

**SOLON PLANNING & ZONING COMMISSION
OCTOBER 23, 2018 – 7:00 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, Assistant City Engineer Welch, Assistant Clerk of Council Buller

NOTES OF CAUCUS DISCUSSION:

Chairman Bentley presided.

(Secretary's note: Agenda items not mentioned under Notes of Caucus Discussion are items that were not pertinently discussed during Caucus.)

NEW:

4-6. 32650 Pettibone Road, 7401 SOM Center Road, 38399 Aurora Road – Crown Castle NG East LLC – site plan – new equipment: Mr. Frankland advised the Commission has the option of waiving a public hearing.

Councilman Pelunis stated since it is similar equipment being added to an existing pole, he did not see the need for a public hearing.

Mr. Bentley noted that, even though the equipment is miniscule, it's visible because of its low position on the pole.

Mr. Justin Butterfield, GPD Group, believed the additional equipment should not be noticeable.

Mr. Mazur inquired if the new equipment would interfere with existing equipment.

Ms. Welch stated when the pole was installed some of the areas 9-1-1 cell phone calls were routed to Twinsburg. She stated a study was completed, because of the equipment's close proximity to the tornado siren, and it indicated the equipment should not interfere and could help alleviate the situation.

Mr. Butterfield agreed and stated a study was done on the frequency bands used by the carriers and there was no interference.

Mr. Stolarsky stated if the Commission determines the equipment is substantially similar a public hearing can be waived.

COMMENTS:

Mr. Brad Martin, 6575 Hyllwynd Circle, recounted a television commercial endorsing Issue 110 that he believes undermines the Planning Commission and the City of Solon. He asked the Commission to consider releasing a positions statement on Issue 110.

Mr. Stolarsky stated while individuals can voice political comments privately, the Commission should not express a public forum political comment.

Mr. Martin said a confidential wetlands setback memo was posted on social media by Issue 110 supporters.

Mr. Frankland clarified the memo is a public record.

Mr. Martin is of the opinion the wetlands and riparian setbacks ordinance could be customized so it does not affect residential areas. He stated the Village of Orange and the City of Beachwood have adopted similar ordinances.

Mr. Martin requested Inactive Agenda Item B be placed on the active agenda.

Councilman Pelunis advised he is currently reviewing the Chagrin Valley Watershed Partners' document and noted the variables affecting residents require careful study.

Mayor Kraus stated the communities that have adopted this ordinance are dissimilar to Solon.

Mr. Frankland stated this ordinance would require every residential property as well as properties in our industrial area with wetlands setbacks to incur costly wetlands delineation.

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.

MINUTES:

Motion by Mr. Newberry, seconded by Mayor Kraus to approve the minutes of the October 9, 2018 meeting as presented.

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

Nay: None

Motion Carried

NEW:

1. 30270 Cannon Road – Sarah Gatanas 073-2018 5
 ▪ Re-approval of 11' front yard setback variance

Mr. Bentley noted the applicant was not present. He explained the variance was previously approved; however, the one year approval period has expired and a request has been received for a re-approval. Mr. Bentley advised the Commission agreed in caucus to consider the request this evening.

Mr. Newberry inquired if the applicant has re-applied for a garage building permit. Mr. Frankland said he has. Mr. Newberry stated the Gatanas have steadily progressed on this property and he does not object to a re-approval of the variance.

Motion by Mr. Newberry, seconded by Mr. Mazur to re-approve an 11' front yard setback variance.

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

2. 30815/30865 Solon Road – Fram Investments 074-2018 6
 PP#'s 953-35-011 and 953-35-012
 ▪ 50' lot width variance
 ▪ 20' rear yard setback variance
 ▪ 5' side yard setback variance
 ▪ Lot split and consolidation

Mr. Bentley said a Public Hearing is required for the lot split and consolidation.

Motion by Mr. Mazur, seconded by Mr. Newberry to schedule a public hearing on November 13, 2018 for the lot split and consolidation of PP#'s 953-35-011 and 953-35-012.

