

SOLON PLANNING & ZONING COMMISSION
MAY 14, 2019 – 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: Councilman Kotora, Councilman Magill, Inspector Eisenhuth, Assistant City Engineer Lyndon, 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:

1. Carrington Court Apts. – Madison Lane – PP# 954-35-001 – various variances: Mr. Frankland said, as part of the project, the streets through the single family and multi-family buildings would be installed fairly early. He said bike trails are not part of the plan, the Commission is to consider the plan before them this evening.

NEW:

6. 34050 Aurora Road – Majas Properties LLC – various variances: Mr. Frankland said the existing ground signs do not require variances. He said the car wash sign could have been designated a directional sign area variance but the metal panel it is mounted on extends beyond the directional sign square footage allowance so it is being presented as a number of wall signs variance.

7. 7107 Navajo Trail – Carlos and Cheryl Hubbard – various variances: Mr. Hubbard said they are planning to replace the current fire pit in the same location with a stone fire pit of the same size. Mr. Hubbard said he is asking permission for a basketball hoop that is installed on an existing patio located in the back yard. He said landscaping has been installed around that patio. Mr. Hubbard said the post is approximately ten feet from the property line and approximately 50 feet from the closest house.

Mr. Rusong Wang submitted an October 22, 2018 email from Mr. Hubbard. Mr. Wang said a basketball court was never mentioned in the email. He said the basketball court is very noisy and is disturbing to his family.

Mr. Bentley thanked Mr. Wang and advised him of the opportunity to comment during the meeting.

Mr. Frankland advised this was initially reviewed as a recreational court by the Zoning Inspector, poured as a patio, and the basketball hoop was put up after the fact. Mr. Frankland said the ordinance states a recreational court must be 25' from a side yard property line. He said it is understood many people have basketball courts on their driveways.

Councilman Pelunis noted the email's October 22, 2018 date and said this address is in his ward. He said he has not received any complaints concerning this address.

COUNCIL REFERRAL:

9. Request received from Nathan Wynveen, Hemingway Development to rezone Permanent Parcel #952-26-018 from the C-3 Commercial Zoning District to the I-2 Industrial Manufacturing Zoning District (located near Sedlak Interior and Erico): It was Mr. Frankland's understanding a representative would not be present this evening.

10. Request received from Michael Herrick to rezone Permanent Parcel Nos. 954-02-088, 954-02-035 and 954-02-089 from the C-4 Motorist Service Commercial District to a Mixed Use Planning District (former Liberty Ford site): Mr. Frankland said an ordinance can be provided at the May 28th meeting if the Commission determines to proceed with this item.

Mayor Kraus said in order to meet the timeline, the Commission should schedule a public hearing.

Mr. Newberry said there has been no information submitted and questioned how a public hearing could be scheduled without understanding the intent.

INACTIVE AGENDA:

Mr. Bentley inquired about Inactive Agenda Items A and B. Mr. Frankland said both items have ongoing activity with the Planning Department.

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:

Mr. Rusong Wang, 7044 Navajo Trail, said the October 22, 2018 email from his neighbor, Mr. Hubbard, failed to advise them a basketball court would be installed in his back yard. Mr. Wang said the court is in close proximity to his house and the daily noise is very disturbing to his family.

Mrs. Wang said the noise from the basketball court prevents them from keeping the back door of their home open and is disturbing her rest.

Mr. Richard Gore, 6555 Clearwater Court, inquired if an access road routing traffic to the new Carrington Court apartment building would be built rather than directing traffic onto Clearwater Court.

MINUTES:

Motion by Mr. Newberry, seconded by Mr. Mazur to approve the April 9, 2019 minutes as presented.

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

Motion Carried

Motion by Mr. Mazur, seconded by Mr. Newberry to approve the April 23, 2019 minutes as presented.

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

Motion Carried

(Clerk's note: Mayor Kraus rescinded his abstain vote and cast an aye vote during "Comments from the Commission".)

PENDING:

1. Carrington Court Apts. – PP# 954-35-001 - Madison Lane 036-2019 6
 - Vacation plat for Madison Lane
 - Revised lot consolidation plat
 - 1.5 story, 28.42' building height variance
 - Building material variance
 - 58' rear yard setback variance
 - 70' side yard setback variance
 - 6 space total parking variance
 - Site plan - plat modification:
Block "D" & "E" & Madison Lane

A public hearing was scheduled. Mr. Bentley opened the Public Hearing.

