

SOLON PLANNING & ZONING COMMISSION
January 11, 2022 – 7:30 P.M.

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

Present: Commission Members Greenspan, Newberry, Councilman Bentley, Mayor Kraus, Assistant Law Director Stolarsky, Director of Planning Holloway, Secretary Letourneau

Absent: None

Also Present: Fire Inspector Wolf, Assistant City Engineer Lyndon

NOTES OF CAUCUS DISCUSSION:

Councilman Bentley presided.

NOTE: Mr. Mazur attended the Caucus in order to say goodbye to everyone as his term had ended and he elected not to be re-appointed for another six-year term. Therefore, he was not in attendance as a voting member.

Councilman Bentley explained to the applicants the procedures that take place during the meeting when they present their applications. He 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 and before a permit is issued.

NEW:

3. 33200 Miles Road – Brad P. Bell - accessory pavement area variance: Mr. Stolarsky asked the applicant if the pavement was already installed and Mr. Bell said it had been. Mr. Stolarsky explained that if the application is approved, there will likely be a fine issued in addition to the cost of the permit.

4. 5930 Liberty Road – Greg Greenspan – accessory structure location variances for a generator and air conditioning unit: Councilman Bentley said as Mr. Greenspan is a member of this Commission, he will recuse himself during this item and make the presentation to the Commission.

5. 6135 Kruse Drive – Davis Automotive Group, Inc. – Number of wall signs variance (to permit 2 additional): Mr. Al Wangenheim was present and explained BMW is adding their roundel (emblem) to the signage.

8.6426 Woodbury Drive – Justin and Annamaria Lenz – 25% aggregate fence opening variance: Councilman Bentley said by City Code, fences are required to have a 25% fence opening for the Safety forces to be able to see in the yard, if necessary. He always votes based on the determination of the Police Chief regarding this variance, who always says no, so he will not support this variance request.

Mr. Greenspan explained the Commission has always voted no on requests for solid fencing all the way around the property. He would not be able to support this request.

Mayor Kraus said if the fence was not solid around the entire property, he might support it, but will not support a solid fence around the entire property.

Mr. Newberry agreed with the other Commission members.

The Commission recommended Mr. Lenz tabling this item tonight and work with the Planning Department to come up with a plan that the Commission might consider supporting.

The caucus ended at 7:15 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:

Mr. John Patram, 37182 O'Neill Drive, was present to speak regarding Item 4, 5930 Liberty Road, a variance request to locate a generator and air conditioner unit in the side yard. Mr. Patram is an abutting resident and said he agrees with the location of the air conditioning unit on the south side of the dwelling. However, he disagrees with the generator location on the side of the dwelling abutting his property due to noise when the unit is activated and the length of time it will run. Mr. Patram is requesting a noise barrier so when the generator is activated, it does not exceed the City's noise decibel requirement and to obscure his view of the generator from his property. He requested an explanation from the Commission should they disagree with his requests.

MINUTES:

Motion by Mr. Greenspan, seconded by Mr. Newberry to approve the minutes of the December 14, 2021 meeting as presented.

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

Motion Carried

PENDING:

1. 30201 Aurora Road - American Tower/Verizon Wireless
PCPC-2021-00214 - Ward 6
 - Site plan - cell tower modification

A public hearing was scheduled.

Councilman Bentley opened the public hearing and asked for comments.

Mr. Mike Bieniek, LCC Telecom Services, representing American Tower and Verizon Wireless, was present.

Mr. Bieniek displayed the site plan and explained the request to modify equipment at the 165 foot level by adding one additional antenna and support equipment to each of three sectors and cable. The modified equipment will be smaller than the existing at 3 feet tall.

Mr. Stolarsky advised as four members of the Commission are present, three affirmative votes are necessary for passage. If an applicant feels they will benefit from a full Commission, the applicant has the option to request their item be tabled. He noted Mr. Greenspan will recuse himself from consideration of Item 4.

Councilman Bentley indicated the location of the tower and noted it will not be visible from the street.

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

Mr. Newberry advised cell tower requirements are in the process of being amended to be considered as minor alterations. He said the change is minor and supports the request.

