

SOLON PLANNING & ZONING COMMISSION
November 29, 2016 – 7:15 P.M.

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

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

Absent: Mr. Mazur

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)

Chairman Bentley presided.

PENDING:

Mayor Drucker advised the minutes of the November 15, 2016 meeting need to be revised to note that she was present. A motion should be made to approve the minutes as presented.

1. 6010 Kruse Drive – DAISA of Solon (Le Chaperon Rouge): Mr. Bentley advised this item will be tabled at the applicant's request
2. 31100 Solon Road – MFS Supply: Notification was received from the applicant advising that they wish to delay going forward with the sidewalk portion of their application and asked the status of the accessory structure.
3. 6958 SOM Center Road – PP# 954-18-022 – Kevin and Katie Eagan: Mr. Bentley advised the applicant requested this item be tabled. Mr. Stolarsky noted a public hearing for the lot split was scheduled and it should be opened to provide an opportunity for any public comment. The public hearing will be continued at the next meeting.
6. Proposed amendment to the Zoning Code regarding the "Cell tower antenna review process": Mr. Bentley advised a public hearing is scheduled and correspondence was received regarding this issue and a recent FCC ruling.

Mr. Frankland said he is aware of the FCC ruling and although the City does not have to make changes to meet the regulations, the proposed amendment will expedite the City's review process.

Mr. Bentley and Mr. Stolarsky noted one member of the Commission is absent and the applicants will have the opportunity to request their item be tabled for

consideration by the entire commission if they have any concern regarding approval.

The caucus ended at 7:25 P.M. and the meeting began at 7:30 P.M.

CHANGES TO THE AGENDA:

There were no changes to the agenda.

COMMENTS FROM THE AUDIENCE:

There were no comments from the audience.

APPROVAL OF MINUTES:

Motion by Mayor Drucker, seconded by Mr. Newberry to approve the minutes of the November 15, 2016 meeting as presented.

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

Motion Carried

PENDING:

- | | | | |
|----|---|----------|---|
| 1. | 6010 Kruse Drive – DAISA of Solon (Le Chaperon Rouge) | 082-2016 | 6 |
| | <ul style="list-style-type: none"> ▪ Minimum number of street access drives variance (to parking lot containing more than 25 spaces) ▪ Site plan (approval of 3 bollards) | | |

Motion by Mr. Newberry, seconded by Councilman Pelunis to table consideration of Item 1 at the request of the applicant.

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

Motion Carried

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|----|--|----------|---|
| 2. | 31100 Solon Road – MFS Supply | 087-2016 | 7 |
| | <ul style="list-style-type: none"> ▪ Site plan – parking lot alteration & accessory structure | | |

Motion by Mayor Drucker, seconded by Councilman Pelunis to table consideration of Item 2 at the request of the applicant.

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

Motion Carried

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|----|--|----------|---|
| 3. | 6958 SOM Center Road – PP# 954-18-022 - Kevin and Katie Egan | 090-2016 | 7 |
| | <ul style="list-style-type: none"> ▪ Lot split ▪ 176' front yard setback variance ▪ 39' lot width at building line variance ▪ 199' lot width to depth variance | | |

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

Motion by Mr. Newberry, seconded by Councilman Pelunis to table consideration of Item 3 at the request of the applicant.

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

Motion Carried

NEW:

4. 29855 Aurora Road – Alert Leasing, Inc. (A. J. Gates) 092-2016 6
- 2' fence height variance
 - 12 space onsite parking variance
 - Site plan

Mr. Art Sherwood was present representing the applicant. He displayed an aerial view of the property indicating where the installation of a fence is proposed.

Mr. Sherwood said the business sells and services forklifts and as the industry has progressed, the equipment is getting larger and taller. He explained that this prompted the purchase of a tractor trailer with an additional trailer attachment that is able to be raised and lowered to dock height and can also be lowered to ground level to drop off equipment.

Mr. Sherwood said as this is very expensive equipment, a fence is proposed for security. He indicated on the aerial view the proposed location of the gate and said it will only be closed when the business is closed.

Mr. Bentley noted the proposal is for an 8' fence in some sections and a 10' section that will abut an existing elevated staircase. He asked Mr. Sherwood to indicate the location on the aerial view.

Mr. Sherwood indicated the location of the staircase which would be enclosed by the fence and accessible to the building. He explained that the Fire Department requested the installation of a panic door as a means of exiting in case of emergency and indicated the proposed location for the door.

Motion by Mayor Drucker, seconded by Mr. Newberry to approve a 2' fence height variance for 29855 Aurora Road.

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

Motion Carried

Motion by Mr. Newberry, seconded by Mr. Bentley to approve a 12 space onsite parking variance for 29855 Aurora Road.

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

Motion Carried

Motion by Councilman Pelunis, seconded by Mayor Drucker to recommend approval of the site plan for 29855 Aurora Road.

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

Motion Carried

5. 32950 Arthur Road – Patricia Tweitmeyer 094-2016 7
 ▪ 14' front setback variance

Mr. Jeff Weaver, contractor, was present representing the applicant and indicated the location of the handicap ramp. He noted how difficult it is for both Mrs. Tweitmeyer and emergency personnel to maneuver the wheelchair up and down the steps.

Mr. Newberry asked if the ramp has already been installed without a permit.

