

PLANNING & ZONING COMMISSION
January 10, 2012 – 7:00 P.M.

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

Present: Commission Members Mazur, Newberry, Bentley, Councilwoman Richmond, Mayor Drucker, Law Director Lobe, Planning Director Frankland, Secretary McConoughey

Absent: None

Also Present: Fire Lieutenant Benedict, Assistant City Engineer Welch, Chief Building Official Boshane

The following items remained on the Inactive Agenda:

- A. Thornbury Subdivision – Forest City Land Group – Dedication Plat for phases 7 and 8
- B. 34050 Aurora Road – BP America – Number of signs variance (to permit 16)
- C. Requests from Wolf Family Trust and Larry Coven, for consideration of allowing medical and dental occupancy in the I-2 Zoning District
- D. Willow Street – PP# 956-39-056 – Robert Kucinic – Front yard setback variance
- E. Request from Davis Development Group, John Siragusa, Asset Management and Christine Burkholder, Kids Country, to modify the permitted uses in the C-5 Zoning District

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.)

Chairman Mazur presided.

NEW:

1. 37865 Bainbridge Road – Phillip Talarico, Jr. – location variance for recreational court and variance to not construct at grade: Mr. Mazur asked Mr. Lobe to look into the zoning violations that are pending against Mr. Talarico with regard to this property.

Mr. Talarico said the photographs provided to the Commission are no longer accurate. He said the vehicles and other debris depicted in the photographs have been removed from the property.

Mr. Frankland showed Mr. Talarico a photograph of the property taken by the

Zoning Inspector this afternoon and asked if it depicted an accurate representation of the property.

Mr. Talarico said the blue truck is a licensed vehicle that he uses. He explained his intention to use some of the other items still located on the property and some of the items will be removed by an organization.

4. **29750 Cannon Road – Jewish Center of Solon – various variances:** Mr. Mazur said he will request clarification regarding the garage usage during the meeting.
6. **28260 Aurora Road – Craig and Megan Smargiasso – side yard setback variance:** Mr. Smargiasso said the requested amount of footage has changed since he filed the application and wished to explain to the Commission the change was determined by the Planning Department.
7. **28300 Miles Road – Brainard/Miles Retail Development, LLC. – Bruce Page - Honey Hut – number of wall signs variance (to permit 2):** Mr. Randy Kertesz was present on behalf of the applicant.

COUNCIL REFERRAL:

8. **Ohio Building Code Updates and amendments to Chapters 1402 and 1424 of the Solon Building and Housing Code:** Mr. Boshane will review and explain the changes during the meeting. A public hearing is scheduled.

Mr. Frankland said he has 2 minor alterations to review and briefly described them.

The caucus ended at 7:16 P.M. and the meeting convened at 7:30 P.M.

Mayor Drucker presided. She explained that every two years a new Chairman and Vice Chairman are appointed to the Planning Commission.

Mayor Drucker said Mr. Newberry has been re-appointed for the term beginning January 1, 2012 through December 31, 2017. The term for citizen representation is six years.

Motion by Mayor Drucker, seconded by Mr. Newberry to appoint Mr. Mazur as Chairman of the Planning Commission and Councilwoman Richmond as Vice-Chairperson.

Roll Call: Aye: Bentley, Drucker, Newberry

Nay: None

Abstain: Mazur, Richmond

Motion Carried

Mr. Mazur presided.

CHANGES TO THE AGENDA:

There were no changes to the agenda.

COMMENTS FROM THE AUDIENCE:

There were no comments from the audience.

APPROVAL OF MINUTES:

Motion by Mr. Bentley, seconded by Councilwoman Richmond to approve the minutes of the December 13, 2011 meeting as presented.

Roll Call: Aye: Bentley, Drucker, Mazur, Newberry, Richmond
Nay: None

Motion Carried

NEW:

1. **6300 SOM Center Road – City of Solon – PP#’s 952-21-035, 089-2011
952-21-036, 952-21-037, 952-21-038, 952-21-039, 952-21-040**
 - Lot consolidation

Mrs. Welch displayed an aerial view of the Veteran’s Park. She indicated a small area that was owned by the Ohio Department of Transportation. The State has recently donated this area to the City of Solon, therefore, making it necessary to consolidate the parcels for clear ownership.

