

**SOLON PLANNING & ZONING COMMISSION
SEPTEMBER 26, 2017 – 7:30 P.M.**

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

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

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.)

Chairman Bentley presided.

NEW:

Mr. Mazur inquired if any new information was available regarding Inactive Item A., Le Chaperon Rouge. Ms. Welch answered no.

The caucus ended at 7:23 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 Mr. Mazur, seconded by Mr. Newberry to approve the minutes of the September 12, 2017 meeting as presented.

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

Nay: None

Abstain: Drucker

Motion Carried

PENDING:

1. 32640 Shadowbrook Drive – David and Dina Rock 091-2017 4
 - 20% minimum front yard pavement coverage variance
 - 10' distance between drives variance
 - 25' pavement setback variance

Mr. Bentley said the applicants are working with the neighbors to try and reach a viable solution.

Motion by Mayor Drucker, seconded by Mr. Mazur to table consideration of Item 1.

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

Nay: None

Motion Carried

NEW:

2. 33000 Solon Road – Verizon Wireless – cell tower 095-2017 6
- Site plan - modify and update existing antennas and equipment

Mr. Bentley opened the Public Hearing and asked for comments.

Mr. Jessie Styles, 2530 Superior Avenue, Suite 303, Cleveland, Ohio was present representing the applicant. He explained antennas and associated equipment would be replaced and altered on the existing cell tower at 102 feet with additional ancillary amplifying equipment mounted around the antennas. The overall intent and count would remain the same.

Mr. Bentley stated the Police Department is requiring a radio frequency study to insure there is no interference with their equipment. Until the study is finalized and approved, a building permit will not be issued. Mr. Styles was in agreement.

There were no additional comments.

Mr. Bentley closed the Public Hearing.

Motion by Mr. Newberry, seconded by Mr. Mazur to approve the site plan to modify and update the existing antennas and equipment on the Verizon Wireless cell tower at 33000 Solon Road contingent upon the Police Department's receipt and acceptance of the signal interference report prior to issuing a building permit.

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

Nay: None

Motion Carried

3. Ayleshire Drive and Aurora Road – Ayleshire Homeowners Association 096-2017 6
- 9.1 sq ft sign area variance
 - 0.6' sign width variance
 - 0.8' sign height variance

Dr. Michael Herman, President of Ayleshire Homeowners Association, was present. He displayed pictures of the existing 20 plus year old development sign and described its deteriorated state noting it was not economically feasible to repair. Dr. Herman presented the new sign plans remarking that in the event sewer maintenance is necessary, fully anchored moveable columns will be incorporated. He said the code has changed since the original sign was installed, requiring the need for variances but pointed out the two measurements are not significantly different.

Mr. Bentley commented on the attractive sign and its mobility. He informed the applicant anytime a sign is placed over an easement it becomes the responsibility of the owner.

Mr. Stolarsky understands Dr. Herman does not have the authority to sign an agreement this evening, but prior to permits being issued, the Law Department would ask for the execution of a license agreement along with an amendment clarifying the agreement pertains only to the sewer easement and it would not involve any potential work or right-of-way acquisition with regard to Aurora Road.

Mayor Drucker expressed concern with the deed restriction titled Number 20 of the license agreement in that the purchaser of subplot 40, where the sign is located, is given notice that there is a 30x40 area just inside the city right-of-way at the corner points that has been designated for the subdivision signage and landscaping entranceway. This creates a slight issue, in her opinion, with requiring the license agreement because the city relies on deed restrictions for cooperation and it should be reciprocally relied upon with owner requests. Mayor Drucker believes this is a great improvement to a beautiful development and supports the variances but prefers not to impose a contingency.

Mr. Newberry indicated Statement 20 in the HOA Agreement indicates the area is within the city right-of-way which he believes is essentially not true; it is outside the city right-of-way in a sanitary sewer easement. He stated the city is asking for the Agreement to formally memorialize that the sign will be located in an area of public need. Mayor Drucker understands and noted that the sign is movable. She stated she will vote yes in support of the variances but would like her contingency preference on record.

Dr. Herman stated the surveyor drawings indicate the sign does cross in the city's right-of-way as he comprehends it. Mr. Newberry described the right-of-way as the outside edge of the 30x40 feet, with a ten foot easement inside and a 20 foot sewer easement inside of the ten foot general utility easement. Mr. Newberry felt the 20x30 highlighted area was inside the easement but outside the city's right-of-way. Dr. Herman understood.

Councilman Pelunis requested the Law Department's recommendation. Mr. Stolarsky replied the latest agreement would be the City approving the permit to reconstruct the sign and asked the Commission to attach a contingency that a License Agreement be executed with the Amendment that this does not involve right-of-way acquisition work, only sewer easement work.

Motion by Mayor Drucker, seconded by Mr. Mazur to approve the 9.1 sq ft sign area variance.

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

Nay: None

Motion Carried

Motion by Mr. Mazur, seconded by Mr. Newberry to approve the 0.6 foot sign width variance.

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

Nay: None

Motion Carried

Motion by Mr. Newberry, seconded by Councilman Pelunis to approve the 0.8 foot sign height variance with the contingency that a License Agreement satisfactory to the Homeowners Association and the City be executed prior to issuance of the building permit.

Mayor Drucker interjected she would be voting yes only because, as stated, she does not want to reject the variance.

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

Motion Carried

COUNCIL REFERRAL:

4. Request from OMNI Property Companies to rezone property located near the Kruse Drive/Bainbridge Road Intersection to Senior Housing 6

Mr. Bentley stated a Public Hearing would be scheduled for this request to rezone property for a senior housing center.

Mr. Frankland explained the project would require a zone change on the May 8, 2018 ballot. He stated the Commission and Council would need to complete all reviews by February 5, 2018.

Mr. Frankland presented a map of the area and briefly described the proposed project that would encompass 5.38 acres in the vicinity of Kruse Drive and Bainbridge Road. He stated the area is currently zoned Historical Commercial and Restricted Retail. The request is to rezone it to Senior Housing.

Mr. Frankland stated the proposal would include two buildings, one four story building with 84 independent living units and one three story building containing 42 assisted living units and 16 memory care units. He stated the numbers of units could vary and the elevations are conceptual. When the plan is more finalized, it would be presented.

Mr. Frankland stated this is a zone change request. Variances would only be considered upon approval of the zone change in May. He stated the Commission would return a recommended site plan and elevations to Council. Mr. Frankland noted those items are normally attached to the submittal to the Board of Elections. He stated there would also be a development agreement for protection with the principals.

Mr. Frankland cited the timeline for this project.

Mr. Frankland explained the Master Plan should be reviewed for the area. Does it make sense to build this? He stated this type of facility requires a large area of vacant commercial zoning. He stated the Senior Services Director believes there's a need for Senior Housing. Mr. Frankland noted there is a waiting list for other apartments within the City.

Motion by Mayor Drucker, seconded by Mr. Mazur to schedule a Public Hearing on October 10, 2017 for Item 4.

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

Motion Carried

MINOR ALTERATIONS FROM THE PLANNING DEPARTMENT:

There were no minor alterations.

COMMENTS FROM THE COMMISSION:

There were no comments from the Commission.

COMMENTS FROM THE AUDIENCE:

There were no comments from the audience.

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

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

Motion Carried

Chairman

Secretary