

**SOLON PLANNING & ZONING COMMISSION
OCTOBER 24, 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, Assistant Law Director/Prosecutor Stolarsky, Planning Director Frankland, Secretary McConoughey

Absent: Mayor Drucker

Also Present: Fire Inspector Eisenhuth, Assistant City Engineer Welch, Assistant Clerk of Council Buller

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:

2. Request from OMNI Property Companies to rezone PP#'s 952-19-005, 952-19-006, 952-19-007, 952-19-008, 952-19-009 and 952-19-013, located near the Kruse Drive/Bainbridge Road intersection to the R-3-A (Senior Citizen Residential-1) District: Mr. Frankland advised the memory care facility does not require a height variance.

The caucus ended at 7:28 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:

Ms. Maria Nastasi, President of Sherbrook Condominium Association, 5721 SOM Center Road, commented on Item 1. She reiterated comments from an October 20, 2014 Council meeting that advised a potential buyer that six foot or more elevation between the properties will affect drainage. Ms. Nastasi said if vegetation is removed, additional problems could occur. She noted Sherbrook Gardens, the property to the west, is situated on natural springs and suggested the applicant consider drain tiles at the back of the 5800 Ledgebrook Lane property.

APPROVAL OF MINUTES:

Motion by Mr. Newberry, seconded by Mr. Mazur to approve the minutes of the October 10, 2017 meeting as presented.

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

Motion Carried

NEW:

- | | | | |
|----|---|----------|---|
| 1. | 5800 Ledgebrook Lane – David J. Sarver | 099-2017 | 4 |
| | ▪ 131.5' front yard setback variance | | |
| | ▪ Not parallel to the street variance | | |
| | ▪ 14' maximum driveway width variance | | |
| | ▪ 4' minimum driveway width variance | | |
| | ▪ Maximum number of accessory structures variance | | |
| | ▪ Accessory structure location variance | | |
| | ▪ 596 sq. ft. maximum accessory structure area variance | | |
| | ▪ Lot consolidation – PP#'s 952-33-006 and 952-33-022 | | |

Mr. Brett McCann and Ms. Kathryn Baker, prospective buyers of the property, were present. Mr. McCann reviewed the variances. He explained the front yard setback variance is necessary due to a pond and the uniqueness of the lot. He said it is difficult to place the house parallel to the street due to the storm sewer. In order to retain the existing driveway, dock and retaining wall, driveway width variances are necessary. He stated the maximum number of structures variance is necessary because of an existing patio and the request to combine the two parcels into one. Mr. McCann stated Roto Rooter inspected the sewer and assured him the storm sewer should accommodate any water issue.

Mr. Stolarsky advised that due to the absence of a Commission member, an affirmative vote of three of the four members present is required for approval. He explained that if at any time prior to a vote any applicant feels he would benefit from a full commission, he can request the item be tabled.

If the Commission were to move forward, Mr. Stolarsky requested consideration of the setback variance be contingent upon the consolidation plat being filed prior to permits being issued and that the plat contain an acknowledgement that the property owner shall be solely responsible for the storm sewer located on the property and removing any liability from the City of Solon.

Mr. Frankland said the original house burned down and over the years similar variances have been requested, however, no prospective buyer had agreed to accept the required responsibility of maintaining the storm water runoff system.

Mr. Bentley read a letter submitted by Councilman Kotora advising the applicants of the significant elevation differences that exist between this parcel and the property to the west that may lead to storm water running into this parcel during heavy or consistent rainfalls. He advised all parties, including architects and builders, should be aware prior to construction, of the potential for water to run downhill into this parcel.

Mr. Bentley opened the public hearing and requested comments. There were no comments, therefore, the public hearing was closed.

Motion by Mr. Mazur, seconded by Mr. Newberry to approve a 131.5' front yard setback variance contingent upon the consolidation plat being filed prior to permits being issued.

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

Motion Carried

Motion by Mr. Newberry, seconded by Councilman Pelunis to approve a not parallel to the street variance.

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

Motion Carried

Motion by Councilman Pelunis, seconded by Mr. Mazur to approve a 14' maximum driveway width variance.

Mr. Newberry stated this variance was due to the approach to the garage being wider than the maximum allowed and would extend the existing driveway.

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

Motion Carried

Motion by Mr. Mazur, seconded by Mr. Newberry to approve a 4' minimum driveway width variance.

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

Motion Carried

Motion by Mr. Newberry, seconded by Mr. Bentley to approve a maximum number of accessory structures variance.

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

Motion Carried

Motion by Mr. Mazur, seconded by Mr. Newberry to approve an accessory structure location variance.

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

Motion Carried

Motion by Councilman Pelunis, seconded by Mr. Newberry to approve a 596 sq. ft. maximum accessory structure area variance.

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

Motion Carried

Motion by Mr. Newberry, seconded by Mr. Mazur to approve a lot consolidation of PP#'s 952-33-006 and 952-33-022 contingent upon the applicant's submission of the plat that includes an acknowledgement that the property owner shall be solely responsible for the storm sewer located on the property and removing any liability from the City of Solon.

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

Motion Carried

COUNCIL REFERRAL:

2. Request from OMNI Property Companies to rezone PP#'s 952-19-005, 952-19-006, 952-19-007, 952-19-008, 952-19-009 and 952-19-013, located near the Kruse Drive/ Bainbridge Road intersection to the R-3-A (Senior Citizen Residential-1) District 100-2017 6

Mr. Bentley stated the public hearing is still open and requested comments.