Motion by Mr. Newberry, seconded by Mr. Greenspan to approve the site plan for cell tower modification.

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

Motion Carried

NEW:

2. 33725 Station Street - Quinisha Singleton
PCPC-2021-00217 - Ward 6
 - Number of wall signs variance (to permit 1 additional)
 - Number of ground signs variance (to permit 3 additional)
 - 10' ground sign front yard setback variance
 - 6' ground sign height variance
 - Ground sign material variance (3 banner signs)

The applicant was not present and will be contacted to request attendance at the next meeting.

Motion by Mr. Newberry, seconded by Mayor Kraus to table consideration of Item 2.

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

Motion Carried

3. 33200 Miles Road - Brad P. Bell
PCPC-2021-00218 - Ward 4
 - 383 sq ft accessory pavement area variance

Mr. Brad and Mrs. Jackie Bell were present. Mr. Bell displayed the site plan and indicated the driveway and an oval island area of the driveway that was filled with pavers to replace grass. Pictures of the approximately 4½' by 19' island were displayed.

Mr. Newberry requested the distance on each side of the island. Mr. Bell approximated 12' on each side. Mr. Newberry said the code allows 300 additional feet of accessory pavement and noted Mr. Bell exceeded 300 feet. Although he understands the reason for the variance, the pavers were installed before City approval. He explained it is not his practice to support variance requests after work is completed and advised he will not support the variance.

Motion by Mr. Greenspan, seconded by Mayor Kraus to approve a 383 sq ft accessory pavement area variance.

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

Motion Carried

4. 5930 Liberty Road - Greg Greenspan
PCPC-2021-00219 - Ward 4

- Accessory structure location variance (generator)
- Accessory structure location variance (air conditioner)

Mr. Greenspan recused himself from consideration of this item and left the dais.

Mr. Greg Greenspan, 6975 Liberty Road, explained the request to locate an air conditioner unit on one side of the house and a generator on the other side of the house. He said the furnace will be located in the center of the house and his contractor recommended the air conditioning unit be placed no further than 50 feet from the furnace. He said the south side has no windows, is hidden by woods and cannot be seen from the street.

Mr. Greenspan said the generator cannot be located in the rear of the house as it needs a five foot clearance from windows. He indicated the location of the main electrical and gas line create an optimal, screened location for the generator. In regard to the neighbor's concerns, Mr. Greenspan indicated on the site plan where a solid fence will be located that was previously approved by the City which will mitigate noise and prevent visibility by the neighbors. He indicated the generator runs at 57 decibels and will be tested monthly for five minutes. He noted that the generator is permitted by code and is considered emergency equipment.

Councilman Bentley said Mr. Patram's letter was received and he spoke earlier about his concerns. He explained that variances are frequently granted for this type of equipment based on layout of the home and the location of the site.

Mayor Kraus believes Mr. Greenspan has displayed practical difficulty due to the number and location of windows in the rear of the house. The items will be placed in the most practical locations with very little visibility. He appreciates Mr. Greenspan taking into consideration the concerns of his neighbor by installing the fence which will alleviate the noise and the visibility of the generator.

Mr. Stolarsky asked Mr. Greenspan if he reviewed the Engineering Department memo dated January 6, 2022 and if he agreed with the terms of the memo. Mr. Greenspan said he has seen the memo and agrees to the terms.

Motion by Mr. Newberry, seconded by Mayor Kraus to approve an accessory structure location variance (generator) contingent upon compliance with requirements in the January 6, 2022 memo from the Engineering Department.

Roll Call: Aye: Bentley, Kraus, Newberry

Nay: None

Motion Carried

Motion by Councilman Bentley, seconded by Mr. Newberry to approve an accessory structure location variance (air conditioner) contingent upon compliance with requirements in the January 6, 2022 memo from the Engineering Department.

Roll Call: Aye: Bentley, Kraus, Newberry

Nay: None

Motion Carried

Mr. Greenspan returned to the dais as a voting member of the Commission.

5. 6135 Kruse Drive - Davis Automotive Group, Inc.