Mr. Richard Porter, Gross Residential, 14300 Ridge Road, North Royalton, was present representing the applicant. Mr. Porter displayed plans to replace eight of the detached single family home lots with a 36-unit Carrington Court apartment building. He said the project will consist of the main apartment building, a detached dumpster enclosure and two detached resident garages. Mr. Porter said the property's allowable density will be maintained along with the development agreement and deed restrictions for the required number of homes. He said the streets in the subdivision will be completed to the property line and would include a second access road to Aurora Road.

Mr. Porter displayed drawings of the proposed buildings. He said the materials for the four-story building, which will be similar in style to the existing buildings, will consist of vinyl siding in place of wood siding, clay brick and hardie board.

Mr. Porter said the plan is to direct construction traffic onto a newly constructed second entry road.

Mr. Frankland said the 75' rear yard setback variance is no longer necessary as the plan now meets the requirements.

Mr. Porter indicated the location of the side yard setback variances at the east and west side of the garage buildings.

Mr. Porter explained how a lot consolidation would absorb the land into the overall apartment site.

Mayor Kraus said after several meetings with the Gross Residential Group and Councilman Shimits, the City has committed to extend Clearwater Court to Portz Parkway. He said the traffic signal at Portz Parkway will create a safer exit onto Aurora Road for the Carrington Court residents. He appreciated the cooperation from the Zaremba Company regarding the property involved to create this roadway. Mayor Kraus said it was a pleasure to work with the Gross Residential group.

Mr. Mazur read a question from a concerned resident: "Is it anticipated that Clearwater Court will be the primary access road to the new building, if so, is there any plan to change Clearwater Court?"

Mr. Porter was uncertain if Clearwater Court will be the main access to the apartment building; however, as part of the construction process the second access road will be completed allowing vehicles to enter either roadway. He said there are no plans to change Clearwater Court at this point.

Mr. Mazur read a second question from a concerned resident who asked if the proposed building will face Clearwater Court and what kind of lighting will be in or around the building. She wanted to know if it will impair peaceful living for the houses on Clearwater Court. Mr. Mazur noted a photometrics plan has been submitted.

Mr. Porter indicated the plan specifies a tenth of a foot candle at the property line and less than one foot candle at another location. He said down light is being incorporated, so there is not much light trespass.

Mr. Newberry said the continuance of Clearwater Court to Portz Parkway should relieve some of the traffic concerns because it will provide a third means of entrance.

Ms. Candida Chieffalo, Carrington Court Apartments Building 3, inquired if the grassy area at the extreme east front side of Building 3 would provide access to the new building. Mr. Porter indicated a connection extending to Clearwater Court at the property line of the new apartment building. The Madison Lane stub of road will be public and become private in front of the new building and connect to the rest of the development.

Ms. Chieffalo asked for the timeframe of the project. Mr. Porter said construction should begin this year once the approval process is completed.

There were no further comments, therefore, Mr. Bentley closed the Public Hearing.

Mayor Kraus inquired if there was further plat work to complete. Mr. Frankland said there will be subsequent plats, dedication plats, and other work on the consolidation plat that will be presented.

It was Mr. Frankland's understanding the applicant would delay approval of the consolidation plat. To continue engineering work on the project, Mr. Porter said he prefers to proceed with the variances this evening.

Motion by Mr. Mazur, seconded by Mr. Newberry to approve the vacation plat for Madison Lane, PP# 954-35-001.

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

Motion Carried

Motion by Mr. Newberry, seconded by Mayor Kraus to approve the revised lot consolidation plat for PP# 954-35-001.

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

Motion Carried

Motion by Councilman Pelunis, seconded by Mr. Mazur to approve the 1.5 story, 28.42' building height variance.

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

Motion Carried

Motion by Mayor Kraus, seconded by Mr. Mazur to approve the building material variance.

Mr. Newberry explained this variance is to allow the hardie board and vinyl siding and Mr. Frankland said it will match the other buildings.