Mr. Gary Biales, 32870 Wintergreen Drive, VP of Development, OMNI Property Companies, was present. He advised a development agreement has been submitted for review.

Mr. Mazur requested a review of the elevations. Mr. Biales displayed pictures of the proposed development with the four-story independent living to the north elevation facing Kruse Drive and the three-story memory care unit and assisted living building facing south.

Mr. Biales noted the buildings are situated apart to meet building codes with one walkway attachment from the first floor of the independent living building to the first floor of the memory care building and a second walkway attachment connecting the second and third floors between the assisted living and independent living buildings.

Mr. Mazur inquired as to the location for deliveries. Mr. Biales explained the western side of the independent living building would be utilized for deliveries, storage and the kitchen. A screened dumpster enclosure would be outside that area.

Mr. Biales said the west elevation will face Le Chaperon Rouge and the top elevation will face east to the vacated Poly-Carb Inc. parcel.

Mr. Newberry said there is a need for this type of facility in Solon and appreciates the efforts of OMNI Property Companies.

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

Motion by Mr. Newberry, seconded by Mr. Mazur to recommend approval of the request from Omni Property Companies to rezone PP#'s 952-19-005, 952-19-006, 952-19-007, 952-19-008, 952-19-009 and 952-19-013 from C-1 and C-2 to R-3-A.

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

Nay: None

Motion Carried

3. Ordinance proposing an amendment to Section 1288.04(3)(d) of the Zoning Code, "Non-Commercial Opinion Signs"

Mr. Frankland provided a brief background on this issue that emphasized political and religious speech over business speech. He said he provided Council a memorandum containing three options: 1) enforce the ordinances as they are currently, 2) attempt to leave in the minimum requirements necessary to serve a legitimate government

interest and protect the health, safety, welfare of the residents and 3) to provide no enforcement at all because of possible legal consequences (recommended by the Law Director). Mr. Frankland stated the Council considered these options in detail and decided on option two.

Mr. Frankland stated the ordinance before the Commission allows one political sign all year long, additional temporary commercial signs 30 days prior to an election and one political sign for any number of issues located up to the right-of-way. He said several of the current requirements remain the same.

Mr. Bentley questioned if signage can be placed up to the property line or up to the easement. Mr. Frankland said the current requirement states 15 feet off of the property line but the proposed amendment would allow signage to be placed to the property line but not within the right-of-way. He added there is a provision if the safety forces determine the sign causes a general health, safety, welfare risk, it is enforceable.

Mr. Newberry questioned why a stipulation in the permanent non-commercial sign section mentions easement location but in the temporary sign section the easement location is not mentioned.

Mr. Frankland explained a permanent sign could utilize poles, mounted into the ground causing a utility issue whereas the temporary signs are typically metal rods inserted into the ground. Mr. Frankland said in view of court cases, it would be too strict to disallow such signs within an easement.

Mr. Newberry expressed concern with legislation that allows a resident to insert a temporary non-commercial opinion sign with a post into the ground within a utility easement area. He also expressed concern with inadequate definitions of temporary non-commercial opinion signs as opposed to permanent signs and requested a temporary sign definition be provided.

Mr. Frankland voiced apprehension with not allowing a property owner to put up a temporary sign in an easement across the front of their property.

Mr. Frankland stated the Commission should view how political signs are typically installed, but if the Commission is concerned about the eventuality of an easement issue, a prohibition could be inserted.

Mr. Frankland believes the attempt is to balance the health, safety and welfare of the residents and avoid legal action. He presumed the Engineering Department would not approve the sinking of posts into the ground in easements. Ms. Welch acknowledged the Engineering Department would not approve a major post in any type of easement.

Mr. Mazur advised Council has discussed this item and has presented this draft as their intent.

Mr. Newberry suggested an ordinance containing a definition of a temporary sign as wire brackets, with a length unable to reach the utilities.

Mr. Frankland advised the Courts will rule on this matter in the near future and such an amendment could be considered at that time.

Motion by Mr. Mazur, seconded by Councilman Pelunis to recommend approval an amendment to Section 1288.04(3)(d) of the Zoning Code, "Non-Commercial Opinion Signs" as presented by the Planning Director and Council.

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

Motion Carried

MINOR ALTERATIONS FROM THE PLANNING DEPARTMENT:

1. 6140 SOM Center Road – Former Paco's Tacos restaurant

Mr. Frankland stated the Burntwood Tavern owners will be opening an Italian restaurant named Rosina's at this location. He presented pictures and stated the modest changes include a Rosina's sign above the entryway, a rose wall motif and rustic awnings with rustic planter boxes below.

Mr. Frankland said this area is located in the C-4 district and does not require Western Reserve architecture.

The Commission determined no further review was necessary.

COMMENTS FROM THE COMMISSION:

Mr. Mazur wished everyone a safe and happy Halloween.

Mr. Newberry echoed Mr. Mazur's comments and encouraged everyone to vote on November 7th.

Motion by Mr. Bentley, seconded by Mr. Newberry to remove Item B from the Inactive Agenda.

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

Motion Carried

COMMENTS FROM THE AUDIENCE:

There were no comments from the audience.

Motion by Mr. Mazur, seconded by Mr. Newberry to adjourn the meeting at 8:13 P.M.

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

Motion Carried

Chairman

Secretary