

SOLON PLANNING & ZONING COMMISSION
April 12, 2016 – 7:00 P.M.

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

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

Absent: None

Also Present: Fire Inspector Eisenhuth, Assistant City Engineer Welch

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)

Mr. Bentley presided.

PENDING:

2. Off of Aurora Road (500' east of Signature Drive) – Breezethrough, Inc. – Dennis Oranski – PP#'s 956-38-021, 956-38-022, 956-28-023, 956-28-024, 956-28-025, 956-28-026 and 956-28-027 – lot width variance, front yard setback variance, not parallel to the street variance and lot consolidation: Mayor Drucker believes questions have been raised regarding the ownership of some of the surrounding parcels which might make a difference regarding the City's position. She feels it should be reviewed by the Law Department and no action should be taken tonight.

Mr. Bentley said a public hearing was scheduled and anyone attending tonight's meeting for this item, will be permitted to speak.

NEW:

6. Hamilton Court – Liberty Hill Apartments – Buildings 14, 15, 16, 17, 18, 20 and 21 – building material variance and site plan for re-siding: Mayor Drucker asked if Councilman Pelunis would be recusing himself since he lives in Liberty Hill.

Councilman Pelunis said this application is for the apartments and he lives in the condos and he is a member of the condos HOA.

7. 32600 Cannon Road – Mikhail Nemirovskiy – variance to allow a temporary driveway without a dwelling: Mr. Frankland said if this item is approved, it should

be with the contingency that the excess debris needs to be removed from the property.

8. 33665 Baldwin Road – Mr. & Mrs. Edmonds – front yard setback variance (handicap ramp): Mr. Bentley said a request was received from the applicant to table this item.

9. 32825 Bainbridge Road – Robert F. Poletok Trust (Dianne Smith) – building material variance: Mayor Drucker asked Ms. Smith if the previously mandated date of April 28th to have a garage constructed will be met.

Ms. Smith and Ms. Bija said this date will be met.

COUNCIL REFERRAL:

11. Request from Daniel Margheret to rezone property located at 5910 and 5900 Harper Road (northwest corner of Harper Road and Aurora Road intersection) from I-2 (Industrial Manufacturing) to O-2 (Office Park): Mr. Newberry said this request was also made last year.

Mr. Frankland said the request is for a different zoning than the one requested last year. He said the change to the O-2 zoning was approved at the last election with additional uses and Research and Development was one of the new uses. Mr. Margheret's business is across the street from the O-2 District and includes R&D. He is requesting that his address be included in the O-2 Zoning District. Mr. Frankland said a public hearing needs to be scheduled.

Mr. Frankland said he has two minor alterations to present.

The caucus ended at 7:13 P.M. and the meeting began at 7:30 P.M.

Mr. Bentley presided.

CHANGES TO THE AGENDA:

There were no changes to the agenda.

COMMENTS FROM THE AUDIENCE:

There were no comments from the audience.

APPROVAL OF MINUTES:

Motion by Mr. Newberry, seconded by Mr. Mazur to approve the minutes of the March 29, 2016 meeting.

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

Nay: None

Abstain: Drucker

Motion Carried

PENDING:

1. 7511 SOM Center Road – Joseph Waligora 014-2016 1
- 19.4% maximum 50% footprint of the dwelling variance (detached garage)
 - 37' accessory structure side street setback variance (detached garage)
 - 27' cumulative side yard setback variance (detached garage and storage building)
 - 37' large vehicle side street setback variance
 - Large vehicle screening variance
 - 2' secondary driveway width variance

Mr. Joe Waligora was present and displayed a site plan. He said he previously applied to construct an attached garage and was informed that he needed to upgrade the large vehicle parking structure that accommodates his boat. Mr. Waligora met with the Planning Department to develop this plan which he feels will accommodate the City's requirements and his needs.

Mr. Waligora indicated an area on the site plan where a detached garage is proposed which will also provide screening of the boat. He indicated the areas where the variances are needed and said the project will include upgrading the driveway to a hard surface and a 12' x 50' garage with an adjacent parking pad approximately 12' x 44' to accommodate the boat. Mr. Waligora indicated an area where a shed is currently located and said it will be relocated to the rear of the property where all required setbacks will be met. He indicated where a 6' fence and screening will be added to the north of the parking pad and noted the garage, which will be taller than the boat will provide screening. Mr. Waligora displayed an aerial view indicating the heavily wooded area to the west of the property and said he has no plans for additional screening. He explained the property to the west is owned by the City and his property includes approximately 6' of woods.

Mayor Drucker asked, if approved, what is the anticipated completion date for the project as this issue has been ongoing.

Mr. Waligora indicated he will be doing the work himself and he intends to have the project completed by the fall.