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

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

Motion by Mr. Newberry, seconded by Mr. Mazur to approve a lot consolidation for PP#’s 952-21-035, 952-21-036, 952-21-037, 952-21-038, 952-21-039 and 952-21-040 for the City of Solon.

Roll Call: Aye: Bentley, Drucker, Mazur, Newberry, Richmond
Nay: None

Motion Carried

2. **37865 Bainbridge Road – Phillip Talarico, Jr. 001-2012**
 - Location variance
 - Variance to not construct at grade

Mr. Phillip Talarico was present and explained there is a built-in swimming pool on the property that has not been used in many years. He is proposing to use it as a recessed volley ball court rather than filling it in. Mr. Talarico believes his children will enjoy this activity and he will not have the expense of having it filled in.

Mr. Mazur said upon review, it has been determined there are zoning violations pending regarding the upkeep of the property. He believes some of the violations are from 2004. Mr. Mazur requested Mr. Lobe review the violations and report back to the Commission with his findings.

Mr. Lobe said he will review the violations and report his findings to the Commission.

Mr. Talarico said the citations were for violations in 2010. He said there has been an ongoing effort to upgrade and maintain the property since it was purchased in 1983. Mr. Talarico said when he purchased the property, it was a small two-bedroom cottage with many trucks and debris in the woods in the rear of the property.

Mr. Talarico believes the violations from 2004 were corrected and the 2010 violations are pending. He said he is on probation with Bedford Court for three of the pending violations and has a status hearing on April 14th to determine if the violations have been corrected.

Mr. Newberry said he believes the location variance is due to the pool not being located directly behind the house.

Mr. Frankland confirmed that by Code, the pool is required to be in the rear yard.

Mr. Newberry said Mr. Talarico stated that when he purchased the home, it was much smaller than it is now. Mr. Talarico confirmed this and said the pool has been there for 30 years and is located behind the house and to the side of the garage.

Mr. Mazur said he has no issues with the location for the volleyball court, however, has concerns with it being below grade.

Mr. Newberry agreed with Mr. Mazur and asked Mr. Talarico his reasons for the request.

Mr. Talarico said he and his family enjoy playing volleyball in swimming pools which are below grade, although the pools are usually filled with water.

Mr. Talarico said since the pool is currently empty, he constructed a fence to surround it to be in compliance with the Code with regards to safety issues.

Mr. Mazur would be agreeable to a volleyball court providing the pool was filled in appropriately and installed at grade. He does not believe there is a hardship for approving a volleyball court below grade.

Mr. Talarico said it would be an expense and his family would not consider it to be as much fun.

In response to Mr. Mazur's question regarding preventing water from filling the volleyball court, Mr. Talarico said there is a drain in the bottom which drains into a pond in the rear of the property.

Mr. Talarico said the pond is filled with silt due to development from the surrounding area.

Mr. Mazur said he will not support the variance to construct below grade and sees no practical difficulty for the request.

Councilwoman Richmond believes the expense of having to fill the area in does not meet the practical difficulty standard.

Mr. Bentley said as he understands the issue, Mr. Talarico would like to clean the pool out and add a net to the pool which is 3' 6" deep. He asked if it was level throughout or became deeper on one end as many pools do.

Mr. Talarico said the pool is the same level throughout. He and his family played volleyball in it when it was filled with water.

In response to Councilwoman Richmond's question regarding filling the pool with sand, Mr. Talarico said it would not be filled with sand. He said sand would be placed on the bottom only if approved as a volleyball court. Mr. Talarico said if it is not approved, he will have to fill it with approved fill and compact it and finish it appropriately.

Motion by Mr. Mazur, seconded by Mayor Drucker to approve a location variance for a recreational court.

Roll Call: Aye: Bentley, Drucker, Mazur, Newberry, Richmond
Nay: None Motion Carried

Motion by Mr. Newberry, seconded by Mr. Mazur to approve a variance to not construct at grade.