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

Motion Carried

Motion by Mr. Mazur, seconded by Mr. Newberry to approve the withdrawal of the 58' rear yard setback variance.

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

Motion Carried

Motion by Mr. Newberry, seconded by Mayor Kraus to approve the 70' east side yard setback variance.

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

Motion Carried

Motion by Councilman Pelunis, seconded by Mr. Mazur to approve the 6 space total parking variance.

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

Motion Carried

Motion by Mr. Mazur, seconded by Mr. Newberry to recommend approval of the site plan – plat modification: Blocks "D" & "E" & Madison Lane.

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

Motion Carried

Mr. Frankland noted the side yard setback variance entails the east and west side of the newly created lot.

Mr. Newberry revised the side yard setback variance motion.

Motion by Mr. Newberry, seconded by Mr. Mazur to approve the 70' east and west side yard setback variance.

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

Motion Carried

2. 6390 Liberty Road – Ralph E. Tucker – PP# 954-33-017 and 954-33-008
- Lot consolidation

038-2019 6

A public hearing was scheduled.

Mr. Bentley opened the Public Hearing.

Mr. Ralph Tucker, 6390 Liberty Road, was present. Mr. Tucker displayed an aerial of the parcels and indicated the location of his home on PP# 954-33-017 and PP# 954-33-008 behind his home where the consolidation was being requested.

At Mr. Newberry's request, Mr. Tucker advised he currently owns both parcels.

Mr. Newberry asked if any neighbors have commented and Mrs. McConoughey said she has not received any comments.

There were no comments from the audience.

Mr. Bentley closed the Public Hearing.

Motion by Mr. Newberry, seconded by Mr. Mazur to approve the lot consolidation of PP#'s 954-33-017 and 954-33-008.

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

Motion Carried

NEW:

3. 35500 Aurora Road – Tim Crowe representing the Irene Schmegner Trust
- 16.5' front yard setback variance

040-2019 6

Mr. and Mrs. Crowe were present representing the applicant and Chavez Construction. Mrs. Crowe said they are requesting to build a 15' long by 20' wide garage addition in front of the existing garage to work on equipment indoors.

She explained in 2016 the front setback from the street was measured at 85' which was within the legal setback; however, in 2019 it was measured at 80' from the street. She questioned the five foot discrepancy.

Mr. Crowe said the new garage's vinyl siding would match the existing structures and the immediate neighbors had no objections.

Motion by Mr. Mazur, seconded by Mayor Kraus to approve the 16.5' front yard setback variance.

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

Motion Carried

4. 32160 Bainbridge Road – Robert Foster and Kristi Roth 042-2019 6
▪ 24 sq ft accessory building area variance

Mr. Robert Foster, 32160 Bainbridge Road, was present. Mr. Foster displayed an aerial of the property. He indicated where a shed would be located close to the woods and 282 yards behind the property. Mr. Foster said beyond the woods were railroad tracks and a business.

Motion by Mr. Mazur, seconded by Mr. Newberry to approve the 24 sq ft accessory building area variance.

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

Motion Carried

5. 6839 Teasel Court – William Todd and Kristine Martin 043-2019 6
▪ 8' side yard setback pavement variance

Mr. Todd Martin, 6839 Teasel Court, was present. Mr. Martin said they are proposing to replace the driveway and planned an addition to the apron to make backing out of the driveway easier.

Motion by Mr. Newberry, seconded by Mayor Kraus to approve the 8' side yard setback pavement variance.

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

Motion Carried

Mr. Martin said he is unable to attend the May 20, 2019 Council meeting and asked what his options are. Mr. Stolarsky suggested sending a representative; however, the item will most likely be on the Consent agenda, but that is not definite at this point. Mr. Newberry suggested speaking with his councilman. Mayor Kraus said he would contact Councilman Shimits in his behalf. Councilman Kotora offered to represent Mr. Martin.

6. 34050 Aurora Road – Majas Properties LLC 044-2019 6
▪ Number of wall signs variance (to permit 3)

- Building color variance
- Building material variance

Mr. Neil Jeakle, National Illumination & Sign Corporation, 6525 Angola Road, Holland, Ohio, was present representing the applicant. Mr. Jeakle presented aluminum clad material samples for the car wash sign. He said the project involves modifying two existing monument signs which do not require variances to digital and identifying the car wash area with signage. Mr. Jeakle displayed the plans for the sign and indicated the sign is a 30" tall by 14' long panel with 18" tall "car wash" text.