Mr. Bentley asked Mr. Frankland how many structures are permitted to be on the property as Mr. Waligora plans on relocating the shed.

Mr. Frankland said the Code permits a garage and an accessory structure.

Mr. Waligora said he intends to build an attached garage in the future.

Mr. Newberry said Mr. Waligora will have to return to the Planning Commission with a plan at that time.

Mr. Mazur asked what materials will be used for the detached garage.

Mr. Waligora said wood and vinyl siding will be used in an effort to match the house including installing a dormer to match the style of the house.

Mr. Newberry expressed his concern as Mr. Waligora has previously received approvals from the Commission and Council for similar plans for the property but never completed the projects.

Mr. Waligora indicated an area on the site plan where he previously intended to install an additional driveway and a garage. However, after further consideration, he determined this would not be the best plan as he has dealt with vandalism issues even with the boat currently located closer to his house. He was also concerned about safety issues.

Mr. Newberry questioned why Mr. Waligora submitted the plan if he had concerns.

Mr. Waligora explained he originally submitted a plan for a garage and was informed he had to screen the boat. The previously approved plan was more costly than expected and still did not include a garage. However, after he gave it more consideration, he feels the current plan will meet the City's requirements and better serve his needs.

Mr. Waligora said he has started the financing process for the project and will complete it once he receives the approval from the City.

Mayor Drucker asked if the existing driveways will be upgraded with a hard surface. Mr. Waligora said that is his intention.

Mayor Drucker asked if there will continue to be two driveways leading to Russell Drive or if a third will be added.

Mr. Waligora said a third driveway will not be added.

Mr. Stolarsky said this is an enforcement issue which is currently in the court system. Mr. Waligora must have the application approved so he can apply for the necessary permits and bring the property into compliance. He feels a time limit should be added as a contingency to any approvals and it was determined August would be appropriate.

Mr. Mazur shares Mr. Newberry's concerns regarding the project being successfully completed. However, he will support it with the contingency that it is completed by August 15.

Motion by Mr. Mazur, seconded by Mr. Newberry to approve a 19.4% maximum 50% footprint of the dwelling variance (detached garage).

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

Nay: None

Motion Carried

Motion by Councilman Pelunis, seconded by Mayor Drucker to approve a 37' accessory structure side street setback variance (detached garage).

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

Motion Carried

Motion by Mayor Drucker, seconded by Mr. Mazur to approve a 27' cumulative side yard setback variance (detached garage and storage building).

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

Motion Carried

Motion by Mr. Mazur, seconded by Councilman Pelunis to approve a 37' large vehicle side street setback variance.

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

Motion Carried

Motion by Mr. Newberry, seconded by Mayor Drucker to approve a large vehicle screening variance with the contingency that the project is completed by August 15, 2016 and the landscaping plan is reviewed and approved by the Planning Department.

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

Motion Carried

Motion by Mr. Mazur, seconded by Mr. Newberry to approve a 2' secondary driveway width variance.

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

Motion Carried

2. Off of Aurora Road (500' east of Signature Drive) – 011-2016 1
Breezethrough, Inc. - Dennis Oranski - PP#'s 956-38-021,
956-38-022, 956-28-023, 956-28-024, 956-28-025, 956-28-026
and 956-28-027

- Lot consolidation
- 75' lot width at building line variance
- 135' front yard setback variance
- Not parallel to the street variance

A public hearing was scheduled and Mr. Bentley opened the public hearing and asked for comments.

Mr. Dennis Oranski, Leland, NC, sole owner of Breezethrough, Inc. was present. He said he was just made aware that the ownership of two of the parcels adjacent to his property is being questioned. Mr. Oranski explained although he previously owned the two parcels in question, he sold them prior to purchasing the additional parcels that became available as part of an estate sale. He knew that he would have to consolidate all of the parcels if he purchased the additional parcels while still owning the two original parcels. As an incentive to close the sale, he offered to pay the property taxes on the two parcels until the prospective buyer built her home or sold the lots, which is why his name appeared on the tax mailing identification.

Mr. Oranski said he was then able to buy the land he wanted to purchase. He explained that at no time did he own the two adjacent parcels and the property involved in the

current consolidation request at the same time. He displayed an aerial drawing indicating one of the parcels fronts on Aurora Road. In 2006, the properties were approved for consolidation and were going to be purchased by someone who intended to build a home, however, the sale did not go through. Mr. Oranski returned the person's deposit and retained ownership of the parcels which remained vacant.

