

**SOLON PLANNING & ZONING COMMISSION
SEPTEMBER 24, 2019 – 7:04 P.M.**

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

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

Absent: Mr. Bentley

Also Present: 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.)

Mr. Mazur presided.

Mr. Mazur reviewed the agenda.

The caucus ended at 7:11 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.

Mr. Mazur welcomed Councilman Magill to the meeting.

MINUTES:

Motion by Mr. Newberry, seconded by Mayor Kraus to approve the minutes of the August 13, 2019 meeting as presented.

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

Motion Carried

Motion by Councilman Pelunis, seconded by Mr. Newberry to approve the minutes of the September 10, 2019 meeting as presented.

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

Motion Carried

Mr. Stolarsky explained as only four Commission members are present this evening, three affirmative votes are required for passage. Mr. Stolarsky noted an applicant may request to table their matter at any time prior to a vote if they would prefer all the members are present.

PENDING:

- | | | | |
|----|--|----------|---|
| 1. | 30201 Aurora Road – American Tower (Verizon) | 081-2019 | 6 |
| | ▪ Site plan - cell tower modification | | |

Ms. Nicole Talak, Network Building + Consulting, was present representing American Tower on behalf of Verizon to add three remote radioheads to an existing cell tower site.

Mr. Mazur asked if the consulting engineer has approved this application and Ms. Talak believed so.

A public hearing was scheduled. Mr. Mazur opened the public hearing.

There were no comments; therefore, Mr. Mazur closed the public hearing.

Motion by Councilman Pelunis, seconded by Mayor Kraus to recommend approval of the site plan for cell tower modification at 30201 Aurora Road for American Tower.

Mr. Newberry advised this cell tower backs up to the railroad tracks located near Bainbridge Road on the north side of Aurora Road opposite Enterprise Parkway.

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

Motion Carried

NEW:

- | | | | |
|----|--|----------|---|
| 2. | 7583 Worlington Drive – Kamal Maheshwari and Geetanjali Thakur | 088-2019 | 1 |
| | ▪ 5' outdoor recreational fireplace side yard setback variance | | |
| | ▪ 2' outdoor recreational fireplace width variance | | |
| | ▪ 3' outdoor recreational fireplace width design variance | | |

Mr. Kamal Maheshwari was present and displayed pictures of the existing patio and outdoor recreational fireplace. He said it was one of the reasons for purchasing the house three years ago. Mr. Maheshwari said they recently contracted to install a covering over their deck and discovered the patio and outdoor recreational fireplace were built without permits.

Mr. Mazur said the deck covering does not require a variance and the fireplace variances will comply with the City Code.

Mr. Newberry said it is his practice to vote against variances after the fact, but he will make an exception in this case because the applicant was unaware of the violations.

Mr. Mazur explained under normal circumstances when construction takes place without the appropriate permits, a penalty or fine is assessed with a maximum of \$150.00; however, the penalty will not be assessed in this instance. He recommended the Engineering Department waive the fine.

Councilman Pelunis agreed with Mr. Mazur. He said a spark arrester should be installed on the chimney top. Mr. Eisenhuth said the Fire Department does not have an issue with the fireplace but agreed a spark arrester should be installed.

Motion by Mayor Kraus, seconded by Mr. Newberry to approve the 5' outdoor recreational fireplace side yard setback variance.

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

Motion Carried

Motion by Mr. Newberry, seconded by Mayor Kraus to approve the 2' outdoor recreational fireplace width variance.

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

Motion Carried

Motion by Councilman Pelunis, seconded by Mr. Mazur to approve the 3' outdoor recreational fireplace width design variance.

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

Motion Carried

3. 34855 Pettibone Road – Monte and Denise Snider 089-2019 1
 ▪ 3' front yard setback variance

Mr. and Mrs. Snider were present and displayed plans for a front porch. Mrs. Snider said the house is positioned diagonally on the lot. Mr. Snider indicated the structure was 115' from Pettibone Road and the proposed porch would make it 112' from the roadway.

Mr. Newberry asked if setbacks were designated by the average setback of the houses and Mr. Frankland confirmed that was correct. Mr. Frankland said houses in Solon have to fit in a specific footprint but this setback is a minor variation and would not impact the appearance of the neighborhood.