PCPC-2021-00220 - Ward 6

- Number of wall signs variance (to permit 2 additional)

Mr. Al Wangenheim was present representing Davis Automotive Group, Inc. and explained the request to install two additional wall signs on the renovated BMW dealership building. He said past signage did not include the BMW roundel and were considered directional. As BMW is now requiring a roundel on the signs because of the renovation, they become wall signs. The BMW roundel was identified on the displayed site plan. He indicated the location of the signs at the entrance and exit of the Service Department.

Mr. Newberry advised the signs could be considered additional advertising for BMW, however, the signs are small and will not be very visible to the public.

Motion by Mayor Kraus, seconded by Mr. Newberry to approve a number of ground signs variance (to permit 2 additional).

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

Nay: None

Motion Carried

6. 6957 Longview Drive - Jared and Marci Kleinhenz

PCPC-2021-00221 - Ward 7

- 88 sq ft accessory structure area variance

Mr. Jared Kleinhenz was present and explained the request to install a shed for additional storage. Mr. Kleinhenz said their garage is very small. The site plan was displayed and the proposed location in the rear yard was indicated. It was noted railroad tracks abut the property. At Councilman Bentley's request, a picture of the shed was also displayed.

Mr. Greenspan asked Mr. Kleinhenz if he had reviewed the Engineering Department memo dated January 6, 2022. Mr. Kleinhenz said yes. Mr. Newberry asked if he agreed with the terms of the memo. Mr. Kleinhenz said yes.

Motion by Mr. Greenspan, seconded by Mr. Newberry to approve an 88 sq ft accessory structure area variance contingent upon compliance with requirements in the January 6, 2022 memo from the Engineering Department.

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

Motion Carried

7. 6701 Winston Lane - Bhavesh and Zankhana Lad
PCPC-2021-00222 - Ward 3
 - Accessory structure location variance

Mr. Bhavesh Lad was present via Zoom.

Mr. Jason Herb, Classic Decks, 2921 Center Road, Brunswick was present representing the application. Mr. Herb displayed the plan and explained the proposal to install a deck in the rear yard. He said per his email from the City, it does not meet Code requirements because the deck does not meet the house and a pavilion is requested on the deck, the pavilion is proposed at 206 square feet and the requirement is 168 square feet and the rear setback for the deck should be at 40 feet and it is proposed at 37½ feet.

It was clarified the variances were grouped into one accessory structure location variance.

Mr. Herb indicated the location of the deck, pavilion and property line on the site plan and displayed a picture of the current back yard.

Mr. Newberry asked if the footprint of the pavers will be used for the deck. Mr. Herb said yes.

Councilman Bentley asked Mr. Lad and Mr. Herb if they reviewed the Engineering Department memo dated January 6, 2022 and if they agreed with the terms of the memo. Mr. Lad and Mr. Bhavesh said yes.

Motion by Mayor Kraus, seconded by Mr. Greenspan to approve an accessory structure location variance contingent upon compliance with requirements in the January 6, 2022 memo from the Engineering Department.

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

Motion Carried

8. 6426 Woodbury Drive - Justin and Annamaria Lenz
PCPC-2021-00223 - Ward 6
 - 25% aggregate fence opening variance

Councilman Bentley advised the applicant requested this item be tabled.

Motion by Mr. Newberry, seconded by Mr. Greenspan to table Item 8 at the request of the applicant.

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

Motion Carried

9. 33095 Bainbridge Road/6050 Kruse Drive - OMNI SLF Solon, LLC.
PCPC-2021-00224 - Ward 6
- 42'-1" side yard setback variance
 - 15' height variance
 - 1.5 number of stories variance
 - 66'-10.08" front yard setback variance
 - 50' parking area side yard setback variance
 - 93'-8.52" parking area front yard setback variance
 - 170 space total parking variance
 - 3% greenspace variance
 - 5' parking area side yard setback variance
 - Site plan

Councilman Bentley advised this item will be tabled.

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

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

Motion Carried

COUNCIL REFERRALS:

10. From Planning Director Holloway regarding a proposed amendment to Section 1286.06 of the Zoning Code entitled "Accessory Structures in "R-1-A", "R-1-B", "R-1-C", "R-1-D", "R-1-E" and "R-2" Residential Zoning Districts"

A public hearing was scheduled.