Mr. Bentley inquired where the "No Entry" bars would be located. Mr. Jeakle said the "No Entry" PVC bar would be mounted from the front soffit entryway.

Motion by Mr. Mazur, seconded by Mayor Kraus to approve the number of wall signs variance (to permit 3).

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

Motion Carried

Motion by Mr. Newberry, seconded by Mr. Mazur to approve the building color variance.

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

Motion Carried

Motion by Councilman Pelunis, seconded by Mr. Mazur to approve the building material variance.

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

Motion Carried

7. 7107 Navajo Trail – Carlos and Cheryl Hubbard 045-2019 2
- 10' outdoor fireplace side yard setback variance
 - 8' outdoor fireplace rear yard setback variance
 - 8' outdoor fireplace width variance
 - Recreational court location variance
 - 15' recreational court side yard setback variance

Mr. Carlos Hubbard, 7107 Navajo Trail, was present. Mr. Hubbard displayed a schematic and pictures of the property. He said the 3.5' fire pit and 16' diameter patio area would be rebuilt in stone at the same dimensions as the existing fire pit.

Mr. Hubbard displayed a picture of an existing patio with a basketball hoop. He said the basketball post is approximately 10' from the property line.

Mr. Hubbard indicated the location of the patio in relation to Mr. Wang's house and pointed out the surrounding landscaping. Mr. Hubbard indicated Mr. Wang's house and the adjacent corner lot in relation to his lot and stated the corner lot has a basketball hoop in the driveway and is used all the time after school. He suggested the disturbance is coming from that location since his basketball hoop has rarely been used from the time it was installed in April because of his daughter's school sports commitments.

Councilman Pelunis said the email submitted this evening by Mr. Wang is dated October 22, 2018. He said many Navajo Trail residents have basketball courts in their driveways. Councilman Pelunis said Mr. Hubbard has made efforts to screen his court with landscaping in the backyard. He said he has not been notified of any type of noise violations, police call, or complaint in this area.

Mr. Mazur asked when the basketball hoop was installed. Mr. Hubbard said April 11, 2019.

Councilman Pelunis said the homeowners association president is in contact with him for various issues but there has been no mention of this type of disruption.

Mr. Bentley read a portion of the October 22, 2018 email regarding a construction project. Mr. Hubbard said a large renovation was completed last year and a good amount of noise was created for approximately two or three days when a concrete patio was removed.

Mr. Hubbard said the distance from Mr. Wang's house to the basketball court is significantly further than any front yard basketball hoop in the city.

Mr. Bentley advised the audience that additional comments regarding this agenda item may be made during "comments from the audience" towards the end of the meeting.

Mr. Mazur inquired why the basketball court was not installed on the other patio in the backyard. Mr. Hubbard said it could have been located there; however, the setback variance would still be required. He said the second patio contains a grill, patio table and chairs.

Councilman Pelunis said these variances have been granted in the past and he does not have an objection. He said the driveway's topography necessitates the recreational court be located in the backyard.

Mayor Kraus noted the court is considerably screened.

Motion by Mr. Newberry, seconded by Mayor Kraus to approve the 10' outdoor fireplace side yard setback variance.

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

Motion Carried

Motion by Mayor Kraus, seconded by Mr. Mazur to approve the 8' outdoor fireplace rear yard setback variance.

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

Motion Carried

Motion by Mr. Mazur, seconded by Mr. Newberry to approve the 8' outdoor fireplace width variance.

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

Motion Carried

Motion by Mr. Newberry, seconded by Mayor Kraus to approve the recreational court location variance.

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

Motion Carried

Motion by Councilman Pelunis, seconded by Mayor Kraus to approve the 15' recreational court side yard setback variance.

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

Motion Carried

8. 27070 Miles Road – Bowlus Investment Group, LLC 046-2019 5
- Accessory structure location variance
 - Site plan

Mr. Sean Thompson, T. Manfrass & Associates, LLC, 101 Parkway North, Ravenna, Ohio, was present representing the applicant. Mr. Thompson displayed the plans for tenant, Oakwood Labs, to increase a side yard outdoor patio located at the south end of the building with an additional patio and a partially covered deck. He indicated the ground sloping toward the parking lot and the neighboring property's loading docks.