Motion by Mr. Newberry, seconded by Mayor Kraus to approve the 3' front yard setback variance.

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

Motion Carried

4. 32900 Station Street (33000 Solon Road) 090-2019 6
 Crown Castle USA Inc.
 ▪ Site plan - cell tower modification

Mr. Braden Bordo, Crown Castle, was present on behalf of T-Mobile and displayed the site plan to install two raycaps and two hybrid cables on the existing cell tower.

Mr. Mazur noted the cell tower is located behind the Solon Police Station.

A public hearing was scheduled. Mr. Mazur opened the public hearing.

Mr. Mazur noted a contingency request and Mr. Lyndon explained the existing underground utilities were installed outside of the dedicated easement allowed for the tower. Mr. Lyndon requested approval be contingent upon the applicant working with the City to amend the access and utility easement to encompass the existing utilities and any future utility lines. Mr. Bordo agreed.

There were no further comments; therefore, Mr. Mazur closed the public hearing.

Mr. Stolarsky said GDP Group reported the antenna found within the structure analysis does not match the antenna on the construction drawing. Mr. Lyndon deferred the issue to the Building Commissioner. Mr. Stolarsky requested a contingency that the issue be rectified before Council.

Motion by Councilman Pelunis, seconded by Mr. Newberry to recommend approval of the site plan for cell tower modifications contingent upon compliance with the requirements noted in the September 19, 2019 Engineering Department memo and the September 4, 2019 GDP Group memo.

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

Motion Carried

5. 30400 Solon Road – Crown Castle USA Inc. 091-2019 7
- Site plan - cell tower modification

Mr. Braden Bordo, Crown Castle, was present on behalf of T-Mobile and displayed the site plan to replace three antennas and add six radios.

Mr. Mazur noted the Engineering Department has approved the drawings.

A public hearing was scheduled. Mr. Mazur opened the public hearing.

There were no comments; therefore, Mr. Mazur closed the public hearing.

Motion by Mr. Newberry, seconded by Mayor Kraus to recommend approval of the site plan for cell tower modifications at 30400 Solon Road.

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

Motion Carried

- 5a. 7365 Royal Portrush Drive – Kiritkumar Patel 092-2019 1
- 460 sq ft accessory pavement area variance

Mr. Kiritkumar Patel was present and displayed an aerial of the property. Mr. Patel indicated where the rear driveway would extend. He said vehicles could park on the proposed extension which would allow easier maneuverability into the garage.

Mr. Mazur said the Planning Department indicated concrete will not connect the proposed extension to the patio and Mr. Patel agreed.

Motion by Mayor Kraus, seconded by Mr. Mazur to approve the 460 sq ft accessory pavement area variance.

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

Nay: None

Motion Carried

COUNCIL REFERRAL:

6. Proposed amendment to the Zoning Code to create a new "R-3-C" (Multi-Family - Special Needs) Zoning Classification

Mr. Frankland explained this new zoning classification is specifically designed to accommodate the needs of persons with disabilities and their support staff. The zoning would require anyone living within this classification have a disability defined within the zoning code or are a person whose primary purpose for residing within the development is to provide support for such persons. Mr. Frankland said the zoning requires a minimum project area of three acres, a maximum density level of five acres and five units per acre is allowed. He said the neighborhood format and layout of the development would be similar to the senior housing except on a smaller scale.

Mr. Frankland said the R-3-C Zoning is a standalone zoning classification that could be applied anywhere in the City. He said the zoning is the first portion of this project and the second is the potential application of this zoning on City land. Mr. Frankland displayed an aerial of property located at the southwest corner of Portz Parkway and Aurora Road and indicated where the potential development could exist. He said the outlined area is larger than requested due to a potential road that could connect Carrington Court with Portz Parkway.

Mr. Frankland said this would provide new living opportunities in accordance with the City Master Plan and offer an underserved housing market in the City.

A public hearing was scheduled. Mr. Mazur opened the public hearing.

Councilman Magill asked if the Carrington Court road was desired independently of this project. Mr. Frankland said yes and emphasized the roadway has not been approved by the Planning Commission or Council but it will be a future proposal.