Mr. Oranski displayed a site plan and indicated the parcel on Aurora Road that will become the driveway. He indicated where a small creek is located and noted the issue of wetlands will have to be addressed. Mr. Oranski does not think there will be a substantial wetlands issue as he has walked the land. However, he will address any wetlands issues with the Army Corp of Engineers and the EPA. The consolidation of the lots will create a 1.3 acre parcel of land and he intends to construct an approximate 3,200 sq ft home. Mr. Oranski said the front of the house will face the Signature of Solon Golf Course and it is his intent to leave as many trees as possible.

Mr. Richard Rubin, Shaker Heights, Ohio, was present. Mr. Rubin is a co-owner of a parcel adjacent to the properties owned by Mr. Oranski. He displayed a site plan indicating the parcel which is considered an unimproved street known as Willow Street. Mr. Rubin is concerned about what this approval might do to the value of the other properties in the area.

Many years ago, the intention was for Willow Street to become a real street with houses on either side of it. He said costs associated with the development of Willow Street would have to be divided among the individual parcel owners. If this consolidation is approved, that will remove six parcels that would have otherwise had homes on them with individual property taxes rather than one large property. The consolidation might also discourage a developer who might have considered improving the street. Mr. Rubin said he is willing to sell his property. As the parcel extends all the way to Edith Street, a few years ago, the City approached him and arranged an easement so utilities could be brought to four properties on Edith Street. Therefore, his concerns are how this consolidation will affect the property values of the other parcels, the income the City will lose from the consolidation and how it will affect a developer because six properties will be removed that would have contributed to the development of Willow Street.

Mr. Jim Hugo, Avon Lake, Ohio, is the owner of a parcel adjacent to the proposed consolidation. He is also concerned about how any development might affect future potential development of properties on Willow Street.

Mr. Oranski said Mr. Rubin's parcel is considered a paper street. He believes it was originally intended to be a street called Willow Street but it has been owned privately for many years. It is 50' wide by 1,100' long and extends from Aurora Road to Edith Street. Mr. Oranski believes it would be a very difficult task to coordinate the required one acre zoning as there are as many as 20 different property owners along this paper street. He owns six, 50' parcels that he wants to consolidate to meet the one acre requirement. Mr. Oranski said he will have a 1.3 acre parcel with frontage on Aurora Road, sanitary sewers, improvements and he is willing to comply with the rules and regulations of the EPA regarding wetlands. He

intends to build an attractive home and is unsure what the property can be used for if this is not approved.

As there were no further comments from the public, Mr. Bentley closed the public hearing.

Mr. Stolarsky said his research indicates that one of the properties in question was once owned by Jennifer Brubaker and one was owned by Mr. Oranski, however, Mr. Oranski did not recall Ms. Brubaker's ownership of the parcel.

Mr. Stolarsky questioned the relationship of Mr. Oranski to the previous owners of the two parcels in question. Mr. Oranski indicated he was not related to Lorre Andryszczyk, who purchased the two parcels in question for approximately \$26,000 to \$30,000 and eventually sold them to Terry Brubaker. Mr. Oranski said he had no knowledge of the circumstances of the sale, however, he noted that Mr. Brubaker is a real estate investor who owns multiple properties. Jennifer Brubaker is his daughter who is married to Tige Brubaker who is the son of Terry Brubaker (the current owner, according to Cuyahoga County records.)

Mr. Newberry asked Ms. Welch if the parcel referred to as "Willow Street" is considered a "paper street" and Mrs. Welch said she is not aware of the history of Willow Street and would have to research the issue.

Mr. Newberry believes the section of Willow Street in question was never completed to the point where the street was dedicated and has never been owned by the City of Solon. As Mr. Newberry understands it, if this section was ever improved, the parcels on either side of the street would share in the cost of development; paving, sewers, water, utilities, etc.

Mr. Newberry said the six parcels for the proposed consolidation would have to share in the cost of development if that section of Willow Street is ever developed so Mr. Rubin's concerns can be put to rest.

Mr. Newberry said he is concerned about the wetlands and stream bank issues. However, based on the plan he reviewed, it is possible to overcome them. While he understands the neighbor's concerns about tree removal, if the trees are on Mr. Oranski's property, they belong to him. He is inclined to support Mr. Oranski's request because it does make use out of valuable land, conforms in many ways to the City's Code and the problems that are inherent with the development of this parcel are brought about by natural occurrences that do not involve the City.

Mr. Mazur said a letter was received from Mr. & Mrs. Holler, residents of Signature of Solon, objecting to the consolidation. Mr. Mazur said they have concerns about the noise from Aurora Road if trees from Mr. Oranski's property are removed for construction. However, Mr. Mazur agreed with Mr. Newberry that if the trees are on Mr. Oranski's property, it is a moot point and he will support the consolidation.

Mr. Oranski said it is his intention to leave as many trees as possible and only clear enough for the pad.

