

SOLON PLANNING & ZONING COMMISSION
MAY 29, 2018 – 7:05 P.M.

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

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

Absent: None

Also Present: Fire Inspector Eisenhuth, Councilman Magill, Vice Mayor Meany, Assistant City Engineer Welch, Councilman Zelwin

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.

Mr. Bentley and Mr. Stolarsky advised those who intend to comment this evening will be sworn in at the beginning of the meeting.

PENDING:

1. Emerald Ridge Parkway – Unit A – Uday Patel – site plan modification:
Mr. Frankland advised that a letter was received from the Homeowners Association indicating they approved the plan.

COUNCIL REFERRAL:

5. Request from BNH Enterprise Corporation to rezone PP #955-18-043 for a Planned Unit Development (PUD) (winery proposal – former Luczek property):

The Commission members discussed the requirements to schedule public hearings for this item. Mr. Stolarsky advised notification to the adjacent and abutting property owners is required at least 15 days prior to the public hearing, therefore, the earliest that a public hearing can be scheduled is the Planning Commission's June 26th meeting.

There was much discussion regarding whether the issue may forward without legislation creating the new zoning classification and it was also noted items such as a traffic study, a development agreement, Safety and Public Properties Committee review, etc. have not been received.

Mr. Jordan Berns, attorney representing the developer, was present and said they are requesting a proposed rezoning to a new zoning classification which the Planning Director is in the process of preparing. He explained it is not possible to provide any

of the items being requested until the new zoning classification has been determined, so they are seeking a rezoning of the property at this time. Once the zoning classification has been prepared, they will be able to provide a preliminary plan to address the items being requested.

It was requested that further discussion be heard on the floor during the meeting. Again, it was noted that the zoning classification was necessary before the Commission can consider the request.

Mr. Frankland explained the plan is the rezoning. The discussion was continued during the meeting.

The caucus ended at 7:20 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:

Mr. Bentley and Mr. Stolarsky explained the protocol for the meeting. Mr. Stolarsky swore in attendees who wished to make a comment and stated any documents presented should be submitted to be marked as exhibits.

Councilman Pelunis noted the applicant will provide a presentation during the public hearing (to be scheduled) at which time residents will have an opportunity to make comments.

Mr. Stolarsky individually swore in audience members who wished to comment but were not sworn in earlier in the meeting.

Mr. Constantine Chimples, 6576 Hyllwynd Circle, expressed amazement at the inconsistency of the proposed development in single family residential zoning. He said upon speaking with the developer's legal representative, it is his understanding the number of stories of the proposed buildings are unknown. Mr. Chimples is concerned the environmentally protected lake will be compromised and is also concerned with light pollution. He believes a traffic study will be done to consider an access road through Dorset Lane and considers that to be a complicated situation because accessing Aurora Road is already difficult and additional vehicles will exasperate the situation.

Mr. Jon Shane, 39425 Cortina Circle, reminded the Commission a plan does not have to be approved and the approved one-acre residential zoning can remain in place. He finds the proposed plans to be spectacular but he did not see acres of grapes being grown. He would ask the developer to call it what it is, which is a party center. Mr. Shane believes that an access road from a licensed liquor facility into a residential neighborhood would be reprehensible and irresponsible. He strongly objects to a party center interfering with the ambiance of his expensive home.

Ms. Sally Feldman, 5560 Emerald Ridge Parkway, said in regard to the Emerald Ridge site plan modification, she opposes the removal of woods and the displacement of wildlife to build houses. Ms. Feldman requested sidewalks be considered on the parkway as a condition to approving the Emerald Woods plan, due to the possible repercussions of increased traffic.

Mr. Edward Brodbeck, 6532 Dorset Lane, said his property abuts the proposed (winery) development and he objects to the destruction of the neighborhood's quaintness.

Ms. Donna Thomas, 37905 Flanders Drive, believes this development will further the depreciation of her home. She believes the proposed development's online advertising campaign is false and misleading.

Mr. Akhilesh Chowksey, 6565 Dorset Lane, said he is committed to the community and believes it should be protected from the traffic issues that would be created by this project. He supports the existing zoning and discouraged any development contrary.