Councilman Magill asked if the zoning classification includes housing standards. Mr. Frankland said setbacks and design standards similar to the senior housing developments are included.

Mr. and Mrs. Bagdasarian were present and thanked the Commission and Mr. Frankland for supporting the zoning. Mr. Bagdasarian introduced partners and Solon residents, Leslie and Patrick Owen and their son, who were in attendance.

Mr. Bagdasarian provided a brief background of himself, wife Leslie and their two daughters, both of whom have Fragile X Syndrome.

Mr. Bagdasarian said the zoning would allow community accessible, sustainable housing for people with disabilities in Solon. He said the goal is to see this zoning approved on the March, 2020 ballot and noted they are available to answer questions and receive feedback in order to continue with the process.

Mr. Bagdasarian briefly reviewed a Power Point presentation that was presented at the September 10th Planning Commission meeting and is available on the City website.

Mr. Bagdasarian read "to promote housing opportunities to meet the unique preference and needs of all age groups so as to enable residents to reside within Solon throughout the various stages of life" from the Master Plan and said the community's support convinces him this is the right community for this project. He said there are Solon businesses who can offer employment opportunities to these residents along with ideally located City amenities.

Mr. Bagdasarian displayed an aerial of the proposed location for the project and indicated its accessibility to the community center, public library, parks and local shopping. He said Solon Community Living purchased a house on the corner of Portz Parkway and Aurora Road to possibly serve as a caregiver home or an office.

Mr. Mazur referred to a house within the proposed project site and Mr. Bagdasarian said the structure is City-owned, unoccupied and used for recreation storage purposes.

Mrs. Bagdasarian indicated the potential road on the aerial and described the proposed project. She said it is a cul-de-sac project; the middle building would have four units with two unit duplexes for each of the detached buildings. Mrs. Bagdasarian said the greenspace along Aurora Road would be heavily landscaped and the eastern portion contains a swale with an underground utility line.

Mrs. Bagdasarian indicated the project would become a safe and secure neighborhood for the residents and their in-house trained staff with ten to twelve 1,000 square foot high quality units. She displayed prototypes of the unit design.

Mrs. Bagdasarian said the 47-year old special needs agency, Welcome House, would be contracted for the property management and service coordinations. She noted Welcome House currently serves 230 individuals.

Mr. Bagdasarian said funding for the project is well under way, extended a thank you to the supporters and requested support of the R-3-C Zoning.

Mayor Kraus asked if the staff person would have their own home on site and Mr. Bagdasarian said the Aurora Road house would provide a home or reduced rent accommodations for a staff person along with a potential office for Welcome House.

Mrs. Bagdasarian said the residents will have varying needs which could include a relatively independent lifestyle, an occasional caregiver or a live-in caregiver.

Mayor Kraus asked if communal space is planned and Mrs. Bagdasarian indicated the middle building would contain an approximately 1,000 square foot communal room but the community center would provide amenities as well.

Mr. Mazur asked how many bedrooms the units would have and Mrs. Bagdasarian said two bedrooms with two baths.

Mr. Mazur asked who would own the location. Mr. Bagdasarian said the 501-3C non-profit Solon Community Living would own the development along with the Aurora Road house. Mrs. Bagdasarian said the residents would pay rent.

Mr. Mazur asked if public or private streets are planned. Mr. Bagdasarian was anticipating public streets. Councilman Pelunis said public streets must be built to the City's specifications.

Mr. Mazur asked how the units per acreage were calculated. Mr. Frankland said the calculations were based on current zonings. He said the least dense senior housing is eight units per acre, this project is scaled down and the five acres would accommodate the proposed plan.

Mr. Newberry said there are opportunities to do something similar to this elsewhere in the City where the density could be higher. He said the zoning and the concept of having this type of housing in the City is what is before the Commission. Mr. Newberry said a site plan will be reviewed if the zoning is in place.

Mr. Frankland noted the project is proposed on City-owned land which requires a bidding process to sell. He said the bid specification could be tailored to this type of zoning and development if it were developed.

Mr. Mazur asked if the facilities would be subject to rental inspections and ADA compliance with special fire requirements. Mr. Frankland said ownership would be discussed with the Law Department. Mr. Eisenhuth said there are no special requirements in the Fire Code; however, in this type of situation, sprinklers are always a good option.