Mayor Drucker asked Mr. Stolarsky and Mr. Frankland if they had concerns regarding the prior ownership of some of the parcels. She said if there are still unanswered questions, a thorough review by the Law Department is necessary. Mayor Drucker feels the two questionable parcels should be included in the consolidation which would then allow the house to be located closer to Aurora Road.

Mr. Stolarsky believes additional research regarding the sale and ownership of the two parcels is warranted.

Mr. Mazur asked for clarification regarding the questionable ownership of the two parcels.

Mr. Stolarsky said at issue is if the situation was structured to avoid the City's Zoning Code requirement of consolidating non-conforming lots under common ownership and the timing of the transactions.

Mr. Newberry said he understands the issue and it is likely that additional research is necessary. However, there does not appear to be a question of ownership about the parcels involved in this application and the applicant is attempting to bring the parcels into compliance with the Code by consolidating them.

Councilman Pelunis said the question of ownership is not with the parcels on this application but there is a question about two other parcels and whether they should be a part of this consolidation. The ownership of the two parcels that are questionable is with a person related by marriage and Mr. Oranski said he read the ordinance several times which could imply that the two lots were removed to avoid their consolidation and transferred to an outside party.

Mr. Stolarsky said the inclusion of the two parcels in question might result in the need of fewer variances for this proposal.

Mr. Frankland clarified the variance requested is for a 222' setback and by Code, the required setback is 87' which creates a substantial setback. If the other two parcels were part of the consolidation, it is possible the setbacks would be met without the need of a variance.

Mr. Newberry said it is also possible that even with the two parcels in question, there might not be room to build the house in front of the creek because of the wetlands.

Mr. Frankland said there would be enough lot width at the building line as defined by the Code to build a home.

Mr. Bentley asked the Commission members how they want to proceed with the application as there are different options.

Mr. Mazur said after hearing the explanation by Councilman Pelunis and Mr. Stolarsky, he feels this item should be reviewed by the Law Department.

Motion by Mr. Mazur, seconded by Councilman Pelunis to table consideration of Item 2 for further review by the Law Department and request the Engineering Department research the history of Willow Street.

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

Motion Carried

Councilman Pelunis recommended the purchase agreement and any other documentation be submitted regarding the purchase and sale of the two lots in question.

NEW:

3. Pettibone Road/Castle Pines Drive - Signature of Solon HOA 018-2016 1
▪ Site plan - alteration to the entrance/exit gate

Mr. Bentley recused himself from this item as he is a member of the Signature of Solon HOA.

Mr. Mazur, Vice Chairman, presided.

Mr. Scott Kinsell, 7624 Capilano Drive, representing the Signature of Solon HOA was present. He explained that for the last 15 years there have been various forms of access control to enter and exit the street and currently there is a lift gate system. Mr. Kinsell said there have been a number of strikes to the gate by vehicles which are expensive to repair and damages the equipment. It is their intent to try to minimize the number of strikes and increase visibility of the gate.

Mr. Kinsell displayed a rendering and said the current gate is a 17' x 3" diameter aluminum lift arm with reflective tape which can be seen with headlights. He referred to the rendering and said a new lift arm recently invented has an illuminated lift arm. It has red LED lights on it when it is in the closed, horizontal position and green LED lights are activated when it receives the signal to open. He said there are ten areas with barrier arms located throughout the neighborhood and the proposal is to test the lighted arm at this location. Mr. Kinsell said not many people use this access as it is residents only. If the product does not perform well, the previous swing arm will be re-installed. Mr. Kinsell said, while the system looks high tech, it is actually the same price as the previous system.

Mr. Kinsell said the management company, Carlisle Management, recommended the HOA receive the approval of the City before installing the test product. They also want to ensure there is no light spillover or an unattractive nuisance. He explained that the photo gives it the appearance of being bright because it is emphasized for the photo. Mr. Kinsell has viewed the lighted swing arm and believes the lights are more visible than the swing arm with reflective tape. He said the lighting intensity can be adjusted, if necessary.

Councilman Pelunis referred to the GIS map and asked if any neighbors across the street would be able to view the swing arm.

Mr. Kinsell said neighbors are located diagonally across the street. However, the area is always somewhat illuminated by vehicles travelling the main road constantly.

Mr. Mazur emphasized that if approval is given it is only for this location.

Mr. Kinsell understands the approval is only for this location. He said all of the other swing arm locations located within the neighborhood and not visible from any main streets.

In response to Mr. Newberry's question, Mr. Kinsell said the gate is made of aluminum with a molded slot to accommodate the LED lighting.

Mr. Mazur asked Mr. Frankland if the Planning Department will be reviewing the new arm to determine if it is acceptable and give the Commission feedback.

