

OLON PLANNING & ZONING COMMISSION
September 14, 2021 – 7:30 P.M.

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

Present: Commission Members Greenspan, Mazur, Newberry, Mayor Kraus,
Assistant Law Director Stolarsky, Planner Parks Secretary Letourneau

Absent: Councilman Bentley

Also Present: Fire Inspector Eisenhuth, Assistant City Engineer Lyndon

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 explained to the applicants the procedures that take place during the meeting when they present their applications. Mr. Mazur also explained that if their application includes a memo from the Engineering Department, they will be asked to agree to the requirements of that memo prior to the Commission voting.

Due to Councilman Bentley's absence, Mr. Stolarsky explained in order for an application to be approved, it will need the affirmative vote of three of the four voting members. Therefore, if an applicant believes they would benefit from a full Commission, they may choose to table their item until the next meeting.

1. 6590 SOM Center Road – Cathy Lawrence – accessory pavement area variance and a side yard setback variance: Mr. Mazur explained to the applicant's representative, Mr. Ted Vitale, that the Commission has questions regarding the necessity for such a large parking area.
2. 31385 Elm Hill Drive – Mickhal Garrett – number of accessory structures variance and a driveway material variance: As this was the third meeting that there was no representative present, the Commission discussed moving the item to the Inactive Agenda or voting on it. It was confirmed by the Clerk that letters have been sent to the applicant requesting his presence at the meetings. Mr. Mazur said if it is voted on and denied, the applicant will receive a letter regarding the appeal process.
4. 6130 Kruse Drive – L & Y Properties – parking space length variance and a parking side yard setback variance: Upon Mr. Mazur's request, Fire Inspector Eisenhuth confirmed the Fire Department had no issues with the variances requested.

5. 6134 Kruse Drive – L & Y Properties – parking space length variance and parking rear yard setback variance: Mr. Lyndon said the Engineering Department feels the parking space on the east side is located close to the stop bar. They have asked the Traffic Engineer to confirm this will not create any issues. Mr. Mazur said if approval is given, it will be contingent upon compliance with the Engineering Department memo.

6. 34080 Maple Drive – Shannon Zdanowicz – front yard setback variance. Ms. Zdanowicz said this request is to build a deck in the front of the house and a temporary ramp that will only be used when necessary for her father. The stairs on the deck will have a handrail and be wide enough to accommodate a ramp, when necessary.

COUNCIL REFERRAL:

11. Proposed sign ordinance: Mr. Stolarsky said Attorney Myers will be present to give a brief overview of the ordinance changes and respond to any questions.

The caucus ended at 7:17 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 REGARDING AGENDA ITEMS:

There were no comments from the audience.

MINUTES:

Motion by Mr. Newberry, seconded by Mayor Kraus to approve the minutes of the August 24, 2021 meeting as presented.

Roll Call: Aye: Greenspan, Kraus, Newberry

Nay: None

Abstain: Mazur

Motion Carried

PENDING:

1. 6590 SOM Center Road - Cathy Lawrence
PCPC-2021-00163 - Ward 7
 - 1,530 sq ft accessory pavement area variance
 - 5' side yard setback variance

Mr. Ted Vitale, Vitale Asphalt, was present representing the applicant and explained the request to expand the parking area. Mr. Mazur questioned why parking is requested to be expanded and Mr. Vitale was unsure as it was a request of the property owner.

Mr. Mazur asked if Mr. Vitale is in the position to agree to the requirement to consolidate the lots and Mr. Vitale said he is not.

Mr. Newberry said as a condition upon approval, permits will not be issued until a lot consolidation is filed and confirmation is received that the applicant will adhere to requirements as outlined in the August 5, 2021 memo from the Engineering Department. He asked Mr. Vitale if he is aware of the memo and Mr. Vitale said he was not.

Mr. Mazur suggested the item be tabled until the property owner can be present.

Mr. Newberry said more explanation regarding the applicant's request to add more pavement is necessary.

It was discussed the applicant was contacted to attend the prior meeting and did not and that the property owner's attendance will be required at the next meeting.

Mr. Vitale asked if the questions can be answered via email. Mr. Stolarsky said the Commission requires the property owner's presence to explain the necessity for the variance.