Roll Call: Aye: None
Nay: Bentley, Drucker, Mazur, Newberry, Richmond Motion Failed

3. 5570 Harper Road – PP#'s 951-28-006, 951-28-028, 002-2012
951-28-017, 951-28-004, 951-28-003 – Chabad Jewish
Center of Solon
▪ Lot consolidation

Mr. Justin Kapela, Form-A Architects, was present and he displayed a site plan indicating the property owned by the Chabad Jewish Center of Solon and indicated which parcels will be consolidated.

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

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

Motion by Mr. Mazur, seconded by Mayor Drucker to approve the consolidation of PP#'s 951-28-006, 951-28-028, 951-28-017, 951-28-004 and 951-28-003 at 5570 Harper Road.

Roll Call: Aye: Bentley, Drucker, Mazur, Newberry, Richmond
Nay: None Motion Carried

4. 29750 Cannon Road – Jewish Center of Solon 006-2012
- 52' front yard setback variance (residence)
 - 42' front yard setback variance (detached garage)
 - 3' front yard setback variance (swimming pool)
 - 20' side yard setback variance (residence)
 - 15' side yard setback variance (swimming pool)
 - Site plan – (pool)

Mr. Justin Kapela was present and displayed photographs of the property and a rendering of the potential pool. He said the potential pool project initiated the lot consolidation request.

Mr. Kapela said the pool will be 25' x 45' which is not much larger than the average residential pool. He said it will be located directly behind the existing house and the goal is to maintain the residential-appearance of Cannon Road. Mr. Kapela compared the project to the Mikvah, located next door, where the look of a residence has been maintained.

Mr. Kapela said the pool will be screened by 5' privacy fencing from the road between the house and the garage then around the perimeter of the pool. The pool will be used for summer camp only which is in session from June until the beginning of August. Mr. Kapela said the pool will be closed the rest of the year.

Mr. Kapela said the first floor of the house will be converted into Men's and Women's rest rooms and changing rooms. The upstairs will be offices for the camp counselors. Mr. Kapela said the house will not be used in the evenings.

Mr. Mazur asked Mr. Frankland to explain why the variances are required for an existing property.

Mr. Frankland said the house is grandfathered as a residence and this is considered a non-residential use in a residential area. Therefore, there are greater setback requirements and it was determined that the setbacks are not grandfathered because the use is changing.

Mr. Mazur asked Mr. Kapela how the garage will be utilized.

Mr. Kapela said it will be used to store pool equipment, patio chairs, picnic tables, etc. He indicated a location on the site plan where they propose adding a concrete pad outside of the fenced-in area to accommodate a picnic area.

In response to Mr. Mazur's question regarding how students would enter the pool property, Mr. Kapela said all attendees will be dropped off at the Chabad and will be walked over by counselors using the rear of the property.

Mr. Mazur said the question was asked because a letter was received from a resident on Cannon Road with concerns regarding the possibility of additional traffic on Cannon Road. Mr. Kapela said camp attendees will only be dropped off at the Chabad where there is a large parking area, to avoid creating additional traffic on

Cannon Road. Mr. Kapela said no additional sidewalks will be added and the camp attendees will walk on the grass across the properties.

Mr. Mazur said it is his understanding that the camp will contain no more than 25 to 30 attendees and their family members will not be participants. Mr. Kapela confirmed this and added there will be no evening activities.

Councilwoman Richmond asked if the residents were aware of the potential pool and its use.

The Clerk advised notification regarding the application was sent to adjacent and abutting addresses indicating the possibility that variances would be required for the addition of a pool. However, the actual variances had not yet been identified by the Planning Department and were not listed on the notification.

Mr. Mazur said since this is a unique situation with a summer camp located within a residential area, he believes local residents should be given the opportunity to express any concerns, if they are so inclined. He requested another notification be sent. Mr. Mazur asked if moving the pool closer to the Chabad was considered.

Mr. Kapela said it is more practical for the pool to be located within close proximity to the house for rest room and changing room availability. Additionally, more yard space will be available for attendees to participate in other play activities.

