

**SOLON PLANNING & ZONING COMMISSION
MAY 12, 2020 – 7:15 P.M.**

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

Present*: Commission Members Greenspan, Mazur, Newberry, Councilman Bentley, Mayor Kraus, Assistant Law Director Stolarsky, Planning Director Frankland, Secretary Buller

Absent: None

Also Present*: Inspector Eisenhuth, Director of IT Gibbs, Assistant City Engineer Lyndon

*Due to the COVID-19 health crisis all those present appeared via video connection.

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.)

Councilman Bentley presided.

Due to the COVID-19 health emergency, the general public was not permitted to attend, however, were invited to phone-in to provide comments.

PENDING:

1. 7365 Royal Portrush Drive – Kirit Patel – various variances: Councilman Bentley said it is his understanding a resolution will not be reached with the Homeowners Association and suggested removing this item from the agenda and requested a notice be mailed to the applicant.

2. Madison Lane – PP# 954-34-029, 954-35-003, 954-34-028, 954-35-025, 954-35-026, 954-35-027, 954-35-028, 954-35-029, 954-35-030 – Carrington Court Residential, LP – plat modification: Mr. Newberry said a recent Planning Department memo indicated additional parcel numbers for this application. Mr. Frankland said the correct parcel numbers were determined by Mr. Porter and Mr. Parks and are indicated on the memo.

NEW:

3. 33111 Station Street – Conrad's Tire Realty Company, Inc. - material color variance: Mr. Miller said the request is to not paint the new doors in order to match the existing doors.

Mr. Frankland said the new doors on the west elevation would be metallic and would match the existing doors; however, the Code prohibits metallic.

Mr. Greenspan asked how many doors would be added and Mr. Miller said four doors on the west side and one door on the east side.

COUNCIL REFERRAL:

4. From Hawthorne Golf Estates, LLC requesting the rezoning of PP# 953-03-001 and a portion of PP# 951-17-012 from R-1-D (Single Family Residential) Zoning District to R-3-A (Multi-Family Residential Senior Citizen-1) Zoning District or potentially to a new "R-2-A" (One and Two-Family Senior Citizen Residential) Zoning District: Mr. Frankland said the timeline allows the Commission to hold two public hearings.

Councilman Bentley said three letters were received and will be entered as exhibits.

Councilman Bentley asked about the status of the traffic study. Mr. Frankland said the Engineering Department and GPD Group recommend, for accuracy, the study should be conducted when more normal traffic situations exist. Mr. Lyndon agreed and said the pandemic has created lower traffic numbers across the country. Additionally, a traffic study is not usually conducted when schools are not in session. He suggested September could be a reasonable time for the study; however, with the uncertainty of the pandemic that might not be realistic.

Mr. Mazur asked who incurs the cost for the traffic study and Mr. Lyndon said the developer.

Mr. Frankland said this item will need to be referred by Council to the Board of Elections by August 3rd.

Mr. Newberry said the Commission is considering a rezoning request not a site plan approval and Mayor Kraus agreed.

Councilman Bentley said a public hearing will be scheduled for the May 26th meeting for a lot consolidation for the Chabad Jewish Center of Solon.

The caucus ended at 7:29 P.M. and the meeting began at 7:30 P.M.

CHANGES TO THE AGENDA:

Councilman Bentley said there were no changes to the agenda.

COMMENTS FROM THE AUDIENCE REGARDING AGENDA ITEMS:

There were no phone-in comments.

MINUTES:

Motion by Mr. Mazur, seconded by Mayor Kraus to approve the minutes of the April 28, 2020 meeting as presented.

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

Motion Carried

PENDING:

- | | | | |
|----|---|----------|---|
| 1. | 7365 Royal Portrush Drive – Kirit Patel | 005-2020 | 1 |
| | <ul style="list-style-type: none"> ▪ 5' rear yard setback variance ▪ 9' 6" side yard setback variance | | |

Councilman Bentley said it is his understanding an agreement has not been reached with the Homeowners Association and asked that the applicant be notified to provide direction with this application.