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

3. Bainbridge Road/Kruse Drive – OMNI Senior Living LLC 075-2018
 ▪ Lot consolidation – PP#'s 952-19-005, 006, 007, 008, 009, 013

Mr. Bentley said a Public Hearing is required for the lot consolidation.

Motion by Mr. Mazur, seconded by Mayor Kraus to schedule a public hearing on November 13, 2018 for the lot consolidation of PP#'s 952-19-005, 006, 007, 008, 009, 013.

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

4. 32650 Pettibone Road – Crown Castle NG East LLC 076-2018 2
 ▪ Site plan - new equipment

Mr. Justin Butterfield, GPD Group, 520 South Main Street, Akron, Ohio, was present representing Crown Castle NG East LLC. Mr. Butterfield presented pictures of the sites

and the proposal to modify the existing small cell nodes by adding a radio and replacing the antennas with similar antennas. He said Verizon Wireless is the existing carrier and this proposal would accommodate Sprint as a second carrier.

Mr. Mazur asked who owns the pole and Mr. Butterfield stated Crown Castle.

Mr. Mazur noted, as discussed in caucus, there has been no interference with the establishment of this equipment and the equipment is in height compliance.

Motion by Mr. Mazur, seconded by Mr. Newberry to waive the requirement for a public hearing and approve the site plan.

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

Motion Carried

5. 7401 SOM Center Road – Crown Castle NG East LLC 077-2018 1
- Site plan - new equipment

Motion by Mayor Kraus, seconded by Mr. Mazur to waive the requirement for a public hearing and approve the site plan.

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

Motion Carried

6. 38399 Aurora Road – Crown Castle NG East LLC 078-2018 3
- Site plan - new equipment

Motion by Mr. Bentley, seconded by Mr. Mazur to waive the requirement for a public hearing and approve the site plan.

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

Motion Carried

7. 6761 Edgemoor Avenue – A. James Sordi 079-2018 7
- 2.3' side yard pavement setback variance (garage apron)
 - 2.3' side yard setback variance (patio)
 - 4.3' cumulative side yard setback variance (patio)

Mr. Sordi was present and presented a drawing of the driveway and patio additions. He explained the flowerbed along a portion of the side of the house would be removed and replaced with concrete making the sidewalk along the side of the house to be the same width.

Motion by Mr. Mazur, seconded by Mr. Newberry to approve a 2.3' side yard pavement setback variance for the garage apron.

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

Motion Carried

Motion by Mayor Kraus, seconded by Mr. Mazur to approve a 2.3' side yard setback variance for the patio.

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

Motion Carried

Motion by Mr. Newberry, seconded by Mr. Mazur to approve a 4.3' cumulative side yard setback variance for the patio.

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

Nay: None

Motion Carried

COUNCIL REFERRAL:

8. Review of a proposed Mixed-Use Planning District (MPD) Zoning Classification 070-2018

A public hearing was scheduled.

Mr. Bentley opened the Public Hearing and requested comments.

Mr. Frankland stated the Mixed-Use Planning District (MPD) is a type of Planned Unit Development (PUD) Zoning established by the Ohio Revised Code. He stated the specific requirements of the proposed MPD zoning classification would potentially be inserted into the Zoning Code.

Mr. Frankland stated a PUD is a unique type of zoning where a specific site plan, complete with layouts, setbacks, building locations, drive aisle, access points, et cetera becomes the actual zoning for a property. He stated the mixed-use district would potentially accommodate a mixture of residential, office and commercial type development. Mr. Frankland stated Solon currently has neither a PUD nor a MPD; however, the Master Plan recommends the Central Retail District utilize these tools as the primary means to achieve quality redevelopment in the downtown area.

Mr. Frankland stated it is important to note that the Planned Unit Development is a unique type of zoning classification in that it can only be applied on a property at the request of the property owner. He stated that the Planning Commission and Council have significantly more discretion as to whether to approve, deny or modify a MPD than plans of any other type of zoning classification.