Mr. Mazur asked if the units would be on individual parcels or one parcel for the development. Mr. Stolarsky believed it would be one lot and Mr. Bagdasarian said the units could have separate addresses.

Mr. Mazur asked if the units would be eligible for accessory structures such as a storage shed. Mr. Frankland said it would be treated like a senior housing type development with the permitted uses being the buildings, recreational uses, clubhouses and such. He noted flexibility is available if it is required but they are not specifically listed as a permitted use.

Mr. Mazur asked what the plans were for the city-owned house on the property. Mr. Bagdasarian said, respecting the zoning conversation this evening, under the current site plan the house would be demolished because the property is necessary for the project.

Mayor Kraus said the City should respond to the community by diversifying the housing stock to meet their needs.

Mr. Stephen Fein, 6737 Ayleshire Drive, fully supports the project and commends the Bagdasarians for their efforts.

There were no further comments. The public hearing remained open.

Mr. Mazur thanked everyone for attending and for the positive compilation of information this evening.

Mr. Newberry reviewed the timeline for this item to meet the March, 2020 primary election ballot and said the Board of Elections must be informed by or before December 11, 2019 of the intent to place an item on the ballot.

Motion by Mr. Newberry, seconded by Councilman Pelunis to table consideration of Item 6.

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

Motion Carried

7. Proposed amendment to the Zoning Code to expand restaurant uses in the "C-2" (Restricted Commercial) and "C-6" (General Commercial) Zoning Districts

Mr. Frankland said Solon allows three types of zoning for restaurants that are allowed in most of the commercial zoning classifications including fast food, quick casual and sit down. Mr. Frankland said fast food is not allowed in the C-2 District, which includes the uptown Solon area and the properties along Kruse Drive and no restaurant uses are permitted in the C-6 District, which is the ALDI/Hobby Lobby site and an area on the west side of Solon Road between Bainbridge Road and Aurora Road. He said this amendment would treat all the major commercial zoning classifications the same and allow all types of restaurant uses in all of the major zonings.

Mr. Frankland noted this is perhaps advisable due to the shrinking pool of brick and mortar buildings and the trend in restaurant convenience favoring some type of drive-through facility. He said drive-through facilities have gradually been incorporated into the uses in the City and believes it is likely time to allow them in all major commercial zoning classifications.

A public hearing was scheduled. Mr. Mazur opened the public hearing.

Mr. Mazur noted this item follows the same timeline discussed in Item 6 to appear on the March, 2020 ballot.

There were no comments. The public hearing remained open.

Motion by Mr. Newberry, seconded by Mr. Mazur to table consideration of Item 7.

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

Motion Carried

COMMENTS FROM THE AUDIENCE

Mr. Mike Clague, South Franklin Circle, Chagrin Falls, said he has known the Bagdasarian's for many years. He said he started a group home in Pepper Pike and believes the City will benefit from the great job Mr. Bagdasarian is doing on this project.

There were no further comments from the audience.

COMMENTS FROM THE COMMISSION

Mr. Newberry finds it interesting to learn about the special needs housing district. He said the City should embrace the project and the proposed location.

Mr. Newberry said the expanded restaurant uses zoning code amendment could be a methodology of allowing restaurants to build in appropriate locations.

Councilman Magill said the number of challenged people is growing in the community. He thoroughly supports the R-3-C Zoning Classification and believes the Solon Community Living Project is an enormous opportunity for Solon to look at diversity in broader terms.

Mr. Stolarsky recognized the Honorable Jeffrey Dean of the Bedford Municipal Court in the audience this evening.

Mayor Kraus said it is past time for the expanded restaurant uses to allow drive-throughs. He welcomes businesses and restaurants into Solon and favors responding to the needs, wants and concerns of the residents.

Mayor Kraus looks forward to seeing everyone Wednesday evening at the Town Hall meeting to be held at the former Liberty Ford site.

Mayor Kraus wished a happy, healthy, prosperous New Year to those celebrating Rosh Hashanah Sunday evening.

Motion by Mr. Newberry, seconded by Councilman Pelunis to adjourn the meeting at 8:29 P.M.

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

Motion Carried

Chairman

Secretary