Motion by Mr. Newberry, seconded by Mr. Greenspan to request the Clerk to notify the applicant of the Commission's intent to remove this item from the agenda at the May 26, 2020 meeting and table consideration of this item.

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

Motion Carried

- | | | | |
|----|--|----------|---|
| 2. | PUBLIC HEARING – Madison Lane – PP# 954-34-029,
954-35-003, 954-34-028, 954-35-025, 954-35-026, 954-35-027,
954-35-028, 954-35-029, 954-35-030 – Carrington Court Residential, LP | 016-2020 | 6 |
| | <ul style="list-style-type: none"> ▪ Plat modification | | |

A public hearing was scheduled.

Mr. Frankland requested the permanent parcels listed on the agenda, not the April Planning Department memo, be read for purposes of the public hearing.

Mr. Newberry said as part of this application, two parcels currently north of Madison Lane are being affected by becoming three parcels and the property lines between parcels 22, 23 and 24 are changing. Mr. Newberry said the parcels within Block H, where the structure will be built, may also be affected. Discussion ensued regarding the affected parcel numbers.

Mr. Richard Porter, Gross Builders, 14300 Ridge Road, North Royalton, Ohio was present representing the applicant. An aerial map was displayed. He indicated the location of the affected parcels and partial parcels displayed in yellow and white. Mr. Frankland confirmed the parcels on the map should be read and Mr. Porter agreed.

Councilman Bentley opened the public hearing and asked for phone-in comments from the call line.

Mr. Porter said PP# 954-34-029 is not affected by this project. He said this is the third in a series of plats being discussed over the past year. Exhibit D, the plat site, was displayed. Mr. Porter said this project would define the apartment block and redefine the individual lots and Madison Lane. Mr. Porter said Block H will contain the apartment buildings; Sublots A16, 17, 26, 27 and 28 are newly designated lots.

He said Madison Lane will be a stub street connecting into a private drive leading to the apartment complex and will be dedicated for public use.

Mayor Kraus read item 4 of the Engineering Department memo of May 7, 2020 and said when the original subdivision approvals were made the City made an error and did not provide a utility easement along the northern side of Clearwater Court. He did not believe the developer should incur the cost of the oversight at this point.

Mr. Stolarsky said, after discussing this oversight, it is the opinion of the Law Department that the City has no legal right to request a utility easement in another portion of this plot that is not affected by this requested modification and the City does, in fact, waive that right.

There were no phone-in calls for comments.

Councilman Bentley closed the Public Hearing.

Motion by Mr. Newberry, seconded by Mr. Mazur to recommend approval of the plat modification as presented.

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

Motion Carried

NEW:

3. 33111 Station Street – Conrad’s Tire Realty Company, Inc. 017-2020 6
▪ Material color variance

Mr. Robert Miller, Davison Smith Certo Architects, Inc., 26031 B Center Ridge Road, Westlake was present representing the applicant and said the Commission approved the building addition in 2019. A rendering of the building was displayed. He said the owner would like to retain the anodized aluminum color of the existing doors at the east elevation. Mr. Miller requested the additional new doors be permitted to match the existing doors instead of their dark bronze color.

Councilman Bentley asked how many doors were being added and Mr. Miller said four glass doors to the west side of the building and a smaller solid door on the east side will be added.

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

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

Motion Carried

COUNCIL REFERRAL:

4. **PUBLIC HEARING** – From Hawthorne Golf Estates, LLC 015-2020 5
requesting the rezoning of PP# 953-03-001 and a portion of PP#
951-17-012 consisting of approximately thirty-five (35) acres of
land adjacent to Hawthorne Valley Country Club from R-1-D (Single
Family Residential) Zoning District to R-3-A (Multi-Family Residential)

Senior Citizen-1) Zoning District or potentially to a new "R-2-A" (One- and Two-Family Senior Citizen Residential) Zoning District

A public hearing was scheduled. Councilman Bentley opened the public hearing and asked for phone-in comments from the call line.

