

SOLON PLANNING & ZONING COMMISSION
March 9, 2021 – 7:00 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 Letourneau

Absent: None

Also Present*: Director of Information Technology Gibbs, Assistant City Engineer Lyndon, Fire Inspector Eisenhuth

*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.

Councilman Bentley announced the local cable channel is unavailable for this meeting, however, the meeting is live-streamed and recorded on YouTube.

ADOPTION OF MINUTES:

Councilman Bentley advised the minutes of February 9, 2021 will be tabled.

PENDING:

2. 34350 Solon Road/Franklin Park Boulevard – PP# 952-26-018 – Jay Realty, LLC: Councilman Bentley advised this item was tabled at the last meeting until an updated landscape plan was submitted and approved by the Planning Department. The plan has not yet been submitted.

Mayor Kraus advised he and Mr. Frankland spoke with the applicant earlier in the day and an agreement was determined. He suggested the application be approved contingent upon submission of an approved landscape plan. He said the purpose of the landscape plan is to ensure screening of the residential area on Sharondale Drive.

Councilman Bentley said he spoke with Councilman Kotora and they believe if the issue is not resolved before the March 15th Council meeting, they will not support approval of the application.

Mayor Kraus said the Planning Director is confident a landscape plan will be submitted before the March 15th Council meeting.

Councilman Bentley said the landscape plan is important to protect the residential area from increased noise.

Mr. Frankland suggested approval be contingent upon submission of a landscape plan approved by Councilmen Bentley and Kotora before the Council meeting. He said the issue was the planting location of trees to create a buffer.

NEW:

3. 32001 Cannon Road – Catholic Diocese of Cleveland – site plan: Mr. Doug Nemeckay, H&M Landscaping, was present representing the applicant and indicated his understanding of the requirement by the Engineering Department in regard to the foot bridge crossing a ditch behind the church.

4. 33124 Brackenbury Drive – Bryan Brumert – aggregate fence opening variance: Councilman Bentley advised the Police Chief did not object to the fence design.

5. 33549 Solon Road – Nicole Dauria – various variances and revised site plan: Councilman Bentley advised this item will be tabled to allow the applicant to provide further information.

6. 32450 Cromwell Drive – Goldberg Companies – site plan: Councilman Pelunis advised that the application is requested to be tabled by the homeowners association.

Mr. Bob Kunzen, Brilliant Electric Signs, and Mr. Tim Stacey, President of the Liberty Hill Homeowners Association were present.

Mr. Stacey requested the application be tabled to allow him to meet with Goldberg Companies.

Mr. Kunzen said he did not request the item be tabled.

Mr. Bob Trimper, Goldberg Companies, was present. Mr. Trimper said they seek approval of a new sign and understands that approval will be contingent upon further discussion with the homeowners association.

Mr. Kunzen explained the Planning Department advised him that a variance is no longer necessary, however, site plan approval for the signs is necessary.

Mr. Newberry said no variance is required, however, it was questioned if the signs are appropriately licensed at the location on SOM Center Road. Councilman Bentley clarified that the signs are on City property.

Councilman Pelunis said he spoke with Mr. Stacey and representatives of Goldberg Companies and Brilliant Electric Signs to discuss the signs on City property leased to the homeowners association for a period of 99 years. He said the homeowners association permitted Goldberg Companies to place the signs on the property, however, there was no agreement at that time documented with the City for the signs to be on the property. He said the homeowners association needs to approve a license agreement and/or a sublease to place the signs on the property. He said Mr. Stacey would like to meet with Goldberg Companies and himself.

Mr. Newberry advised it is appropriate to table the application this evening to allow the applicant to meet with the homeowners association regarding the license agreement.

Mr. Kunzen said the application is to obtain approval to replace a damaged sign with an updated sign and to replace the sign on the opposite side so they match. He does not believe an agreement with the City relates to the application.

Mr. Newberry disagreed and said the license agreement is pertinent to place the signs on SOM Center Road and is dependent upon the City and Goldberg Companies reaching an agreement.

Mr. Kunzen believes the signs could be approved contingent upon the details from the meeting with Goldberg Companies and the City.

Mayor Kraus questioned if approval could contain contingencies.

Mr. Stolarsky believes much is involved between Goldberg Companies, the homeowners association and the City in regard to the license agreement. He agreed it is sensible to resolve the issues before moving forward with approval of the signs.

Mr. Kunzen said this application has been under review for some time. He asked if the signs are acceptable, can they be approved at this meeting.

Mr. Stolarsky advised it is the Commission's decision to table the application or move forward with contingencies.