Motion by Mr. Newberry, seconded by Mr. Greenspan to table consideration of Item 1 and direct the Clerk to send correspondence requesting the property owner's presence at the next meeting.

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

Motion Carried

2. 31385 Elm Hill Drive - Mickhal Garrett
PCPC-2021-00164 - Ward 5
 - Number of accessory structures variance (to permit 2)
 - Driveway material variance

The applicant was not present.

Mr. Mazur explained the variances and said this is the third meeting in which a representative has not been present.

Mr. Stolarsky said the Clerk made additional attempts to contact the applicant with no response. He believes the applicant has not been present because he likely cannot provide a practical difficulty. He said the Commission's vote will reflect the information provided to them.

Mr. Mazur said the applicant has the right to appeal the decision to the Council.

Motion by Mr. Greenspan, seconded by Mayor Kraus to approve a number of accessory structures variance (to permit 2).

Roll Call: Aye: None

Nay: Greenspan, Kraus, Mazur, Newberry

Motion Failed

Motion by Mayor Kraus, seconded by Mr. Mazur to approve a driveway material variance.

Roll Call: Aye: None

Nay: Greenspan, Kraus, Mazur, Newberry

Motion Failed

NEW:

3. 38195 Windy Hill Lane - Kamaljit S. Janda
PCPC-2021-00178 - Ward 3

- Number of accessory structures variance (to permit 1 additional)
- 72 sq ft accessory structure area variance
- Accessory structure location variance

Mr. Janda was present and explained the request to install a gazebo on a newly installed patio.

Mr. Newberry referred to the plan and said a second structure appears to be located in the rear corner. Mr. Janda acknowledged the second structure.

A picture of the proposed structure was displayed. It was clarified the structure will be anchored to the patio and located on the left side of the patio.

Mr. Newberry asked for clarification for the location variance. Mr. Holloway explained the patio is considered part of the home according to the Code. The structure will be located on the patio and per the Code, a structure is required to be a certain distance from the home.

Motion by Mayor Kraus, seconded by Mr. Newberry to approve a number of accessory structures variance (to permit 1 additional).

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

Nay: None

Motion Carried

Motion by Mr. Newberry, seconded by Mr. Greenspan to approve a 72 sq ft accessory structure area variance.

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

Nay: None

Motion Carried

Motion by Mr. Greenspan, seconded by Mr. Mazur to approve an accessory structure location variance.

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

Nay: None

Motion Carried

4. 6130 Kruse Drive - L & Y Properties - Solon, LLC
PCPC-2021-00179 - Ward 6

- 2' parking space length variance
- 4'-8.5" parking side yard setback variance

Mr. Daryl Young, 27500 Cedar Road, was present. His partner, Mr. Arthur Lawrence was also present. Mr. Young said they are the property owners of Kruse

Commons. He explained the request to add four parking spaces in the rear and the side yard of the property. He explained the request for 18' long parking spaces is typical of the other existing parking spaces.

Mr. Mazur asked if the Fire Department had concerns and Lieutenant Eisenhuth said there are no concerns from the Fire Department.

Mr. Newberry asked if Mr. Young has reviewed the memo from the Engineering Department. Mr. Young acknowledged receipt of the Engineering Department memo and his response to the Engineering Department on September 9, 2021 confirming they will comply with the requirements of the memo.

Motion by Mr. Newberry, seconded by Mr. Greenspan to approve a 2' parking space length variance.

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

Motion Carried

Motion by Mr. Mazur, seconded by Mr. Greenspan to approve a 4'-8.5" parking side yard setback variance contingent upon requirements as outlined in the September 8, 2021 Engineering Department memo.

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

Motion Carried

5. 6134 Kruse Drive - L & Y Properties - Solon II, LLC
PCPC-2021-00180 - Ward 6
- 2' parking space length variance
 - 15' parking rear yard setback variance

Mr. Young explained 6134 Kruse Drive is part of Kruse Commons and is adjacent to the larger center. He explained the request to install six 18' parking spaces which will be in line with the existing.

Mr. Young said a memo from the Engineering Department was received on September 8, 2021 and he replied on September 9, 2021 indicating they will comply with the requirements of the memo.