Mr. Lawrence Apple, 25250 Rockside Road, Bedford Heights, Ohio was present representing the applicant. Mr. Apple said this project, which is part of the Hawthorne Golf Course Community, would rezone approximately 32 acres to allow 105 single family homes with attached two car garages for seniors age 50 and older.

Mr. Apple said over a seven year period Solon's older population has increased over 15% to comprise almost 40% of Solon's total population. He said during this same period the total population actually declined. Mr. Apple said this project will follow the recommendation of the Master Plan by creating new senior citizen housing opportunities that will enable Solon residents to continue to live within the community as their housing needs change. Mr. Apple cited successful senior living communities within the City but noted a gap in the 50-70 age groups who desire maintenance free homes with first floor master bedrooms. He said, at this time, this age group moves out of the city for their housing needs.

Exhibit L was displayed. Mr. Apple said the 32 acres currently yields \$6,000 per year in real estate taxes to the community but upon completion of this development they would yield over a million dollars per year between property taxes and income taxes with over \$650,000 for the schools.

Mr. Apple said the development will have private streets with trash and maintenance creating a lower cost to the City.

Exhibit F, an aerial of the site, was displayed. Mr. Apple said the property is 204 acres with the proposed housing development utilizing 32 acres and the golf course preserved as perpetual open space through a conservation easement. He noted Hawthorne Golf Estates will not have an impact on the existing homes because it is more than one-third of a mile to the closest single family homes to the north on Aurora Road or to the west on Richmond Road.

Exhibit E, the proposed development, was displayed. Mr. Apple said 40% of the development will be maintained in greenspace as opposed to the 30% requirement. He noted the site plan reduces the number of variances because it conforms to the City's requirements.

Mr. Apple said this proposal is significantly different from previous proposals. He said the previous proposal included 116 units, including duplex and three-plex units, with a possible expansion to 184 units on 62 acres with different setbacks. He added the zoning ordinance would have allowed 10 units per acre at that time.

Mr. Apple said to assure the community; they are prepared to sign a development agreement prior to its passing by Council.

Mr. Apple said Hawthorne Golf Estates meets a demonstrated need for Solon seniors, is fiscally responsible, environmentally sensitive and guarantees protection for the City and the community through the development agreement and the conservation easement.

Mr. Kyle Baker, Director of Real Estate for Cleveland Metroparks, 4101 Fulton Parkway, Cleveland, phoned-in his comments. Mr. Baker reiterated their May 12th letter regarding the deed restrictions and the connecting road into this development from Hawthorn Parkway. He said Cleveland Metroparks would like to be a conservation partner and encouraged the City's support of the conservation easement.

Mr. Stolarsky requested the following exhibits labeled: Exhibit K - Real Estate Taxes Document provided by Hawthorne Golf Estates, Exhibit L - Comparative Economic Impact Document, Exhibit M – May 11, 2020 email and attached letter from Christine Jindra, Exhibit N – May 11, 2020 email from Theodore and Helen Melencheck and Exhibit O – May 12, 2020 letter from Metroparks.

Ms. Christine Jindra, 6045 Richmond Road, phoned-in with her comments. Ms. Jindra asked what the cost and size of the proposed houses would be and Mr. Apple said they would start at 1,500 sq ft and the cost would begin at approximately \$350,000.

Ms. Jindra asked why a private road is proposed versus a public road. Mr. Apple said after discussion with the City, it was determined a private road would reduce costs to the City. He said the plans were revised to widen the roadway to 26 feet.

Ms. Jindra expressed concern that hikers on Hawthorn Parkway might unknowingly venture onto the private property. Mr. Apple said that could be discussed at the site plan approval stage.