Mr. Trimper believes the issue is about verbiage. He asked if they could get approval of the signs and resolve the issue of verbiage to avoid returning to the Planning Commission.

Mr. Newberry clarified the verbiage is not a consideration of the Planning Commission and reiterated the importance of the license agreement in relation to placing the signs on City-owned property. Mr. Newberry said the other signs in the application could be approved, however, the SOM Center Road signs cannot be

approved until the license agreement issue is resolved. He indicated although the easement agreement was submitted to the County in 2000 and recorded, there is no license agreement between the applicant, homeowners association and the City.

There will be further discussion during the meeting.

7. 5655 SOM Center Road – PP# 952-33-004 - Louis Cancasci – lot split: A public hearing will need to be scheduled, however, Councilman Bentley advised public comments will be accepted this evening.

COUNCIL REFERRAL:

9. Proposed amendment to Section 1288.04 (3)(d) entitled “Non-Commercial Opinion Signs” of the Zoning Code: Councilman Bentley advised a recommendation was received from the attorney, however, the item will be tabled to allow time for review by the Commission. The information will be posted to the City website.

BOARD OF ZONING APPEALS:

10. Appeal from Attorney Brian Bonham, representing Liberty Investment Group, 32811 Aurora Road, regarding issuance of a zoning violations letter for prohibited property conditions: Councilman Bentley said this item is currently being discussed with the Administration and will be tabled.

The caucus ended at 7:27 P.M. and the meeting began at 7:31 P.M.

CHANGES TO THE AGENDA:

There were no changes to the agenda.

COMMENTS FROM THE AUDIENCE REGARDING AGENDA ITEMS:

There were no comments regarding agenda items.

MINUTES:

Motion by Mr. Newberry, seconded by Mr. Mazur to approve the minutes of the January 26, 2021 meeting as presented.

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

Nay: None

Motion Carried

Motion by Mr. Mazur, seconded by Mr. Newberry to table the minutes of the February 9, 2021 meeting.

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

Nay: None

Motion Carried

Motion by Mr. Greenspan, seconded by Mayor Kraus to approve the minutes of the February 23, 2021 meeting as presented.

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

Motion Carried

PENDING:

3. 5940 & 5950 Glasgow Lane - PP#'s 955-03-084, 087, 088 2021-00090 3
Paul & Divya Sequeira
• Lot consolidation

A public hearing was scheduled.

Mr. Paul Sequeira and Ms. Divya Sequeira, 6610 Cummings Court, were present.

Mr. Sequeira explained the request to consolidate the lots and noted one lot does not have road access.

Councilman Bentley opened the public hearing and asked for comments. There were no comments, therefore, the public hearing was closed.

Mr. Newberry asked the applicant if they are aware of existing wetlands in the rear parcel which will make it difficult to develop the site.

Mr. Sequeira said yes and that they will likely leave the parcel undeveloped.

Mr. Newberry understood the applicant owns an additional parcel to the southwest that is undeveloped.

Mr. Sequeira said they will likely leave this parcel undeveloped as well, however, it is not part of the consolidation.

Motion by Mr. Mazur, seconded by Mr. Newberry to approve the lot consolidation of PP#'s 955-03-084, 087, 088.

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

Motion Carried

4. 34350 Solon Road/Franklin Park Boulevard 2021-00092 4
PP# 952-26-018 - Jay Realty, LLC
• 38' front yard setback variance
• 22' parking front yard setback variance
• 4' parking setback from buildings variance
• 18 space parking variance
• Site plan

Councilman Bentley said as discussed in Caucus, the Commission has the option to table the application or to approve it with contingencies. He said if it is approved and the landscape plan is not submitted for the March 15th Council meeting, the Council has the option to deny the application. He and Councilman Kotora firmly believe the abutting residential area needs to be buffered.

As he mentioned in Caucus, Mayor Kraus said he and Mr. Frankland discussed the landscape plan with the applicant and he believes they reached a resolution to the landscaping issue.

Councilman Bentley questioned if the timeline can be met to submit the landscaping plan.

Mr. Newberry was concerned the Commission would not have the opportunity to review the landscape plan, however, the Council has the option to table the application for three meetings before approving or rejecting. He believes appropriate buffering of the residential area will still occur if the application is approved this evening.

Mr. Mazur said the Commission has approved similar applications with contingencies in the past. He said if Councilman Kotora participates in discussion regarding the landscape plan before the Council meeting, approval could be given contingent upon Councilman Kotora's approval. He supports the application.

Mr. Greenspan concurred.

Motion by Mayor Kraus, seconded by Mr. Mazur to approve a 38' front yard setback variance.