Mayor Drucker said the Chabad has had a summer camp program for many years. Mr. Kapela confirmed this and said all of the properties are currently connected and a playground already exists on the Chabad property.

Mayor Drucker supports the location since it is already surrounded by other property owned by the Chabad and is not next door to a residence. She believes only **Rabbi Greenberg's** private property will not be included in the lot consolidation.

Mrs. Miriam Greenberg said nothing is changing with regard to the camp, the number of attendees or where the children play. This is property already owned by the Chabad and currently being utilized. Mrs. Greenberg said the neighbors will not see any changes in the uses. She said additional screening and shrubbery will be added. Mrs. Greenberg said soccer has been played in the rear yard of the house and now they are proposing the installation of a pool. Although some of the property will now be used for the pool, there will still be enough room to continue playing soccer. Mrs. Greenberg said the yards are connected and are easily accessible from the playground where the camp attendees already participate in activities.

Mr. Kapela said he conducted research regarding the size of residential swimming pools and the average is 20' x 40'. This pool will not be much larger with measurements of 25' x 45', three feet deep in the shallow end and six feet deep in the deep end with no slides or fountains.

Mr. Kapela explained the reason for the many variances is due to the consolidation

of the lots which now makes the house an auxiliary structure to the Chabad, rather than a primary structure, which changes all of the setback requirements.

Mr. Newberry said the setbacks also change because the use is changing from residential to non-residential use where larger setbacks are required.

Councilwoman Richmond said some of her questions have already been answered. She was concerned about additional noise, however, was unaware that a summer camp program already existed. Councilwoman Richmond said she is unaware of any complaints about excessive noise from the area.

Mr. Newberry said the resident letter also questioned the use of the driveway and he asked if the driveway leading to the garage will remain.

In response to Mr. Newberry's question regarding if a driveway is required to be present to access an auxiliary structure such as a garage, Mr. Frankland said a driveway is not a requirement of the Code. However, a garage is required. He advised the driveway cannot be made of grass and must be a hard surface, such as; concrete.

Mr. Newberry suggested the removal of the driveway leading to the garage to alleviate the concerns of the neighbor.

Mr. Kapela said the removal of the driveway was considered, however, it was determined the property would look more residential by having the driveway remain intact.

Mr. Newberry said the resident is concerned that the driveway will have vehicles parked in it and be used for drop off and pick up of attendees and will disturb their peace and quiet.

Mrs. Greenberg said the use will be minimal and it will not be used for drop off and pick up. She said it might be used for occasional deliveries and pool services. Mrs. Greenberg said the camp counselors will park at the Chabad where there is a timeclock and the attendees are dropped off and have to be signed in. Mrs. Greenberg said the intent is for the house to remain as residential looking as possible.

Mr. Newberry said his questions were to reflect the concerns of the neighbor who sent the letter and he believes the answers have been clear and decisive and favorable to the neighborhood.

Mr. Mazur believes the item should be tabled to give neighbors an opportunity to express any concerns and considering the time of year, he feels it will not interfere with the installation of the pool.

Mayor Drucker questioned the applicant regarding the construction timetable.

Mr. Kapela said because it is considered a commercial pool, the plans have to be

submitted to, and currently are with the State of Ohio Health Department. He anticipates receiving approval from the State of Ohio Health Department in two weeks. Mr. Kapela said the pool is being installed by High-Tech Pools who install all year long.

Mayor Drucker asked if the item is tabled will it definitely be acted upon in two weeks. She said she would only consider tabling the issue if it is definitely acted upon at the next meeting.

Mr. Mazur said providing there is no negative input received in the next two weeks, it will move forward.

At Mr. Lobe's inquiry, Mr. Kapela said construction should take approximately three months, including landscaping.

Mr. Lobe said it appears if the construction starts by March 1st, the project should be completed by the target date.

Mr. Kapela and Mrs. Greenberg believe March 1st would be cutting it close.

Mr. Mazur believes a decision will be made by mid-February, the latest.

Mayor Drucker is reluctant to table the item and does not want to see it continue on the agenda past the next meeting.

Councilwoman Meany was present and asked how many notification letters were sent.