Mr. Frankland said the Planning Department can view the system and advise the Commission but will also be reviewing input from the community. As this will be a temporary approval, before any other gates are changed, the Commission will have to review the proposal since it is a golf course community.

In response to Mayor Drucker's question, Mr. Kinsell feels three months is a sufficient amount of time to test the illuminated swing arm.

Motion by Mr. Newberry, seconded by Mayor Drucker to recommend approval of the site plan to install an illuminated swing arm for the entrance/exit gate in Signature of Solon at Pettibone Road and Castle Pines Drive for testing purposes not to exceed 90 days from the day of installation.

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

Nay: None

Motion Carried

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| 4. | 6259 Azalea Circle – Kip Botirius | 019-2016 | 3 |
| | <ul style="list-style-type: none"> ▪ 21' fence setback from side street right of way variance ▪ 12% uniform fence openings variance | | |

Mr. Mazur said he viewed the location and fence posts have been installed, therefore, the Planning Department should review it.

Mayor Drucker said a letter should be sent to the applicant.

Motion by Mayor Drucker, seconded by Mr. Mazur to table consideration of Item 4 as there was no representative at the meeting.

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

Nay: None

Motion Carried

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| 5. | 37910 Aurora Road – James & Phung Frazier | 020-2016 | 3 |
| | <ul style="list-style-type: none"> ▪ 5' side yard setback variance | | |

Mr. James Frazier was present and said a shed was installed during a rainy period. He explained the ground was saturated where the shed was originally to be located, however, a suitable location for the shed was found to be along the property line.

Mr. Frazier displayed a site plan indicating where the shed was placed. He noted where a stream is located on the property and said he misunderstood the setback guidelines. Mr. Frazier indicated where the location of his neighbors' sheds are located and said he did not realize the location where the shed was installed would require a variance.

Mayor Drucker understands Mr. Frazier's reason for changing the location of the shed and noted he did get a permit. She asked if he intends to remove an old shed that is on the property.

Mr. Frazier intends to remove the old shed once the ground dries out.

Motion by Mayor Drucker, seconded by Mr. Mazur to approve a 5' side yard setback variance with the contingency that the second storage building will be removed by June 1, 2016.

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

Motion Carried

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| 6. | Hamilton Court – Liberty Hill Apartments – Buildings 14, 15, 16, 17, 18, 20 and 21 | 021-2016 | 2 |
| | <ul style="list-style-type: none">▪ Building material variance▪ Site plan – re-siding | | |

At the recommendation of Mr. Stolarsky, Councilman Pelunis recused himself from this item as he lives in Liberty Hill Condominiums.

Mr. Chris Woznicki, Senior Vice President, Goldberg Companies, was present. He said the proposal is to replace the T-111 siding on some of the Liberty Hill Apartments with a vinyl product that is similar to the existing siding. Mr. Woznicki displayed photographs of one of the buildings and indicated where T-111 siding is located with panels beneath the windows, wood trim around the window frames and then the brick veneer.

Mr. Woznicki said the siding has been on the buildings for approximately 30 years and most of it is in need of repair or replacement. It is believed the new siding will be an improvement to the building in the integrity and durability of the product and it will enhance the appearance of the building.

Mr. Woznicki said the plan is to complete the project in a two-stage process in 2016 and 2017. He displayed a site plan and said the buildings in green and orange represent Phase 2 of the apartment community. He referred to the site plan and said the buildings that are not highlighted represent Phase 1 and although they have T-111 siding on them, they have minimal exposure and the siding is in good condition and can still be maintained. Mr. Woznicki referred to the site plan and said the seven buildings in orange will be updated in 2016 and the remaining buildings in green will be updated in 2017.

Mr. Woznicki displayed a sample board of the proposed materials. He noted the siding is similar in color and appearance to the current T-111 siding but is a more durable, thicker product that will be longer lasting. He referred to another product and said it is the PVC panel that will be installed under the windows and he displayed a sample of the material that will outline the window frames.

Mr. Woznicki displayed a rendering of how the buildings will look upon completion. He noted the areas where brick veneer is located and said there will be no overlay made to the brick veneer. It is believed the proposed changes will give the building a modern appearance and the materials will provide more durability.

In response to Mr. Bentley's question regarding the panel below the window, Mr. Woznicki said currently the panel is the complete width of the window but as seen on the rendering, the update will break up the panel with the addition of a horizontal band.

Mr. Bentley approves of the appearance of the band to break up the panel.

Mr. Newberry agreed and said it gives the building an updated appearance.

Mr. Woznicki said it was determined that the upper windows and the lower windows are not in alignment vertically and with the addition of the panels with the banding and the horizontal trim, it gives the appearance of being more aligned. In addition, energy-saving house wrap will be installed prior to the siding installation as well as new gutters, soffits and downspouts. Mr. Woznicki said every effort was made to find products that will blend with the current buildings and regular maintenance will be ongoing on the buildings where T-111 siding will remain. In addition, approximately 30 garages are updated each year and new doors will be installed.