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

Motion by Mr. Mazur, seconded by Mr. Newberry to approve a 22' parking front yard setback variance.

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

Motion by Mr. Newberry, seconded by Mr. Greenspan to approve a 4' parking setback from buildings variance.

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

Motion by Mr. Greenspan, seconded by Mayor Kraus to approve an 18-space parking variance.

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

Motion by Mayor Kraus, seconded by Mr. Mazur to approve the site plan contingent upon compliance with the Engineering Department memo of February 18, 2021 and submission of a landscape as approved by the Planning Director, Councilman Kotora and the applicant before the March 15, 2021.

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

NEW:

3. 32001 Cannon Road - Catholic Diocese of Cleveland 2021-00093 4
 • Site plan

Mr. Doug Nemeckay, H&M Landscaping was present representing the applicant and explained the request to create a garden area on the northwest corner of the church building at the end of the parking lot area. The site plan was displayed. He said the garden will provide an area for reflection in a pleasant environment.

Councilman Bentley advised the applicant will need to comply with requirements in the Engineering Department memo of March 3, 2021. Mr. Lyndon advised the letter requested in the first item of the Engineering Department memo was received.

Motion by Mr. Mazur, seconded by Mr. Newberry to approve the site plan contingent upon compliance with the Engineering Department memo of March 3, 2021.

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

4. 33124 Brackenbury Drive - Bryan Brumert 2021-00094 2
 • 11% ~~25%~~ aggregate fence opening variance

Mr. Brian Brumert was present and explained the request to install a high quality vinyl fence around the perimeter of the rear yard of the property. He explained the fence pickets will have a 7/16" gap which does not meet the Code requirement of 25% aggregate fence opening.

Councilman Bentley advised he discussed the fence with the Police Chief who indicated he had no objection in this case, therefore, Councilman Bentley will support the application.

The plan was displayed to indicate the location of the fence.

Mr. Mazur indicated his support.

Mr. Newberry said the Engineering Department advised there is an existing drainage system in the back yard that the applicant should be aware of.

Mr. Brumert said he is aware of the drainage system and he will ensure his fence contractor is advised of its location.

It was determined the fence aggregate opening variance is to allow 11%.

Motion by Mr. Newberry, seconded by Mr. Mazur to approve an 11% aggregate fence opening variance.

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

5. 33549 Solon Road - Nicole Dauria 2021-00095 6
- 25' front yard setback variance
 - 5' rear yard parking setback variance
 - 4' cross access drive width variance
 - Primary building material variance (roof)
 - Primary building material variance (fence railing)
 - Revised site plan

Councilman Bentley advised additional information is necessary for consideration. He said a meeting will be held with the applicant before the next meeting.

Mr. Mazur said a neighbor questioned the need for a dumpster on the site.

Councilman Bentley said this will be discussed as well.

Motion by Mayor Kraus, seconded by Mr. Mazur to table consideration of Item 5.

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

Nay: None

Motion Carried

6. 32450 Cromwell Drive - Goldberg Companies, Inc. 2021-00096 2
- Site plan

Mr. Bob Trimper, representative for Goldberg Companies, was present.

Councilman Bentley explained the request includes replacing a sign that was struck by a vehicle with a modernized sign and includes replacing other coordinating signs in the Liberty Hill Subdivision.

Mr. Bob Kunzen, Brilliant Electric Sign Company, was present representing the applicant and requested the exhibit be displayed indicating the existing signs. He said the proposed plan is to replace the damaged sign and update existing remaining signs to match.

Councilman Bentley indicated the location of the signs in question is on SOM Center Road. He said there are no objections to the signs located in front of the housing office and on Cromwell Drive. He said the SOM Center Road signs are on City-owned property and require a license agreement with the City.

Councilman Pelunis spoke with the Law Department who indicated the signs at Cromwell Drive and SOM Center Road are on City-owned property and were leased by the City to the homeowners association many years ago for a period of 99 years. It was brought to the City's attention that there is no formal agreement between the homeowners association, Goldberg Companies and the City with regard to sub-leasing and/or licensing for the property on SOM Center Road. He explained Goldberg Companies submitted the application with Brilliant Electric Sign Company as a representative. The approval of the homeowners association will be needed through a licensing or sub-lease agreement.

Mr. Stolarsky concurred and said the application may proceed with a license agreement to define the relative rights and responsibilities of the parties.

Mr. Tim Stacey, President of the Liberty Hill Homeowners Association, was present.

Councilman Pelunis said Mr. Stacey objects to the language beneath the sign.