Ms. Jindra asked if the greenspace would allow public access. Mr. Apple said the greenspace within the 32 acres would be the homeowners' responsibility. He said 150 acres, which is now the golf course, is private space; however, it would be open to the public if a public entity or non-profit organization chose to purchase the property, improve it and make it available to the public. Ms. Jindra asked if interest has been shown to that effect and Mr. Apple said yes, preliminary conversations have been held with various organizations.

Ms. Jindra asked if the greenspace decision will be available prior to a vote. Mr. Apple said there will be a legal binding agreement that the land will not be developed but a greenspace buyer is unknown at this stage. Ms. Jindra asked if the land was being sold. Mr. Apple said the land is not being offered for sale but they are willing to listen if there is a buyer. Ms. Jindra asked who will maintain the greenspace if no one buys the property. Mr. Apple said it would be kept as open space, not a golf course.

Ward 5 Council Representative Nancy Meany, 5185 Harper Road, phoned-in her comments. Councilwoman Meany said this project is located in Ward 5. She said this age 50+ project fills a need in the City and adding 150 acres of greenspace is a huge benefit. Councilwoman Meany said it is important to understand the differences

between an initiative petition versus a development agreement and asked Mr. Frankland to comment.

Mr. Frankland said the process for a zone change can include the Planning Commission and Council approval or the process can be bypassed through an initiative petition. He said an initiative petition is a less friendly process that permits building what the zone allows. The plan presented is not the required plan. Mr. Frankland said going through Planning Commission and Council allows for a development agreement which ensures that the plan presented is the plan that will be built. He said a development agreement can establish the housing type, market, utilities, responsibility for services, amenities and, in this case, it provides the mechanism to guarantee the 150 acres of preserved open space as part of the development all within the zoning requirements. Mr. Frankland noted the 150 acres would be the largest piece of preserved land in the City at this point. He said Mr. Apple and those he is representing have indicated a willingness to enter into a development agreement prior to Council passing this item onto the Board of Elections.

Mayor Kraus said it is rare for cities to take large parcels and preserve greenspace in perpetuity. He said this project will allow the City to fill the age 50 and over market void and preserve 150 acres for potential conversion into a public park. Mayor Kraus said this project could create opportunities for outdoor activities in the community. He said when large areas of land are preserved it enables a shift of focus onto redevelopment and development of commercial and retail areas.

Mr. Mazur asked Mr. Eisenhuth if Lots 25, 26 and 27, located on a stub street, was a concern for the Fire Department. Mr. Eisenhuth believed the street should be wide enough to enable a turnaround but it will be reviewed as the project progresses.

Mr. Mazur said a clubhouse built on Lots 42, 43 and 44 would reduce the total number of houses in the development to 101. He asked what the probability of building the clubhouse was and Mr. Apple said it is uncertain at this time.

Mr. Mazur asked who will be responsible for addressing the Metroparks maintenance concerns over the Hawthorn Parkway traffic and construction equipment. Mr. Newberry said that would be defined in the development agreement and suggested an internal access via Richmond Road. Mr. Frankland said the Metroparks will be included in development discussions.

Mr. Mazur said the Metroparks stipulated utilities cannot be accessed through their property and asked how the utilities would be accessed. Mr. Apple said the utilities would come from either Richmond Road or Aurora Road.

Mr. Mazur said the Fire Department's letter specified there are no water lines to that area. Mr. Eisenhuth said water lines are a significant cost and wanted that fact noted on record. Mr. Eisenhuth said an email from Mr. Apple indicated the water line issue will be solved. Mr. Apple said the plan involves bringing the water to the site from Richmond Road with an easement through the golf course.

Mr. Mazur said it is his understanding the approximately 20 acres containing the golf course clubhouse property will be excluded from the conservation easement donation. Mr. Apple said that is correct, the 150 acres consists of the golf course alone.