Mr. Gary Marquiss, 6554 Dorset Lane, reviewed his reasons for relocating to Solon and believes the entire city would be negatively affected if this rezoning were to happen.

Mr. Dan Luciano, 37900 Flanders Drive, believes Solon needs to encourage growth but questions a winery's success at this location versus a solid tax-based housing development.

Ms. Elizabeth Minich, 6597 Hyllwynd Circle, vehemently opposes this project. She moved to Thornbury for family safety and ambiance and would like that preserved. Ms. Minich expressed concern with drainage issues and agrees with the comments of previous speakers.

Ms. Anju Agarwal, 38745 Flanders Drive, agrees Solon needs to grow, however, she expressed her displeasure at this project's location due to safety, security and traffic reasons. Ms. Agarwal believes the property values will decline in her neighborhood if this project is allowed.

Mr. M. Talasila, 37740 Flanders Drive, urged the Commission to visit Thornbury and see how the children enjoy the neighborhood. He requested this tranquility not be destroyed.

PENDING:

- | | | |
|------------------------------------------------|----------|---|
| 1. Emerald Ridge Parkway - Unit A – Uday Patel | 036-2018 | 5 |
| ▪ Site plan modification | | |

A public hearing was scheduled.

Mr. Bentley opened the Public Hearing and requested comments.

Mr. Bill Joyce, Joyce Building Company, 7070 Country Lane, Bainbridge, Ohio, was present representing the applicant. He presented plans and described the modifications to the previously approved Phase I segment on Emerald Ridge Parkway. Mr. Joyce said smaller single family detached units would be more appealing to the 50 and older segment and would also allow a decrease in density at the same location as the previously approved Phase I. He noted the Phase II density will remain the same.

Mr. Stolarsky inquired about the Phase II property and the separate parcel number assigned by the County. Mr. Joyce said Mr. Uday Patel is the owner of the property for both Phase I and Phase II.

Ms. Diane Goodrich, 5560 Emerald Ridge Parkway, requested clarification regarding the access road onto Emerald Ridge Parkway. Mr. Joyce displayed the plans and indicated the existing roads along with a temporary drive accessing Emerald Ridge Parkway to support fire services, if the need arose. He noted the temporary drive will be closed when Phase II is developed.

Ms. Goodrich inquired how the Phase II vehicles will exit. Mr. Joyce said the wetlands will remain and he is proposing an access road which would exit onto Emerald Ridge Parkway.

Mr. Stolarsky noted the Commission is considering only Phase I this evening.

Mr. Joyce displayed plans for the proposed Phase II project and indicated the location for the proposed access road.

Ms. Goodrich said vehicles continue to traverse the wrong way in the existing roundabout.

Mr. Bentley said a letter was received from Mr. Kevin Young, President of Villas of Emerald Woods Condominium Association, in favor of the Phase I revised site plan.

Ms. Welch said items one through twelve from the May 9th Engineering Department memo will apply.

There were no comments from the audience.

The public hearing was closed.

Councilman Pelunis said the density is less and the plan is consistent with previous approvals.

Motion by Councilman Pelunis, seconded by Mr. Newberry to approve the site plan modification contingent upon compliance with the requirements indicated in the Engineering Department's May 9th memo.

Mr. Newberry requested the temporary gravel construction drive be removed or barricaded or both at the conclusion of the construction of Phase I as a condition.

Councilman Pelunis asked if the Fire Department would agree to that contingency.

Inspector Eisenhuth said the Fire Department would prefer it to remain until the completion of Phase II. Mr. Newberry revised his second to require the road be fully improved in accordance with the requirements of the City to avoid residents driving over a gravel road.

Mr. Bentley asked the applicant their thoughts on the second. Mr. Joyce understands why it would be necessary; however, due to the road's location, the next phase of units will be built over that access road. He noted there are two dead end streets in the subdivision and suggested barricading the access road in the evening as long as the loop road remained open. Mr. Newberry was satisfied with barricading the portion exiting onto Emerald Ridge Parkway and leaving the internal loop in place. Mr. Joyce requested a "construction drive only" sign on the parkway.