Mr. Stacey agreed with Councilman Pelunis' statement. He said the existing signs state "luxury homes and apartments". The new signs will state "homes and apartments". He felt this is advertising and would like to be consistent with other subdivision signs in the City.

The exhibit indicating sign options was displayed. Mr. Stacey said the Fire Department requested Sign Option 3 contain an address which Goldberg Companies have agreed with.

Mr. Newberry said the Commission cannot determine sign verbiage, however, a license agreement is necessary to permit Goldberg Companies to install a sign on City-owned property that was leased to the homeowners association. He will not support the application until a signed license agreement is received.

Councilman Bentley said there are two concerns which include the licensure and the verbiage on the sign. He agreed with Mr. Newberry that the Commission's concern for approval is licensure only. He said the verbiage is between the homeowners association and Goldberg Companies.

Mayor Kraus questioned why a license agreement has not been provided before this meeting. Councilman Pelunis said discussions were to take place between the homeowners association and Goldberg Companies.

Mayor Kraus asked who will prepare the agreement.

Mr. Stacey said the sign has been down for two years without answers and now there is a rush.

Mr. Mazur and Mr. Newberry preferred to table the application.

Mr. Kunzen questioned if the application could be approved with contingencies.

It was questioned if the homeowners association is the proper applicant.

Mr. Greenspan questioned if the other signs could be installed.

It was discussed the license agreement would be reviewed by the Law Department.

Mr. Newberry said in the past, the apartment owners would negotiate a license agreement with the homeowners association and present it to the City, however, it did not happen. He objects to approval until a license agreement is executed based upon previous actions.

Councilman Bentley advised Councilman Russo suggested the item be tabled.

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

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

Motion Carried

Mayor Kraus offered the City's assistance to the applicant and Councilman Pelunis advised he offered to be a liaison between the homeowners association and Goldberg Companies. Mr. Stolarsky said although they will not negotiate language, the City can assist with what the City seeks in the license agreement.

7. 5655 SOM Center Road - PP# 952-33-004 - Louis Cancasci, 2021-00097 4
Trustee of Louis Cancasci Trust
- Lot split

Motion by Mr. Newberry, seconded by Mr. Mazur to schedule a public hearing on March 23, 2021.

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

Motion Carried

8. 6864 Cochran Road - WMB Properties - St. Clair LLC 2021-00098 7
- Site plan

The applicant was not present. Councilman Bentley explained the proposal to construct an addition to the back of a warehouse. A plan was displayed and Councilman Bentley said the addition will be on the rear building and only be visible to neighboring warehouses.

Mr. Newberry asked Mr. Frankland if there are any issues with the plan and Mr. Frankland replied no. He explained it is a 280 square foot building with metal siding and a metal roof. It was noted the addition will not be visible from the road.

Motion by Mr. Newberry, seconded by Mr. Mazur to approve a revised site plan contingent upon compliance with the Engineering Department memo of March 3, 2021.

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

Motion Carried

COUNCIL REFERRAL:

9. Proposed amendment to Section 1288.04 (3)(d) entitled "Non-Commercial Opinion Signs" of the Zoning Code

A public hearing was scheduled. Councilman Bentley opened the public hearing and asked for comments.

Councilman Bentley advised a proposed ordinance was received from the attorney and it will be posted to the City website. He would like to discuss the ordinance at

the next meeting and it is his goal for the Commission to provide their recommendation to be forwarded for consideration at the next Council meeting.

There were no comments. Councilman Bentley advised the public hearing will remain open.

Motion by Mr. Newberry, seconded by Mr. Mazur to table consideration of Item 9.

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

Motion Carried

BOARD OF ZONING APPEALS:

10. Appeal from Attorney Brian Bonham, representing Liberty Investment Group, 32811 Aurora Road, regarding issuance of a zoning violations letter for prohibited property conditions

Motion by Mr. Greenspan, seconded by Mr. Newberry to table consideration of Item 10.

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

Motion Carried

COMMENTS FROM THE AUDIENCE:

There were no phone-in comments from the audience.

COMMENTS FROM THE COMMISSION:

Mr. Newberry encouraged everyone to get a COVID-19 vaccine as soon as possible and follow safety protocols.

Councilman Bentley appreciates the planning process when discussing challenging issues.

Mayor Kraus concurred with Mr. Newberry's comments. He found cancelling last year's events very difficult and is hopeful for the upcoming programming and events this year. He believes the community is in a better place than last year.

Motion by Mr. Newberry, seconded by Mr. Mazur to adjourn the meeting at 8:37 P.M.

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

Motion Carried

Chairman

Secretary