Motion by Mr. Mayor Kraus, seconded by Mr. Newberry to approve a 2' parking space length variance.

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

Motion Carried

Motion by Mr. Newberry, seconded by Mr. Greenspan to approve a 15' parking rear yard setback variance contingent upon requirements as outlined in the September 8, 2021 Engineering Department memo.

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

Motion Carried

6. 34080 Maple Drive - Shannon Zdanowicz
PCPC-2021-00181 - Ward 4
- 8' front yard setback variance

Ms. Zdanowicz was present and explained the request to replace the existing front stairway with a porch and a gate to contain her dogs. She said the new stairs will be a little wider than typical to allow for use of a ramp when needed for her father. She advised she received an email with signatures from the neighboring property owners and their tenants supporting the variance.

Mr. Stolarsky acknowledged the email and signatures from the neighboring property owners and tenants.

Ms. Zdanowicz indicated her agreement to comply with requirements of the September 8, 2021 Engineering Department memo.

Motion by Mr. Mazur, seconded by Mr. Greenspan to approve an 8' front yard setback variance.

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

Motion Carried

7. 32731 North Burr Oak Drive - Carrie L. Graham
PCPC-2021-00182 - Ward 1
- 12' rear yard setback variance

Ms. Carolyn Graham, 4063 E. 147th Street, Cleveland, was present representing her mother and property owner, Carrie Graham, who was present in the audience. Ms. Graham explained a rear deck and wooden walkway were removed in June in preparation for basement waterproofing services. Ms. Graham said the proposed replacement deck will match the size and design of the previous deck, will be built on the same footprint as the previous deck and will be in character with surrounding homes on North Burr Oak Drive.

Ms. Graham indicated her agreement to comply with requirements of the September 8, 2021 Engineering Department memo.

Motion by Mr. Greenspan, seconded by Mr. Newberry to approve a 12' rear yard setback variance.

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

Motion Carried

Ms. Graham questioned Item 1 of the Engineering Department memo regarding a separate driveway permit that is necessary for the walkway. She questioned if a permit is necessary if the driveway and the garage are in the front of the house and a walkway to the deck will be connected to the back of the driveway.

Mr. Lyndon explained walkways and patios are included as part of the driveway permit process.

8. 33705-55 Station Street - Shibley Properties LLC
PCPC-2021-00183 - Ward 6
- Material color variance

Mr. Lawrence Shibley, 8190 Devon Court, Chagrin Falls, was present and explained the request to replace an older brown mansard with a charcoal gray shingle. A picture was displayed of the proposed shingle to be used.

Mr. Newberry said he appreciates the updates to the building.

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

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

Motion Carried

Mr. Shibley disagreed with the color requirement for roofing in the Code and said most chosen roofing material is either black or gray. Mayor Kraus said it may be time to revisit the Code requirement.

9. 36200 Pettibone Road - Richard A. Ledinsky (Annex Bar & Grille)
PCPC-2021-00184 - Ward 1
- 10' parking setback from building variance
 - 33.5' side yard setback variance

Mr. Mazur explained the Planning Department advised of an issue with the application that will need to be resolved, therefore, the item will be tabled.

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

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

Motion Carried

10. 5250 Naiman Parkway - Raintree Holdings/Verizon Wireless/Crown Castle USA
PCPC-2021-00185 - Ward 5
- Site plan - cell tower modification

A public hearing was scheduled.

Ms. Jennifer Baldwin, 2000 Corporate Drive, Canonsburg, PA, was present representing the applicant. Ms. Baldwin explained Verizon is requesting to add three antennas and replace six remote radio heads to their existing configuration. She said there is no electrical or fiber necessary.

Ms. Baldwin indicated her agreement to comply with requirements of the September 8, 2021 Engineering Department memo.

Mr. Mazur opened the public hearing and asked for comments.

There were no comments, therefore, the public hearing was closed.

Mr. Newberry advised he is pleased that the application process has been simplified in regard to the amount of information submitted.

Motion by Mr. Newberry, seconded by Mr. Greenspan to recommend approval of the site plan for cell tower modification at 5250 Naiman Parkway contingent upon requirements as outlined in the September 8, 2021 Engineering Department memo.