Motion by Mr. Mazur, seconded by Mr. Newberry to approve a building material variance for Liberty Hill Apartments, Buildings 14, 15, 16, 17, 18, 20 and 21.

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

Motion Carried

Motion by Mr. Newberry, seconded by Mayor Drucker to recommend approval of the site plan for re-siding for Liberty Hill Apartments 2016 program.

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

Motion Carried

Motion by Mr. Newberry, seconded by Mayor Drucker to recommend approval of the site plan for re-siding for Liberty Hill Apartments 2017 program, contingent upon the building permit application being submitted prior to April 12, 2017.

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

Motion Carried

7. 32600 Cannon Road – Mikhail Nemirovskiy

022-2016

4

- Variance to allow a temporary driveway without a dwelling

Mr. Mikhail Nemirovskiy was present and said the house burned down about a year ago and he is still searching for a contractor. He is requesting approval to permit the driveway to remain without a dwelling for 18 months. Mr. Nemirovskiy displayed a site plan indicating the 300' driveway and said it would be very costly to replace it. In addition, there are catch basins and drains on the sides of the driveway to assist with the collection of water on the property.

Mr. Newberry agreed with Mr. Nemirovskiy and said the Engineering Department memo indicated the driveway should remain as it assists with drainage issues in the neighborhood.

Motion by Mr. Newberry, seconded by Mr. Mazur to approve a variance to allow a temporary driveway without a dwelling for 18 months, require removal of the remaining debris and for the grading and seeding to be completed.

Ms. Debbie Disantis, 32640 Cannon Road, was present and said she is an adjacent neighbor to this parcel and she has no concerns about the driveway remaining without a home on the property. However, she is concerned about the possibility of the area becoming a party location as the driveway leads to a heavily wooded area. Ms. Disantis asked about grass being planted and if the property will be mowed. In addition, she said there is a sewer drain on her property that was installed when Mr. Nemirovskiy's property was developed that needs to be cleaned. She said her yard has been flooded because of the blocked drain and asked who would be responsible for cleaning the drain.

Mrs. Welch said she will have to research the property and determine who is responsible for the drain. It is likely that it is a private property drainage system. If there is an easement, it would then be the City's responsibility.

Ms. Karen Just, 32550 Cannon Road, was present and said she is the neighbor on the other side of this parcel. She said when Mr. Nemirovskiy's driveway was installed 15 years ago, the contractor ripped up her front yard, moved some of her trees to install the drainage system but then put it all back together very nicely. However, since the drainage system was installed in Mr. Nemirovskiy's yard, her yard gets flooded because a drain was never installed on her property. While she is unsure if anything can be done about this, as the issue was being discussed, she felt she would state her issue. Ms. Just said since the water just sits there, it attracts mosquitos and bees which she is highly allergic to and it is a safety hazard when she is mowing the lawn.

Ms. Just said the construction company that was hired to level Mr. Nemirovskiy's lot parked on her tree lawn and created large ruts. Although she was told it would be repaired, it has not yet been completed.

Mr. Nemirovskiy is unsure if the work has been completed on his lot and he is waiting for the Planning Department to approve the grading.

Ms. Just said a utility company dug on either side of Mr. Nemirovskiy's driveway and pitched the dirt onto her property. In addition, two large holes were dug in her front yard looking for a pipe and it was left in that condition. Ms. Just is unable to

make the necessary repairs to her property, as she is recovering from surgery. Although she has made phone calls, she has not received any answers.

Mr. Newberry said if Mr. Nemirovskiy still owes money to the contractor, he should withhold payment until the issues that have been discussed are resolved. He said it is not unusual for the utility companies to dig holes to close connections and then leave the holes behind. Unfortunately, by law, the utility companies are allowed to do that and it is then the responsibility of the homeowner to make the repairs.

Mrs. Welch said the Engineering Department will have to inspect the property to verify what has been completed according to the submitted grading plan.

Mayor Drucker asked Mrs. Welch to get Ms. Just's information and for Ms. Just to contact Mrs. Welch directly about her concerns.

Mr. Nemirovskiy said there will be no parties on the property.

Ms. Disantis said she has seen vehicles drive down the driveway but they do not turn around and come back so she voiced her concerns as she doesn't want the area to become a hangout.

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

Motion Carried

8. 33665 Baldwin Road – Mr. & Mrs. Edmonds – request from applicant to table until 4/26 meeting 023-2016 6
- 11.5' front yard setback variance (handicap ramp)

Motion by Mr. Mazur, seconded by Mr. Newberry to table consideration of Item 8 at the request of the applicant.