Councilman Bentley opened the public hearing and asked for comments.

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

Mr. Holloway explained the amendment simplified verbiage in regard to heating, ventilation, air conditioning and other mechanical equipment in residential district which will assist applicants and contractors.

Mr. Greenspan explained at the last meeting, he objected to the section indicating additional screening to be determined by the Director of Planning and Community Development. He said he objects to screening being determined by one person. He will support more generic language requiring screening.

Mr. Stolarsky said many items are handled internally by City departments. He recommended verbiage similar to mechanical equipment for non-residential areas indicating "screening from view and integrated into the landscaping concept for the

site". He explained if an applicant disagrees, they may pursue a variance to not screen.

Mr. Greenspan advised mechanical equipment has a generic screening requirement and he prefers such language be used in this section as well.

Mr. Stolarsky said in practicality it is a department.

Mr. Greenspan reads it as determined by the Director of Planning. He believes by removing the language, it allows the type of screening to be the decision of the property owner.

The Commission further discussed removing the verbiage from the amendment and how to present it to Council.

Councilman Bentley supports the language as submitted but respects Mr. Greenspan's opinion.

Mayor Kraus said the amendment can be recommended incorporating Mr. Greenspan's comments.

Mr. Newberry believes the amendments recommended by the Commission will be considered by the Council and Councilman Bentley can further explain the Commission's actions.

Motion by Mr. Newberry, seconded by Mayor Kraus to recommend the proposed amendment to Section 1286.06 of the Zoning Code entitled "Accessory Structures in "R-1-A", "R-1-B", "R-1-C", "R-1-D", "R-1-E" and "R-2" Residential Zoning Districts" with the change to eliminate the last phrase in Section C, Number 3, "*as determined by the Director of Planning & Community Development.*"

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

Nay: None

Motion Carried

11. From Planning Director Holloway regarding a proposed amendment to Section 1285.05 of the Zoning Code entitled "Wireless Communication Antenna and Tower Regulations"

A public hearing was scheduled.

Councilman Bentley explained most cell tower modifications to antennas are minor and this amendment will streamline the process for minor modifications to cell towers.

Councilman Bentley opened the public hearing and asked for comments.

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

The proposed amendment would allow minor alterations to cell towers, such as antenna replacements or additions that do not change the height, mechanical

equipment at the base of the tower or fiber optic lines, be determined by an administrative review.

Councilman Bentley further explained this will streamline the process for wireless communication companies.

Motion by Mr. Newberry, seconded by Mr. Greenspan to recommend to the Council a proposed amendment to Section 1285.05 of the Zoning Code entitled "Wireless Communication Antenna and Tower Regulations".

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

Nay: None

Motion Carried

12. From Planning Director Holloway regarding a proposed amendment to Section 1295 of the City of Solon Zoning Code, Enforcement and Penalties.

Mr. Holloway said this item relates to proposed amendments to signs in residential areas.

Motion by Mr. Newberry, seconded by Mayor Kraus to schedule a public hearing on January 25, 2022.

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

Nay: None

Motion Carried

Motion by Mr. Greenspan, seconded by Councilman Bentley to schedule public hearings for cell tower modifications at 6801 Cochran Road for Crown Castle representing Verizon Wireless and T-Mobile.

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

Nay: None

Motion Carried

COMMENTS FROM THE AUDIENCE:

There were no comments from the audience.

COMMENTS FROM THE COMMISSION:

In turn, members of the Commission expressed best wishes to Mr. Mazur in his retirement and thanked him for his service.

Mayor Kraus thanked Mr. Mazur for his 18 years of service to the community and wished him good luck.

Mayor Kraus said the pandemic is still ongoing and recommended everyone continue to take precautions.

Mayor Kraus congratulated Jay Leitson and Izzy Schachner for the grand opening of their restaurant, Elle, on Bainbridge Road in the former Harvest Kitchen location.

It was discussed that due to the 2022 calendar, there will be one Planning Commission meeting in February and three meetings in March.

Motion by Mr. Newberry, seconded by Mayor Kraus to adjourn the meeting at 8:28 P.M.

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

Motion Carried

Chairman

Secretary