Councilwoman Meany said she notified the residents of Emerald Ridge of the site plan modification by letter. She has met with the developer and believes this road will be used by emergency and construction vehicles only. Councilwoman Meany said there is validity to the request for sidewalks and requested they be considered for the next phase.

Motion by Councilman Pelunis, seconded by Mr. Newberry to approve the site plan modification contingent upon requirements in the May 9th Engineering Department memo and the installation of a barricade at the temporary access road.

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

Motion Carried

NEW:

- | | | | |
|----|---------------------------------------------------------|----------|---|
| 2. | 6801 Cochran Road – CCATT, LLC/
Crown Castle/Verizon | 039-2018 | 7 |
| | ▪ Site plan – equipment modifications | | |

A public hearing was scheduled.

Mr. Bentley opened the public hearing and requested comments.

Mr. Jarrod Krenn, Crown Castle International, 2000 Corporate Drive, Cannonsburg, Pennsylvania was present representing the applicant. He displayed photos of the tower located at 6801 Cochran Road and the request to remove and exchange the mounting brackets on 12 Verizon antennas located at 160 feet, and remove and replace the remote radio heads.

There were no comments from the audience.

The public hearing was closed.

Councilman Magill asked if this would increase the band width. Mr. Krenn replied this change allows Verizon future expansion capabilities.

Motion by Mr. Newberry, seconded by Mr. Mazur to approve a site plan for equipment modifications for CCATT, LLC/Crown Castle/Verizon at 6801 Cochran Road.

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

Motion Carried

3. 32695 Seneca Drive – Mario and Mary Ellen Guastella 040-2018 1
 ▪ Pool location variance

Mr. Bentley announced the applicant requested this item be withdrawn.

Motion by Mr. Mazur, seconded by Mayor Kraus to accept the withdrawal of Item 3.

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

Motion Carried

4. 5860 Briarhill Drive – Carol and Tim Gifford 041-2018 6
 ▪ Detached garage location variance

Carol and Tim Gifford were present. Mr. Gifford requested a variance for a two car detached garage. He said the current three car garage base is short and does not accommodate their vehicle. Mr. Gifford presented the plans and indicated the location of the proposed garage which would be nine feet, six inches from the current property line.

Mr. Bentley asked what year the house was built and the type of materials planned for the new garage. Mr. Gifford stated the house was built in 1950 with additions over the years and the materials would match the vinyl siding on the house.

Mrs. Gifford noted the neighbors are in written agreement with this project. Mr. Gifford said a homeowners association approval letter is pending.

Motion by Mr. Mazur, seconded by Mr. Newberry to approve the detached garage location variance.

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

Motion Carried

COUNCIL REFERRAL:

5. Request from BNH Enterprise Corporation to rezone PP# 955-18-043 for a Planned Unit Development (winery – former Luczek property)

Councilman Pelunis said several valid points were discussed during caucus and a public hearing will be scheduled for this item; however, the request for rezoning lacks definitive information applicable to this proposal. Councilman Pelunis said it would be premature to schedule a public hearing at this time because there is not sufficient information provided that the public could comment on. All that has been presented is the drawings.

Mr. Jordan Berns, Attorney, 3733 Park East Drive, Beachwood, Ohio, was present representing the applicant. He said per the procedure outlined in the Code, a rezoning

request has been submitted. In response to Councilman Pelunis' comments, he agrees that zoning code language that allows for the proposed usage of the property and a proposed ordinance that would allow the property to be rezoned to that district is necessary.

Mr. Berns explained the proposal was preliminarily discussed with the Planning Director and it is his understanding that the Planning Director is currently developing a zoning code provision for mixed use developments similar to this project. Mr. Berns believes this project would be an appropriate development to be considered for rezoning in conjunction with the new code section which he anticipates would be available when the public hearing is scheduled.

Councilman Pelunis said he was unaware that Mr. Frankland was preparing a zoning amendment for mixed use developments.