Mr. Bentley noted the landscaping and screening wall would differentiate the patio from the parking lot.

Mr. Mazur inquired if the structure would provide heat and/or lighting. Mr. Thompson said heat would not be installed and lighting was being discussed; however, the employees are not working when lighting would be required.

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

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

Motion Carried

Motion by Mr. Newberry, seconded by Mr. Mazur to recommend approval of the site plan contingent upon compliance with the Engineering Department's May 8, 2019 memo.

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

Motion Carried

COUNCIL REFERRAL:

9. Request received from Nathan Wynveen, Hemingway Development to rezone Permanent Parcel #952-26-018 from the C-3 Commercial Zoning District to the I-2 Industrial Manufacturing Zoning District (located near Sedlak Interior and Erico)

A public hearing was scheduled.

The applicant was not present.

Mr. Bentley opened the Public Hearing.

Mr. Bentley noted two objection letters were received.

There were no comments from the audience.

The Public Hearing will be continued.

Motion by Mr. Newberry, seconded by Mr. Mazur to table consideration of this item.

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

Motion Carried

10. Request received from Michael Herrick to rezone Permanent Parcel Nos. 954-02-088, 954-02-035 and 954-02-089 from the C-4 Motorist Service Commercial District to a Mixed Use Planning District (former Liberty Ford site)

Motion by Mr. Mazur, seconded by Mr. Bentley to schedule a Public Hearing for May 28, 2019.

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

Motion Carried

MINOR ALTERATIONS FROM PLANNING DEPARTMENT

1. Corner of Bainbridge and SOM Center Roads – Veterans Memorial Park

Mr. Frankland displayed an aerial of the property. He said struggling vegetation will be replaced with a similar flora after a landscaping plan is submitted and reviewed.

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

2. 6680 Parkland Boulevard – Loan Protector

Mr. Frankland displayed an aerial of the property. He said an 11.3' by 3.5' generator will be installed at the rear of the building and surrounded by bollards and fencing. Mr. Frankland said the generator will not eliminate any parking spaces.

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

3. 32600 Aurora Road – Glenallen Apartments

Mr. Frankland displayed an aerial of the property. He said the current grey roof will be replaced with a light tan roofing shingle that meets the commercial design standards.

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

4. 6060 Cochran Road – Swagelok

Mr. Frankland displayed an aerial of the property. He said a mandoor and sidewalk will be installed to connect the parking lot to the side of the building.

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

5. 6600 Cochran Road – Solon Service Department

Mr. Frankland displayed an aerial of the property. He said a 30' by 60' hoop building will be installed for salt storage.

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

COMMENTS FROM THE AUDIENCE

Mr. Rusong Wang agreed his neighbor's basketball hoop at 7048 Navajo Trail is in the driveway but it is located on the garage side of his house so the sound is not heard in his house. Mr. Wang said they have lived happily at this location for 12 years and they wish to remain good, tolerating neighbors; however, since late March the Hubbard family's daily use of their backyard basketball hoop is greatly disturbing their daily life.

Mr. Wang said he has had several conversations with his neighbor, Tom Thomas, who is unhappy with the excessive amount of concrete in Mr. Hubbard's backyard projects. Mr. Wang said he alerted their Homeowners Association of the noise problem and is uncertain how to resolve this noise issue.

There were no additional comments from the audience.

COMMENTS FROM THE COMMISSION

Councilman Pelunis expressed his condolences to the Dale Pelsozy family.

Councilman Kotora said National Peace Officer Memorial Day is tomorrow. He encouraged everyone to pay tribute to our officers.

Mayor Kraus extended his condolences to the Pelsozy family.

Mayor Kraus said the flags will be flying at half-mast tomorrow in honor of National Peace Officer Memorial Day.

Mr. Stolarsky told Mr. Wang the issue he is concerned about will be considered by City Council on Monday, May 20, 2019.

Motion by Mr. Mazur, seconded by Mr. Newberry to adjourn the meeting at 8:49 P.M.

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

Nay: None

Motion Carried

Secretary

Chairman