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

Motion Carried

9. 32825 Bainbridge Road – Robert F. Poletok Trust (Dianne Smith) 024-2016 6
- Building material variance

Ms. Dianne Smith, Novelty, OH, and Ms. Bija, New Creation Builders, were present. Ms. Smith is requesting a variance to use vinyl siding on the garage she is having constructed.

Ms. Bija displayed a sample of the siding which has a wood grain effect to mimic the wood of the house. Ms. Bija believes it will be unnoticeable from the street that the garage is vinyl siding. She displayed a rendering indicating the color, London Brown, which closely matches the color of the house. Ms. Bija said she is aware that there is a completion date of April 28th expected and she can guarantee that.

In response to Mr. Mazur's question, Ms. Smith said the property is still for sale. She had an offer at this time last year, but it did not go through.

Motion by Mr. Mazur, seconded by Councilman Pelunis to approve a building material variance for a garage at 32825 Bainbridge Road with the contingency that it be completed by April 28, 2016.

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

Motion Carried

COUNCIL REFERRAL:

10. Request from Reno G Properties, LLC to rezone property located 025-2016 6 at 31835-31935 Aurora Road/Old South Miles Road to automotive zoning

Mr. Darren Guerrini, Reno G Properties LLC, was present. He explained this request is mainly for the service division of Liberty Ford to relocate to this location.

Mr. Frankland said the Master Plan that was adopted in 2010 recommended that the properties along Old South Miles be considered for the auto repair district because all other auto repair, except that directly associated with a dealership in the City, is non-conforming. If an auto service business closes, that service can no longer be provided. Therefore, the Master Plan Committee determined the City needed an area that could accommodate those types of uses in the future.

Mr. Frankland said the recommendation was that an I-3 Industrial Zoning classification be established for Old South Miles that would permit automobile repair servicing and would allow for towing and impound yards. Mr. Frankland said the definition in the proposed amendment is that towing and an impound yard is distinct from junk yards where parts may be sold and is only for short-term storage. He said this was added on the recommendation of the safety forces because the only available impound lot in the City is non-conforming.

Mr. Frankland said the I-3 Industrial Zoning will be the same as the I-2 Industrial Zoning classification, i.e., warehousing, distribution, offices, R&D but it will add the automotive repair uses previously explained. All of the prohibitions regarding nuisances, noise, etc., will also apply to this district. In addition, as it relates to the automotive repair and maintenance, the vehicles are required to be screened from view and Liberty Ford has committed to storing the vehicles inside of the building. Mr. Frankland said there will be no outside storage of parts. This is unlike any other use in the Industrial District where a small retail component is permitted. Retail is prohibited in this district as the concept for the Industrial District is the sale of something that is manufactured on site. He said as nothing is being made on site with the allowance of automotive repair, if retail was permitted, it would allow for franchise-type businesses to locate in this area which would be commercial and generate more traffic.

Mr. Frankland said the Master Plan Committee recommended Old South Miles for the I-3 Industrial Zoning and Mr. Guerrini's property is contiguous to the area recommended in the Master Plan and immediately to the west. He finds Mr. Guerrini's request to be logical since when implementing a Master Plan, it is not uncommon to modify it.

Mr. Frankland said this request is connected to the re-development of the Liberty Ford site. He said a few years ago, Liberty Ford had an approved plan with a specific layout that was approved by the voters for a zoning change. The outcome of this request will

impact the Liberty Ford site on Aurora Road. Mr. Frankland said Liberty Ford is not submitting a new plan until the new zoning is approved. Therefore, it is important to have a binding development agreement approved by the City prior to this item going to the ballot that allows the quality of the re-development of the Liberty Ford site to be equal or better than that which was approved previously by the voters. This determination would be solely at the discretion of the City of Solon. Mr. Frankland said this negotiation would include the City of Solon, Liberty Ford and Mr. Guerrini. In addition, it is important that every business located in the area of the re-zoning be a part of this application. Mr. Frankland said Mr. Guerrini has already begun the process of assembling that information.

Mr. Newberry said the area consists of Emshoff Excavating, Solon Auto Body, Swagelok and Tri County Electric.

Mr. Guerrini said he has contacted Swagelok many times and has yet to hear back from them. He asked Mr. Frankland to begin preparing the legal information as it pertains to the development agreement to supply to Liberty Ford so they are aware of the information that is needed for the document. Mr. Guerrini requested the necessary documents be prepared as soon as possible.