Mr. Frankland explained, he is not implying any approval of this project, however, coincidentally, as per the Master Plan recommendations, he is drafting mixed use zoning language to be submitted to the Planning Commission to redevelop the Sears/Marc's site, however, the language would be general and could be applicable to many properties.

Councilman Pelunis asked if the timeline would allow proper public review with a comment period.

Mr. Frankland said the timeframe is very short especially since other time consuming projects have come up and he has not progressed as far as he anticipated in preparing the language. Although he noted mixed use zoning is structured similar to subdivision zoning, there are many other issues involved with the rezoning and creation of a development, however, it may be possible.

Mr. Berns said the City Code requires a comprehensive site plan review process and it would be premature to seek approval through that review process prior to the property being rezoned. Once the property is rezoned, they would be required to comply with the site plan review process which would involve many of the studies Councilman Pelunis mentioned.

Councilman Pelunis was in agreement with that thought but noted what is being presented is a request to rezone a parcel for a planned unit development without any existing language. Councilman Pelunis requested a review of the language prior to the scheduling of a public hearing.

Mr. Newberry agreed and understands Mr. Bern's intention to plan portions of mixed use prior to the zoning presentation. However, Mr. Newberry felt a zoning ordinance must be in place prior to the Commission considering this or any similar project.

Mr. Mazur asked if the mixed use zoning will incorporate restrictions as to height, materials, setbacks, green space etc.

Mr. Frankland said a mixed use zoning can be specified by the City with the site plan becoming the zoning for the property. Mr. Newberry agreed.

Councilman Magill questioned if each mixed use development plan would be a unique zoning district. Mr. Frankland replied each would be a different site plan. Councilman Magill asked if similar codes in other cities have been investigated and Mr. Frankland advised he is aware of other city codes. Councilman Magill asked what the expected sequence of events is for this project. Mr. Frankland said the Planning Commission would be driving this process and if they request the planned unit development zoning be prepared and submitted, that would be the next step followed by the Commission's discussion of the regulations in relation to the submitted site plan.

Mr. Bentley concurred currently there is a lack of information to merit a public hearing and/or a referral to Council.

Mr. Stolarsky said legally, a public hearing must be held at some point. Councilman Pelunis agreed but said it would be impractical to schedule a public hearing for a rezoning without the written rezoning language.

Mr. Stolarsky asked if the Commission is directing the Planning Director to prepare the rezoning language. Mr. Frankland asked if the Commission is directing the Planning Department to submit planned unit development regulations in order to proceed. Councilman Pelunis inquired if the Commission requested the Planning Director to submit this information, would it become necessary to tailor it to the applicant's request. Mr. Stolarsky said the Planning Director would submit according to the Commission's request.

Motion by Mr. Newberry, seconded by Mr. Mazur to direct the Planning Director to prepare code language for review by the Planning Commission and the Council regarding mixed or planned use developments within the City of Solon as part of the Zoning Code.

Mr. Mazur suggested no time restraints be placed on this motion.

Councilman Pelunis asked if the motion included all planned unit developments for anywhere in the City or specifically for this project.

Mr. Frankland said the legislation would not be tailored for this specific project, it would be a general planned unit development regulation as part of the Zoning Code. The original intention of the zoning code legislation was to incorporate the Master Plan recommendations relating to downtown redevelopment.

Councilman Pelunis verified a yes vote was for the Sears/Marc's site and for other sites within the city. Mr. Frankland agreed stating from a planning perception, what would be in the best interest of the City. He said the Planning Commission would review and refine that further.

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

Motion Carried

Councilman Pelunis believes it would be premature to schedule a public hearing at this time. Mr. Bentley and Mr. Newberry concurred.

Motion by Councilman Pelunis, seconded by Mr. Newberry to table consideration of Item 5.

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

Motion Carried

Mr. Berns asked if planned unit development code provision information was to be provided and acceptable for discussion purposes for the June 12th meeting, when would a public hearing be held.

Mr. Stolarsky said notification is required 15 days prior to the public hearing, therefore, a July 10th public hearing could be scheduled.

MINOR ALTERATIONS FROM PLANNING DEPARTMENT

1. 33519 Solon Road - MP Star Financial, Inc.