Mr. Frankland stated the site plan design and approval process of the proposed mixed-use planning district only applies to the Central Retail District, the area along SOM Center Road and Aurora Road, where the core commercial area exists. As per the Master Plan, these permitted residential uses are intentionally tailored to address currently underserved markets in the City, specifically housing for empty nesters and young professionals. He noted the types of houses encouraged are townhomes, residential above retail and residential attached to retail. Mr. Frankland stated a request for freestanding multi-family structures would only be considered after satisfactorily demonstrating to the Planning Commission and/or Council that the other housing options are not feasible and only after being approved by the Planning Commission, the Council and the voters.

Mr. Frankland stated any project would require 75% commercial or office, 25% maximum residential, 25% minimum green space, 35' maximum height limitation, 40' street setbacks and a minimum eight acre site. However, there is significant discretion on any plan approved by the Planning Commission, the Council and the voters.

Mr. Frankland stated a PUD has a distinct approval process. He said MPD zoning would be implemented similarly to a subdivision approval with a preliminary plan and a final plan. Mr. Frankland said the preliminary development plan includes a complete site plan and any other information the Planning Commission and the Council request as necessary to make an informed decision, essentially a finalized plan. It is approved by the Planning Commission, the Council and voted on by the voters. He said if the preliminary development plan is approved by the Planning Commission, the Council and the voters, it is authorized to move to the final development plan stage and must be submitted within one year of the Board of Elections certifying the approval of the preliminary development plan by the voters.

Mr. Frankland stated although an allowance for minor and incidental changes to the plan exists, the final development plan is essentially the same as the preliminary development plan. He said the definition provided with the Mixed-Use Planning District is substantial compliance, which means the Planning Commission and the Council acknowledge that the final development plan is substantially the same as the preliminary development plan. Mr. Frankland stated minor changes could be minor shifts in the building footprint or the parking lot, minor alterations to the building design affecting incidental portions of an approved building, substitution of materials for those of equal or higher level in small areas of the building façade, and minor changes to the landscape design. He stated anything beyond a minor change, if it's not the plan presented to the voters, would not be in substantial compliance and would be required to go back through the process for a vote of the new plan.

In conclusion, Mr. Frankland stated the Master Plan specifically recommends the PUD Mixed-Use strategy for the Central Retail District and, if adopted, the PUD would provide the City with an additional tool to promote redevelopment in a popular format both with developers and communities. Mr. Frankland believes it would be a substantial step forward to enable the City to achieve its Master Plan goal of attracting quality redevelopment in the Central Retail District.

Councilman Pelunis said he will email his questions to Mr. Frankland and the Planning Commission.

Mr. Newberry believes this is a step forward for the City and thanked Mr. Frankland for composing thorough and complete mixed-use legislation.

Mr. Mazur requested an explanation of the difference between the Kerem Lake proposal and this proposal. Mr. Frankland stated the owners of Kerem Lake originated what is called a Planned Unit Development without a site plan and this MPD proposal is considered a PUD under the Ohio Revised Code. He emphasized the two are not associated and the MPD proposal is applicable only to the central retail district and not residential areas.

Mr. Mazur asked who incurs the cost of any studies and Mr. Frankland stated the applicant is responsible for costs of all studies. Mr. Mazur clarified the applicant would remain responsible for the cost if the plan changed between the preliminary and the secondary stages and Mr. Frankland agreed.

Mr. Mazur inquired if underground parking would be allowed and Mr. Frankland stated this ordinance would not prohibit underground parking.

Mr. Mazur asked how the site plan percentages would be calculated. Mr. Frankland stated the wording allows the Planning Commission and the Council to determine the best course for determining the 25% maximum residential and 75% commercial or office allowances.

In response to Mr. Mazur's comment regarding a public hearing, Mr. Frankland confirmed an amendment will be made to require a public hearing.

Mr. Mazur questioned if a plan is approved by the voters and the applicant does not proceed with the project, what is the process to reverse it. Mr. Frankland stated the area would be rezoned to its previous zoning classification through a vote.