Mr. Frankland said it will be Mr. Guerrini's responsibility to bring Liberty Ford into discussions with the City. The City can provide an outline of the information necessary to proceed with negotiations to create a development agreement which will take place with the City, the Legal Department, Liberty Ford and Mr. Guerrini. The meeting will have to be organized by Mr. Guerrini as the applicant who is requesting a zoning change. Mr. Frankland said the City will provide him with a list of general information and concepts to include in the development agreement that he can provide to Liberty Ford. It will be Mr. Guerrini's responsibility to have a person from Liberty Ford with the authority to make decisions and binding agreements attend the meeting.

A public hearing was scheduled.

Mr. Bentley opened the public hearing and asked for comments. There were no comments, however, the public hearing will remain open.

Mr. Mazur asked Mr. Guerrini if he had any plans to remodel the building.

Mr. Guerrini said his immediate plans do not consist of changing the outside of the building. He said Liberty Ford will determine what is necessary for the inside of the building. Mr. Guerrini believes relocating the service to this location will resolve Liberty Ford's spacing issues and possibly in the future he might be in a position to upgrade the outside of the building.

Mr. Newberry understands the issues and said it is possible Liberty Ford will want to do some type of updates and add identification to the building.

Mr. Mazur said this item will be considered at the next Safety and Public Properties Committee meeting.

Mayor Drucker said she has been informed that the Traffic Engineer has said unless there is a specific plan to review, he is unable to make any recommendations.

Mr. Mazur said the existing businesses will be unable to meet the setbacks as listed in the documentation for the I-3 Industrial Zoning District and asked how this will affect them. He questioned if a new business is introduced, will they have to apply for variances.

Mr. Frankland said existing businesses will be "grandfathered." He explained that the majority of the parcels in the area along Old South Miles have deep properties and will be able to meet the setbacks. Mr. Frankland said if a new business is introduced, they will have to apply for variances.

Mr. Frankland said approval of the rezoning will not make any current business illegal but it will make any non-conforming businesses legal and the setbacks will be considered "grandfathered."

Mr. Stolarsky said it will also give existing businesses the opportunity to improve and they will not be burdened with the prohibition of improving or expanding non-conforming use percentages.

Mr. Mazur is pleased with the manner in which excluding franchise operations in the area is approached.

Motion by Mr. Newberry, seconded by Mr. Bentley to table consideration of Item 10 and continue the public hearing.

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

Motion Carried

11. Request from Daniel Margheret to rezone property located at 5910 and 5900 Harper Road (northwest corner of Harper Rd. And Aurora Rd. intersection) from I-2 (Industrial Manufacturing) to O-2 (Office Park) 027-2016 5

Motion by Councilman Pelunis, seconded by Mayor Drucker to schedule a public hearing on April 26, 2016.

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

Motion Carried

MINOR ALTERATIONS FROM THE PLANNING DEPARTMENT:

1. 5260 Naiman Parkway – Cardinal Health and 5370 Naiman Parkway – Supply Technologies

Mr. Frankland displayed an aerial view of the properties and indicated the two businesses which are owned by the same company. The proposal is to add ladder systems to access the roof on each building. He displayed a rendering of the ladders and said they would be enclosed in a cage that extends up to the roof and would be permanently in the down position.

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

2. 34310 Aurora Road – Giant Eagle

Mr. Frankland displayed a site plan and indicated where different seasonal displays will be located. He noted an area that indicates the sale of trees and shrubs, however, this will be clarified by the Planning Department. Mr. Frankland said he believes this area will be mostly plants, herbs and flower pots but he will confirm that with Giant Eagle. He said the area would not be appropriate for the sale of bulk trees.

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

COMMENTS FROM THE COMMISSION:

Mayor Drucker said the Simple Recycling Program will begin the week of April 18th. It is the collection of textiles and other reusable items and will take place on the regularly scheduled collection day. Residents are urged to read the information that has been sent out about the program which will include the list of eligible items. Mayor Drucker said these items are not for the recycling bin but are for placement in the green bags.

Mayor Drucker said Earth Day will be held on Sunday, April 24th from 8:30 A.M. to 1:00 P.M. It will not be held at the Solon Community Park this year. Instead, Earth Day will be held at the Service Department, 6600 Cochran Road, and the Water Reclamation Facility, 6951 Cochran Road (located at the end of Beaver Meadow Parkway). Mulch will be available for purchase at the Service Department for \$2.00 per bag or \$1.00 per bag for senior citizens, on this day only, with a limit of 10 bags per car and e-scrap items will be accepted. The Water Reclamation Facility will offer educational information, facility tours, seedling distribution and a community shred.

COMMENTS FROM THE AUDIENCE:

There were no comments from the audience.

Motion by Mr. Mazur, seconded by Mr. Newberry to adjourn the meeting at 9:27 P.M.

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

Nay: None

Motion Carried

Chairman

Secretary