. He believes if other action and consideration is necessary, the Council should initiate the process.

Mayor Drucker addressed Mr. Waldbaum's comments about the percentage of rental units in the City increasing because of the economy. Although Mayor Drucker agreed, she believes rentals will also increase in Solon because currently there is no program monitoring the rental procedure. Therefore, she is pleased to see steps being taken to address rental concerns and anticipates further discussion by the Council

Councilwoman Richmond said the City's statistics indicate there are 1,231 rental units. The breakdown is 269 single-family homes, 52 two-family homes and 910 apartments. Therefore, single-family and two-family homes represent 26% of total rentals in the City. Councilwoman Richmond said in a letter submitted by Mr. Frankland in 2008 to the administration, he indicated the City's growth phase had ended. He said when a City stops growing, it is time to shift the management of the City from the current inspection program for new construction only, to a more relevant property maintenance program. It becomes important to maintain the current property and Councilwoman Richmond believes inspections are necessary for this program. Therefore, she will not support the legislation as currently proposed without the inspection process.

Mr. Newberry said it is important to start the process somewhere and the Council referred the registration program to the Commission after their review of the entire inspection and registration program. He said with all due respect to Councilwoman Richmond, he does not believe opposing the legislation will accomplish anything and will not help the process along. Mr. Newberry said the initiation of the registration program will at least give the City the size and scope of the administration involved in the rental program. He also believes that the City should move forward as quickly as possible to establish an inspection program that deals with rentals and point-of-sale inspections.

Mr. Bentley said at the last meeting, Mrs. Matia said Shaker Heights started a rental occupancy program approximately 20 years ago. She also said it has taken 20 years for Shaker Heights to have a working and viable program. Mr. Bentley believes, therefore, that it will take time to get a complete functioning program and it is important to start now and add components to the program for implementation as necessary. He will support the legislation.

Mr. Mazur said he is not in favor of inspections at this time. However, he does feel it is important to begin the registration process. He believes exterior maintenance concerns can be addressed and enforced by the current Code regulations. Mr. Mazur said as the program progresses and it is proven to him and determined that inspections are necessary, he will change his opinion. He believes this is a positive step towards starting the process.

Motion by Mr. Mazur, seconded by Mayor Drucker to approve the Rental Occupancy Registration Program as prepared by the Planning Director and forward it to the Council for its review with the recommendation of changing it to a yearly inspection.

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

Motion Carried

Motion by Mr. Mazur, seconded by Mr. Newberry to schedule a public hearing for 38600 Bainbridge Road, PP #951-19-002 – AT&T and First Energy for co-location on an existing cell tower.

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

Motion Carried

Mr. Mazur said an application was received in January of 2010 from TransCon Builders for Hawthorne Estates and has been on the Inactive Agenda since that time.

Mr. Frankland confirmed there has been no new information received from the applicant.

Mr. Mazur said the Subdivision Code states the Commission shall approve or disapprove a subdivision plat within 180 days. Therefore, he requested the Clerk send the applicant a letter requesting the status of the application.

Motion by Mr. Mazur, seconded by Mr. Newberry to direct the Clerk to send a letter to TransCon Builders requesting the status of the application.

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

Motion Carried

MINOR ALTERATIONS FROM THE PLANNING DEPARTMENT:

1. 6025 Kruse Drive – First Watch

Mr. Frankland displayed a site plan indicating the store front of the building and the location of two doors. The applicant wants to add space between the doors and remove one door and move one door further for additional space. Mr. Frankland said the restaurant will serve breakfast and lunch.

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

COMMENTS FROM THE COMMISSION:

Mayor Drucker said this past weekend, the first annual Tolerance Fair was held which she co-hosted with 8th grader, Justin Bachman. This idea was inspired by Justin and was a great success with 800 to 1,000 people attending. Mayor Drucker said the guest speaker was Marc Elliot, who is internationally known for speaking about tolerance and acceptance. She congratulated Justin for the inspiration he is to the community.

Mr. Newberry attended the Tolerance Fair and said it was a great success and the City should be proud of the Bachman family and those who attended the event. He also commended the people who volunteered to assist during the event.

Mr. Mazur welcomed the Harvest Kitchen, a new restaurant which recently opened on Bainbridge Road in the historic district and wished them much success.

Mr. Mazur wished to acknowledge Amy and Dan Kalk and Jim Bialosky for the Funfest that was held recently at the Solon Community Center. He also complimented the staff and the volunteers for the wonderful event.

Mr. Mazur wished everyone a Happy St. Patrick's Day.

COMMENTS FROM THE AUDIENCE:

Mr. Stan Gordon, 34500 Sherwood Drive, was present and congratulated the Commission members for taking an interest by trying to promote tranquility and safety for homeowners especially at this time with the recent gas explosions in the state which resulted in tragedy.

Motion by Mayor Drucker, seconded by Mr. Mazur to adjourn the meeting at 9:05 P.M.

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

Nay: None

Motion Carried

Chairman

Secretary