Mr. Frankland presented aerial pictures of the site and said an emergency generator that meets the required setback and is surrounded by landscaping would be installed on the side yard.

The Commission agreed no further review of the item was necessary.

2. 33140 Aurora Road – Judah Unlimited

Mr. Frankland presented aerial pictures of the non-conforming commercial building. He indicated the awnings at the rear of the building would be replaced with metal awnings in either a hunter green or maroon color.

Mr. Bentley expressed concern over weather noise, such as rain or hail, onto a metal awning and inquired how close residential buildings were to this building. Mr. Frankland said residential is located approximately 100 feet behind the screened building.

Mr. Newberry asked if the buildings have been continuously occupied as commercial. Mr. Frankland said the buildings have been reviewed by the Law Department in the past and can be occupied for commercial use. Mr. Newberry was not concerned with awning noise pollution at 100 feet.

The Commission agreed no further review of the item was necessary.

COMMENTS FROM THE AUDIENCE

Mr. Chimples asked if traffic studies for developments should take place in September. Mr. Newberry replied there are methodologies in place to extrapolate the information at any time of the year. Mr. Chimples asked if the school system would conduct a study if there was an apartment complex. Mr. Newberry believes the developer could

submit information on the impact to the school system. Mr. Chimples is not opposed to mixed use zoning in the City but is opposed to the location of the proposed winery development. He questioned if the requested legislation would be one-size-fits-all. Councilman Pelunis stated the Commission will review and redefine the drafted legislation to protect the residents.

Ms. Welch said the Traffic Engineer requested the traffic study be performed while school is in session.

Mr. Irv Epstein, 39340 Cortina Circle, expressed concern over the number of drunk drivers traversing the roadways. He believes it would be an unsafe situation to allow an establishment to serve liquor in a family oriented neighborhood.

Ms. Babette Eichorn, 5670B Emerald Ridge Parkway, requested a traffic light at Aurora Road and the MetroParks due to the delays exiting the Parkway.

Mr. Michael Cullers, 37980 Flanders Drive, said the proposal is incompatible and incongruous with the existing single family residential properties along the entire span of Bainbridge Road. He expressed concern that a significant number of motorists will be imbibed after visiting the winery.

Ms. Peggy Brown, 6673 Winston Lane, asked for assurance that the code language would not be influenced by the attorneys involved in the project. Councilman Pelunis stated Planning Director Frankland would be writing the legislation and the Commission would be editing. Ms. Brown concurred with the previous residents comments.

Mr. Chowksey expressed discomfort with the overall urgent tone of tonight's conversation and urged the City to provide due diligence with the consideration of this request. Councilman Pelunis agreed and stated the timetable is in the hands of the Commission.

Mr. Rakesh Mittal, 6507 Dorset Lane, agreed with the sense of haste comments.

Ms. Elizabeth Minich, 6597 Hyllwynd Circle, said this project's rental properties would devalue the neighboring properties. She asked if a study had been conducted on the developer.

There were no additional comments from the audience.

COMMENTS FROM THE COMMISSION

Mr. Mazur thanked everyone for voicing their opinions. He stated the Commission is duty bound to listen to concerns and take them into consideration.

Councilman Pelunis thanked the Mayor for organizing the Memorial Day Parade. He thanked the residents for their attendance this evening. Councilman Pelunis asked Mr. Frankland to contact AT&T and Spectrum to address the landscaping surrounding their boxes.

Councilman Zelwin thanked the residents for their comments and the Commission for their time.

Mr. Stolarsky said this project was not sought out by the City but brought by the developer. The Commission will investigate it fully and seek the information needed to make a fair decision. He said prior to any type of decision, a public hearing will be held.

Mr. Bentley thanked the residents for their involvement.

Mayor Kraus appreciates everyone's comments and phone calls and as a result, he believes he understands the issues more deeply. He said he is working aggressively to redevelop the neglected commercial areas of the City.

Motion by Mr. Mazur, seconded by Mr. Newberry to adjourn the meeting at 9:28 P.M.

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

Nay: None

Motion Carried

Chairman

Secretary