Mayor Kraus stated partnerships with developers require planning tools and the MPD tool is a clear process that will enhance these partnerships. He said the City's needs are protected while the developer is shown what needs to be done.

Councilman Magill inquired if the verbiage in the purpose portion of the proposal "it is intended to assist in development in the Central Retail area but it is not restricted to" leaves the city vulnerable to a developer circumventing a plan with an initiative petition. Mr. Frankland agreed stronger wording could be used, such as "exclusively within the Central Retail District".

Councilman Magill inquired if communities using MPDs were contacted for research purposes and Mr. Frankland said he performed online research.

Councilman Magill asked if any communities have experienced unintended effects from using MPDs and Mr. Frankland believed it depended on how solid their ordinance was written. He stated this MPD is very specific.

Mr. James Orosz, 7648 White Oak Drive, questioned if a four-acre parcel could be used for a multi-use development. Mr. Frankland stated there is flexibility with the preliminary development plan. For instance, a six-acre plan could be presented or a variation of any of the requirements, but the Planning Commission would be required to note the variance in writing to the Council and the Council would consider its approval or not.

Mrs. Marilyn Matia, 33715 Redbridge Lane, requested an email of Mr. Frankland's memo referred to this evening. She believed the 55+ demographics should be identified in this proposal because of the schools and suggested the targeted demographics be consulted with regard to their preferred living arrangements.

Mr. Frankland stated the city has existing and developing areas for persons age 55+ that includes empty nesters. He stated the residential over retail homes tend not to have children and noted this proposal does allow for multi-family homes under certain circumstances.

Mrs. Matia inquired if permanently excluding zoned residential from potential rezoning by developers could be accomplished. Mr. Stolarsky advised it is a legal right to petition for zone changes.

There were no additional comments from the audience.

The public hearing will remain open.

Motion by Mr. Newberry, seconded by Mr. Mazur to table consideration of Item 8.

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

Nay: None

Motion Carried

MINOR ALTERATIONS FROM PLANNING DEPARTMENT

1. 6230 Cochran Road – Prime Storage

Mr. Frankland presented a picture of the building and indicated the area at the back of the building where a garage door will be removed and where a new garage door will be constructed.

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

2. 29001 Solon Road – Premier Development Partners

Mr. Frankland presented a picture of the building and indicated a ramp at the back of the building will be removed and the parking area will extend in its place.

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

3. 33675 Solon Road - Burntwood Tavern

Mr. Frankland presented a picture of the building and noted although a request to keep a portion of the brick façade was recently approved, the property owner wants to replace the brick façade with rustic siding.

Mr. Frankland stated this building is located in a C-4 zoning district where the Western Reserve architecture is not applied.

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

COMMENTS FROM THE AUDIENCE

There were no comments from the audience.

COMMENTS FROM THE COMMISSION

Mr. Mazur reviewed Issues 92 and 93 on the November 6th ballot. He noted the City's proper process was followed for approval of these issues and requested the residents consider and approve them.

Mr. Newberry encouraged everyone to vote on November 6th.

Mr. Newberry announced a DEA National Drug Takeback on Saturday, October 27th from 10:00 A.M. to 2:00 P.M. at the Senior Center located on Portz Parkway.

Mr. Frankland thanked everyone for their input on the MPD ordinance and stated he will submit a revised edition at the November meeting.

Mr. Bentley stated when an item is on the inactive agenda, such as the wetlands and riparian setbacks, the item is not forgotten. He stated there is "behind the scenes" work being accomplished before the item is again presented on the active agenda.

Mayor Kraus thanked Mr. Frankland for an excellent presentation.

Mayor Kraus thanked Mrs. Matia for her comments.

Mayor Kraus stated roughly 16 new or expanded businesses have developed in the City this year. He stated he will continue to encourage businesses to redevelop in the right locations throughout the city.

Motion by Mr. Mazur, seconded by Mr. Newberry to adjourn the meeting at 8:24 P.M.

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

Nay: None

Motion Carried

Chairman

Secretary