Clerk McConoughey said two notification letters were sent; one for the consolidation and one regarding the pool.

Councilwoman Richmond said she is comfortable moving forward with the item this evening. She believes residents have been notified and she is satisfied with the **applicant's answers to all of the Commission's questions and the concerns outlined in the resident's letter.**

Mr. Bentley is comfortable tabling the item tonight and believes the applicant has ample time to complete the project in time for the summer camp program.

Mayor Drucker asked if tabling the item will affect their schedule.

Mrs. Greenberg said if nothing goes wrong, tabling the item tonight will still give them the ability to finish the project before summer camp, providing no meetings are cancelled, they should be able to complete the project in time for their target date.

Motion by Mr. Mazur, seconded by Mr. Bentley to table consideration of Item 4.

Roll Call: Aye: Bentley, Mazur, Newberry

Nay: Drucker, Richmond

Motion Carried

Mayor Drucker said Mr. Frankland can present the consolidation at the next Council meeting.

Mr. Mazur requested the Clerk send another notification to residents detailing the necessary variances.

5. **33800 Sherbrook Park Drive – Simon Shteyngarts** 004-2012
▪ 1,100 sq ft accessory pavement variance

Mr. Simon Shteyngarts was present and displayed a diagram indicating his property and its surroundings with specific attention to SOM Center Road on one side and a ravine on the other side of his property. He said when he purchased the property, a gravel driveway already existed and he has been saving for a long time to install an asphalt driveway.

Mr. Shteyngarts said the contractor for the driveway was American Asphalt and he was assured many times during the installation that they have previously worked in Solon and have obtained all of the appropriate permits and licensing.

Mr. Shteyngarts said on the day the asphalt was installed it was raining heavily and it took American Asphalt **approximately 4 ½ hours to complete the task**. He said he had concerns about the driveway being installed during rain and is not pleased with the outcome of the overall quality of the installation. Mr. Shteyngarts said a City of Solon truck was parked on Sherbrook Park Drive taking photographs which he was led to believe, by the contractor, was a normal procedure.

Mr. Mazur said the Planning Commission is concerned with the amount of pavement installed which is more than normally allowed. However, there are extenuating circumstances due to the location of the home which accesses SOM Center Road and Sherbrook Park Drive. Mr. Mazur said it is his understanding that the asphalt installation covered an area of existing gravel.

Mr. Frankland confirmed this.

Mr. Mazur said although he understands Mr. Shteyngarts frustration with the quality of the workmanship, the capacity of the Planning Commission is to determine if it is reasonable to permit the additional 1,100 sq ft of pavement.

Mayor Drucker asked Mr. Shteyngarts to confirm that no additional area, other than that which was previously gravel, was paved over. Mr. Shteyngarts said only the gravel area was paved.

Mr. Mazur said Mr. Shteyngarts will still be held responsible that the contractor was not licensed to perform the work in the City of Solon and did not apply for a permit and will be penalized accordingly.

Mayor Drucker believes it is unfortunate that the contractor relayed to Mr.

Shteyngarts that everything was in order with the City, thereby, allowing him to proceed with the installation. She said that since the asphalt was installed over existing gravel, she will not object to the requested variance.

Motion by Mayor Drucker, seconded by Mr. Bentley to approve a 1,100 sq ft accessory pavement area variance.

Mr. Newberry said as the Commission is well aware, it is not his habit to vote in favor of variances which ask for forgiveness rather than permission. However, this is one occasion where he believes it is appropriate to support the variance. Mr. Newberry said it appears the contractor was less than honest with Mr. Shteyngarts.

Roll Call: Aye: Bentley, Drucker, Mazur, Newberry, Richmond
Nay: None

Motion Carried

Mr. Lobe requested Mr. Shteyngarts provide a copy of the contract since he intends to review it and pursue the contractor for his failure to register with the City of Solon. Mr. Lobe assured Mr. Shteyngarts that there will be no further action taken against him but it might help other residents from having to deal with this contractor under a similar situation in the future.