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

Nay: None

Motion Carried

Mr. Mazur commented that cell tower applications are complicated and laborious to the applicant and questioned if requirements of cell towers can be revisited. He noted Ms. Baldwin had to drive from Pennsylvania.

Mr. Newberry explained originally, there was much concern about the stability of the monopole towers, however, the concerns have seemed to have dissipated.

Mr. Holloway said the Planning Department is currently reviewing cell tower requirements.

COUNCIL REFERRAL:

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

A public hearing was scheduled.

Mr. Mazur opened the public hearing and asked for comments. There were no comments from the audience, however, the public hearing remained opened.

A presentation was anticipated by Attorney Myers, however, Mr. Stolarsky said he was told to arrive at 8:00 P.M.

COMMENTS FROM THE AUDIENCE:

There were no comments from the audience.

COMMENTS FROM THE COMMISSION:

Mr. Newberry wished those who celebrate a healthy new year and a short fast.

Attorney Ken Myers, 32906 Lisa Lane, arrived to provide an update in regard to Item 11.

Mr. Myers said before he retired, Mr. Frankland asked how the proposed sign ordinance will integrate with other signs in the City. The request prompted Mr. Myers to review the proposed ordinance to integrate with other signs in the commercial, industrial and school areas. He said this will help those adjudicating

sign regulation make decisions that benefit the residents and city government. Mr. Myers advised in order to avoid litigation and comply with federal law, all references to opinions in the draft ordinance were removed. Cities are challenged when attempting control content. He said the difference between a sign being legal or unlawful will be something that can be objectively ruled on; such as size, traffic/line of sight issues, property lines and condition of the sign. Mr. Myers said he removed all references to timing of when signs are erected and how long they can remain. He explained it is difficult to determine timing because of mail-in voting and different dates of when elections begin. Also, several signs do not fit into any one category such as sports signs, garage sale signs and signs for businesses in houses that are not located in residential areas. Mr. Myers said the ordinance was written to be citizen-friendly. He said certain signs may be addressed in other parts of the Code. In addition to his review of timing content, Mr. Myers said he removed the word "temporary". He believes the City should avoid issues with number of signs, time of year they are erected and content. He said if the City does take action, there are warnings and fines in the process to attempt to remediate the issue. He said the ordinance will define the limits of the City and of what neighbors can do. Mr. Myers recommended the goal of approving the ordinance before spring elections.

Mr. Stolarsky asked how distance from right-of-way is affected. Mr. Myers believes a sign should be close enough to the street for vehicles to view to receive the message. Mr. Stolarsky questioned how content will be addressed. Mr. Myers said obscenities and messages inciting violence would be an appropriate restriction, however, it is not included in the ordinance as it could be addressed in another part of the Code.

Mr. Stolarsky asked Mr. Myers to explain penalties. Mr. Myers explained criminal penalties could affect a person's job, where a civil penalty will not. He believes further legal action is pursued if a person is charged with a misdemeanor or a threat of jail and may lead to possible First Amendment implications.

Mayor Kraus is pleased with Mr. Myers approach to an ordinance that can be enforced and not interfere with First Amendment rights. He understands signs can be removed from right-of-way or if causing health and safety issues. He finds the amendment to be balanced in an effective way.

Mr. Myers believes the ordinance will put Solon in the forefront of cities looking forward and giving citizens choices without interfering with content.

Mr. Newberry supports the amendment and believes it is appropriate to table this item until a full Commission is present.

Motion by Mr. Newberry, seconded by Mr. Greenspan to table consideration of Item 11.

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

Motion Carried

Mayor Kraus said a Ward 4 primary was held and he congratulated the candidates.

Mayor Kraus said literature will be sent to residents in regard to the proposed Charter amendments.

Mayor Kraus toured the Young Chef's Academy and said it is an opportunity for kids to learn to cook.

Mr. Mazur wished members of the Jewish community a happy New Year.

Motion by Mr. Newberry, seconded by Mr. Greenspan to adjourn the meeting at 8:34 P.M.

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

Motion Carried

Chairman

Secretary