Mr. Weaver said the ramp was installed without a permit, however, it was considered an emergency situation. He explained that paramedics have been coming to the house often for appointments and they have difficulty in maneuvering the wheelchair. Mr. Weaver said he worked with the City's Building Inspector during the construction of the ramp to ensure everything was done to Code and meets ADA specifications.

Motion by Mayor Drucker, seconded by Councilman Pelunis to approve a 14' setback variance for a handicap ramp.

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

Nay: None

Motion Carried

Mr. Bentley said a penalty may be issued by the Building Department because the ramp was built without the appropriate permit.

COUNCIL REFERRAL:

6. Proposed amendment to the Zoning Code regarding the "Cell Tower Antenna Review Process"

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

Mr. Frankland said while reviewing the City's current Code governing the review of cell towers, he submitted the amendment for consideration to ensure that the City remains in compliance with the FCC ruling.

Mr. Frankland said the FCC ruled that the review of a plan involving the replacement of "like for like" antennas must be completed within 60 days. In most cases the City's current Code accommodates the 60 day time frame, however, it requires that a public hearing be held by both the Planning Commission and the Council unless the tower is located on City property and can be waived by the Council. In certain cases it may be possible that there may not be adequate time to accommodate the 60 day time frame.

Mr. Frankland is proposing the Code be amended to require that a public hearing be held by just the Planning Commission for applications concerning "like for like" antenna or equipment replacement projects. He explained this would not affect

requests for towers that do not meet the "like for like" definition from the FCC as a 90 day time frame is provided and two public hearings would still be required.

He further explained that the FCC provides 150 days for review of new towers and the City's Code would still require at least one public hearing by both the Planning Commission and the Council. Therefore, the amendment only impacts "like for like" replacement antennas and equipment as interpreted by the Administration and as defined in the FCC ruling.

Councilman Pelunis said a letter was received from Crown Castle this evening and he has not had the opportunity to review it. He asked that Mr. Stolasky also review it, and provide an opinion to the Commission, especially as it pertains to the last sentence in the first paragraph where it is Crown Castle's position that, "the City's proposed amendment is inconsistent with Federal law and will not meet the City's objectives."

Mr. Stolarsky said he has also not had the opportunity to review the letter, however, he has seen letters from other entities and after reviewing the FCC regulations, he believes the City's current Code and the proposed amendment meet federal regulations and he would be comfortable moving forward with the amendment.

Mr. Frankland said he and Mr. Stolarsky met with cell tower companies, including Crown Castle, and they understand the FCC ruling and requirements and he feels the City's Code does reflect the FCC's requirements.

Mr. Stolarsky said as a practical matter, he believes the City's current Code has always met the FCC requirement and the amendment is an effort to streamline the process by eliminating one of the public hearings.

Mr. Travis Schenk, Crown Castle, was present and said the letter was sent from his office and it is lengthy. He said he has met with Mr. Stolarsky and Mr. Frankland and agreed with them. Mr. Schenk said there has never been a timing issue with the City of Solon.

Mr. Schenk does feel that since a proposed amendment is being reviewed, the definitions contained in the FCC's report in Order 14-154 which was adopted on October 14, 2014, should be reviewed in depth. He explained that the term "eligible facilities request" is defined under this statute as any request for modification of an existing tower or base station that involves co-location of new transmission equipment, removal of transmission equipment or replacement of transmission equipment. Mr. Schenk said in accordance with the FCC order, the failure of jurisdiction to approve an eligible facility's request application within 60 days shall result in an application being deemed approved. It is their belief, therefore, that the amendment only considers "like for like" changes and not the other items listed. Mr. Schenk would like the Commission to consider including all of the listed items in the FCC report in the proposed amendment.

There were no further comments, however, Mr. Bentley said the public hearing will remain open.

MINOR ALTERATIONS FROM THE PLANNING DEPARTMENT:

1. 29601 Solon Road – Card Pak

Mr. Frankland displayed an aerial view of the property indicating existing garage doors located at grade level on the front of the building. He said the proposal is to raise the garage doors to create a raised loading area while maintaining the same elevation.

Mr. Frankland displayed a photograph of the garage doors indicating where they will be raised by 4.5'. He indicated where the bottom will be bricked in allowing easier unloading from trucks.

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

COMMENTS FROM THE COMMISSION:

Mayor Drucker said the annual tree lighting celebration on November 23rd started the City's holiday season. She commended everyone who participated in the celebration. Mayor Drucker offered special thanks to Jim Thompson, John Thompson, Tim Siebert and Kevin Amick from the Service Department. She said they were responsible for the lights, the decorations and ensuring that the lights would go on once the switch was flipped. In addition, she thanked Tracy Sullivan, Allison Urban, Maria Klein, Billy Conklin, Christine Madden and Vanessa Majewski from the Solon Center for the Arts. The celebration continued at the Art Center with entertainment, refreshments, visits with Santa and, for the first time, horse drawn carriage rides. Mayor Drucker said it was a great evening and community event and she thanked everyone who participated.

Mr. Bentley welcomed Stephanie from Notre Dame Cathedral Latin High School who attended the meeting and is completing her senior project regarding government. He wished her well and thanked her for attending the meeting.

COMMENTS FROM THE AUDIENCE:

There were no comments from the audience.

Motion by Councilman Pelunis, seconded by Mayor Drucker to adjourn the meeting at 7:55 P.M.

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

Motion Carried

Chairman

Secretary