6. **28260 Aurora Road – Craig and Megan Smargiasso** 005-2012
▪ **6' side yard setback variance (garage)**

Craig and Megan Smargiasso were present and a diagram of the property was displayed. Mr. Smargiasso said the necessity for a 6' side yard setback variance is due to the addition of a 20' x 20' detached garage. He said there is currently no garage on the property and this will be the primary garage which will satisfy the Code requirement.

Mr. Smargiasso displayed photographs indicating where the property slants which naturally makes their backyard on the side of their home. He said the variance is necessary for the ease of pulling in and out of the garage and without the variance, it will be very difficult to maneuver a vehicle.

Mr. Mazur asked Mr. Smargiasso if he will agree to maintain the current tree lawn screening.

Mr. Smargiasso agreed to maintain the current tree lawn buffer.

Motion by Mayor Drucker, seconded by Councilwoman Richmond to approve a 6' side yard setback variance for the installation of a garage with the contingency that the applicant will maintain a tree lawn buffer.

Roll Call: Aye: Bentley, Drucker, Mazur, Newberry, Richmond
Nay: None

Motion Carried

7. **28300 Miles Road – Brainard/Miles Retail Development, LLC -** 007-2012
Bruce Page – (Honey Hut)
▪ **Number of wall signs variance (to permit 2)**

Mr. Randy Kertesz, Managing Partner, Brainard/Miles Retail Development, LLC, was present representing Honey Hut. He explained that Honey Hut is replacing the former Dippin' Dots for which 2 signs were previously approved. He displayed photographs indicating the new sign renderings with one sign over the front door and one sign on the side of the building.

Motion by Councilwoman Richmond, seconded by Mr. Newberry to approve a number of wall signs variance (to permit 2) for Honey Hut located at 28300 Miles Road.

Roll Call: Aye: Bentley, Drucker, Mazur, Newberry, Richmond

Nay: None

Motion Carried

In response to Mr. Mazur's question, Mr. Kertesz said Joey's Italian Restaurant is now open at the Shoppes of Solon North.

COUNCIL REFERRAL:

8. Ohio Building Code updates and amendments to Chapters 1402 and 1424 of the Solon Building and Housing Code. A public hearing is scheduled.

Mr. Boshane was present and explained the updates to the City ordinances. He said Section 1402 is the section which adopts the Building Code for the Commercial District from the State of Ohio. Mr. Boshane said he has changed the Code to reflect the change to the new Code adopted by the State in November, 2011. Mr. Boshane said he has removed the year from the language to allow this section to be updated regularly and, therefore, not regularly require Commission approval. Mr. Boshane said some of the sections in 1402 are also covered in the Ohio Building Code. He deleted them and re-numbered the **sections for the City's ordinance**.

Mr. Boshane said the second issue involves the commercial fee schedule. The intent of the fee schedule for that section was for a project which involves all of the trades, i.e., electrical, plumbing, HVAC, etc. Mr. Boshane said the City does not provide the services to warrant this fee. He said the fee has been reduced to be more appropriate with the types of services the City provides.

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

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

Mayor Drucker commended Mr. Boshane for reviewing this section since the fees have been a topic of discussion. She said the City wishes to be considered pro-business.

In response to Mr. Newberry's question, Mr. Boshane said he utilized the Ohio Business Code language and descriptions for the code updates.

Motion by Mr. Mazur, seconded by Councilwoman Richmond to approve the amendments to Chapters 1402 and 1424 of the Solon Building and Housing Code.

Roll Call: Aye: Bentley, Drucker, Mazur, Newberry, Richmond
Nay: None

Motion Carried

9. From the Planning Director regarding amendments to Section 1248 of the Subdivision Regulations regarding lots fronting on unimproved streets 090-2011

Mr. Mazur said as determined during the Caucus, the Engineering Department and the Planning Department will meet to review the definitions as they pertain to this section of the Code.

Mr. Frankland said the purpose is to codify a policy the City has had for many years and the same wording in the policy will be incorporated in the ordinance as well. However, there are some items which need further clarification with the Engineering Department. Mr. Frankland said he will have the clarifications for the next meeting on January 24th. In addition, the public hearing should be scheduled for January 24, 2012.