Mr. Mazur said the proposed zoning change, Section 1269-A.06, provides for two parking spaces but only one has to be enclosed. He asked Mr. Frankland the reason for that provision. Mr. Frankland said that provision was taken from the R-3-A and R-3-B zoning to ensure there are two off street parking spaces as part of each residential structure. Mr. Mazur suggested requiring both spaces enclosed. Mr. Frankland said the section is used throughout newer residential and the senior housing districts. Mr. Newberry said the site plan indicates two car garages with driveways wide enough for two cars.

Mr. Mazur said the proposal lists a parking garage as a possibility. Mr. Frankland said the permitted uses are outdoor parking areas, parking garages, outdoor recreational areas, clubhouses and meeting rooms. He said a maximum height of 35 feet would be permitted for a parking garage.

Mr. Mazur said the new proposed zoning classification is across the board and does not singularly apply to this property. Mr. Frankland said this new zoning classification, R-2-A, is a much lower intensity type of senior housing that allows for single family or two-family attached senior housing units, 25 acre minimum with 30% greenspace. He said the existing senior housing zoning classifications are higher density per acre, some allow for managed care and some allow for assisted living.

Mr. Mazur asked if a new zoning classification would be required for the preserved 150 acres. Mr. Frankland said the zoning is not relevant because the acreage would become part of the development agreement with a perpetual conservation easement; however, a greenspace zoning district exists for an added layer of protection. He said the details will be defined in the development agreement.

Mr. Greenspan asked how the zoning would affect the potential clubhouse and clubhouse parking areas. Mr. Frankland said the zoning requirements permit a clubhouse. He said when a clubhouse is close to another zoning district or is close to the perimeter of a housing development it has a greater setback requirement. Mr. Frankland said the Commission and Council would review the parking area.

Mr. Newberry said because of the previous proposal on this property and his uncertainty for the need of another senior housing zoning, he initially had reservations; however, after understanding the proposal and why the ordinance is necessary, he believes this project will create a fine high-end development.

Mr. Newberry said while the generated tax projections are interesting, a five to ten year buildout timeline is a possibility before those taxes are realized.

Mr. Stolarsky asked the Engineering Department and Mr. Apple to comment on the offsite use of stormwater management. Mr. Lyndon said the site plan indicated some storm water management outside the limits of the rezoning. He said if it continued, an

easement could be acquired in the conservation, but it is his understanding the storm water management will be addressed during the design aspect of the site.

Councilman Bentley said information regarding this project is available on the City website.

The public hearing will remain open for the next meeting of May 26th.

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

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

Motion Carried

COMMENTS FROM THE AUDIENCE:

Ms. Uhl, 6165 Richmond Road, phoned-in her comments. She said she has resided on Richmond Road for 50 years. Ms. Uhl said the golf course topography from Richmond Road is uphill and expressed concern if the utilities are connected off of Richmond Road it would affect the water pressure at her home. She believed 105 houses is an excessive number for that area. Ms. Uhl encouraged the City to pursue any opportunity to develop walking trails in the space rather than let the golf course grow wild.

COMMENTS FROM THE COMMISSION

Mr. Newberry hopes everyone is staying healthy. He said his daughter and her family are moving to Solon and welcomed them to the community.

Mr. Stolarsky commended Councilman Bentley for an excellent meeting under special circumstances.

Councilman Bentley thanked Ms. Buller for her efforts.

Mr. Gibbs thanked LPV Productions for their assistance with the meetings.

Motion by Councilman Bentley, seconded by Mr. Newberry to schedule a public hearing on March 26, 2020 for the Chabad Jewish Center of Solon, PP#'s 951-28-003, 951-28-018, 951-28-016 for a lot consolidation.

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

Motion Carried

Mayor Kraus thanked Councilman Bentley, Mr. Gibbs and Ms. Buller for their assistance this evening.

Mayor Kraus said it would be in the best interest of the City in terms of long term viability to have a beautiful public park at the former Hawthorne Golf Course property.

Motion by Mr. Mazur, seconded by Mr. Newberry to adjourn the meeting at 8:43 P.M.

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

Motion Carried

Chairman

Secretary