Motion by Mr. Mazur, seconded by Mr. Newberry to schedule a public hearing for January 24, 2012, regarding amendments to Section 1248 of the Subdivision Regulations regarding lots fronting on unimproved streets.

Roll Call: Aye: Bentley, Drucker, Mazur, Newberry, Richmond
Nay: None

Motion Carried

Mr. Newberry suggested during the update of this section, Mr. Frankland review the term **"private utility"** since they are really public utilities franchised by the State of Ohio in the City of Solon to provide services.

Mr. Frankland said this will be discussed and he will defer to the Engineering Department to make this decision.

10. From the Planning Director regarding a proposed "Open Space Acquisition Policy" 009-2012

Mr. Frankland said this is a proposed Master Plan policy that would establish the criteria in which the City would purchase open space. He said in the past, the Council and the Planning Commission have been asked to remove parcels of open land from development. Mr. Frankland said since resources are limited, this policy is necessary to establish specific criteria for what type of land will be taken out of development.

Motion by Mr. Mazur, seconded by Mayor Drucker to schedule a public hearing for **January 24, 2012, regarding a proposed "Open Space Acquisition Policy."**

Roll Call: Aye: Bentley, Drucker, Mazur, Newberry, Richmond
Nay: None

Motion Carried

11. From Parkside Church requesting an extension of a non-conforming use at 31200 Solon Road.

Mr. Mazur said this request from Parkside Church is to extend their non-conforming use of a youth center/gym until 2017.

Motion by Mr. Mazur, seconded by Mr. Bentley to approve the request of Parkside Church to extend their permit for a non-conforming use for 5 years, until 2017.

Mr. Newberry said previously Parkside Church was considering building a youth activities building on their own property and asked Mr. Frankland if this was still under their consideration.

Mr. Frankland said he was unaware of any potential plans for a youth activities building.

Mr. Newberry said he is unaware of any past concerns regarding the youth center and, therefore, will support the non-conforming use.

Roll Call: Aye: Bentley, Drucker, Mazur, Newberry, Richmond

Nay: None

Motion Carried

Mr. Mazur said it is necessary to schedule a public hearing for co-location of new antennas at AT&T Mobility located at 6801 Cochran Road.

Motion by Mr. Mazur, seconded by Mr. Bentley to schedule a public hearing for January 24, 2012 for AT&T Mobility for co-location of new antennas on an existing tower.

Roll Call: Aye: Bentley, Drucker, Mazur, Newberry, Richmond

Nay: None

Motion Carried

MINOR ALTERATIONS FROM THE PLANNING DEPARTMENT:

Mr. Frankland said the two items under consideration are connected.

1. 6135-6137 Kruse Drive - BMW

Mr. Frankland displayed an aerial and said the proposal is to remove **six existing 25'** light poles on the property and move them to another location. The poles will be **replaced with 18' light poles and the photometric plan indicates the lighting level will be less.**

The Commission members agreed no further review of this item was necessary.

2. 6537 Cochran Road – Carter-Cochran

Mr. Frankland displayed an aerial and indicated where the **six 25' light poles** removed from the Kruse Drive, BMW property will be placed along the Carter and Cochran property replacing the same size existing poles.

The Commission members agreed no further review of this item was necessary.

COMMENTS FROM THE COMMISSION:

Mayor Drucker wished everyone a Happy New Year and said she is excited about the upcoming year and the new projects that will be submitted to the Commission.

Mr. Newberry thanked Mayor Drucker for his re-appointment to the Commission and is looking forward to working with everyone on upcoming projects.

Mr. Bentley congratulated Mr. Newberry on his re-appointment to the Commission.

Mr. Frankland offered his congratulations to Mr. Newberry on his re-appointment and Councilwoman Richmond on her appointment as Vice Mayor to the Commission.

COMMENTS FROM THE AUDIENCE:

There were no comments from the audience.

Motion by Mr. Mazur, seconded by Councilwoman Richmond to adjourn the meeting at 8:40 P.M.

Roll Call: Aye: Bentley, Drucker, Mazur, Newberry, Richmond
Nay: None

Motion Carried

Chairman

Secretary