

PLANNING & ZONING COMMISSION
March 25, 2014 – 7:05 P.M.

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

Present: Commission Members Mazur and Newberry, Councilman Pelunis, Assistant Law Director/Prosecutor Stolarsky, Planning Director Frankland, Secretary McConoughey

Absent: Commission Member Bentley, Mayor Drucker

Also Present: Councilman Kitora, Councilman Pedicino, Fire Lieutenant Eisenhuth, Assistant City Engineer Welch

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 Pelunis presided.

PENDING:

1. 6445 SOM Center Road – Fifth Third Bank – structure color variance, structure material variance, number of wall signs variance and site plan: Mr. Frankland submitted new photographs from the applicant depicting a change to the ATM machines from blue to gray.

There was discussion among the Commission members present that during the last meeting, it was determined that brick would be the best material for the ATM. The attending members said they would like to see the ATM surrounded by brick and this item will be tabled tonight.

COUNCIL REFERRAL:

2. Proposed Temporary Event Ordinance: Councilman Pelunis said a public hearing is scheduled and the Commission has the option of forwarding this item to the Council or wait until there is a full Commission.

In response to Councilman Pelunis' question, Mr. Frankland said there are no issues in regard to waiting two weeks for it to be reviewed by the full Commission before it is forwarded to the Council.

It was determined this item would be held until the entire Commission had the opportunity to review the information and the public hearing will remain open.

3. Proposed Zoning Code amendment – Comprehensive Revision of Permitted Uses: Councilman Pelunis said following Mr. Frankland's review of the sections to be discussed this evening, the public hearing will be re-opened for resident comments on any section within the proposed amendment.

Councilman Pelunis recommended the Commission table discussion of the new sections reviewed since two members of the Commission are absent. Councilman Pelunis said further discussion on the proposed amendment will take place when all of the Commission members are present.

Mr. Frankland will provide to the Commission a memo with updated information discussed during the review process prior to the next meeting.

COMMITTEE REFERRAL:

4. Consideration of Zoning Code requirements for swimming pool fences: Councilman Pelunis said this item will only be briefly discussed as extensive review will not take place until there is a full Commission.

Mr. Frankland said one option could be to have the Fire Department review each proposal as it is submitted to ensure that proposed fences are not able to be scaled.

Mr. Newberry believes this format might be too subjective.

Mr. Mazur asked if the concern is to prevent fences from being scaled or prevent toddlers and very young children from accessing pools, as he believes almost any fence can be scaled.

There was further discussion regarding height and styles of fencing.

Mr. Stolarsky believes it is necessary to follow a standard and feels assessing each application individually could present problems.

In response to Councilman Pelunis' question, Mr. Frankland said in other communities, fence heights vary between 4 feet, 5 feet and 6 feet. Mr. Frankland said since 2005 when the Code changed to require pool fences be 5 feet in height, approximately 100 pools have been installed in the City. He said most of the applications for a pool fence height variance have been due to the applicant trying to connect to a fence on the property that was shorter in height.

Mr. Mazur asked if farmers' markets will be permitted under the proposed amendment.

There was discussion regarding whether or not farmers' markets should be temporarily permitted during the summer months. Mr. Frankland said this could be addressed within the Temporary Event Ordinance.

Councilman Pelunis said he would like to consider rescheduling the meeting of April 15th because of the Passover holiday.

It was the consensus of the Commission to reschedule the meeting for Thursday, April 17th.

The caucus ended at 7:18 P.M. and the meeting convened at 7:30 P.M.

Councilman Pelunis presided. He said the meeting of Tuesday, April 15th will be rescheduled to Thursday, April 17th in observance of the Passover Holiday.

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:

It was determined the approval of the March 11th minutes will be tabled until the next meeting.

PENDING:

1. 6445 SOM Center Road – Fifth Third Bank 018-2014 6
 - Structure color variance
 - Structure material variance
 - Number of wall signs variance to permit 1 additional
Maximum wall sign square footage variance
 - Option 1 – 3.5 sq ft variance
 - Option 2 – 1.1 sq ft variance

 - Site plan for alteration to drive-through ATM

Motion by Mr. Mazur, seconded by Mr. Newberry to table consideration of Item 1.

Roll Call: Aye: Mazur, Newberry, Pelunis

Nay: None

Motion Carried

COUNCIL REFERRAL:

2. From Planning Director – Proposed Temporary Event Ordinance

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

There were no comments, however, the public hearing will be continued at the next Planning Commission meeting scheduled for Thursday, April 17th.

Mr. Mazur said at the next meeting, he would like to discuss farmers' markets.

3. **PUBLIC HEARING** - Proposed Zoning Code amendment – 108-2013
Comprehensive Revision of Permitted Uses

Review of:

- a. Section C-6 (General Commercial District)
- b. Industrial Zoning District (I-1 and I-2)
- c. General Prohibited Uses

Councilman Pelunis said Mr. Frankland will review the last three sections of the proposed amendment and the public hearing will be re-opened.

C-6 (General Commercial District)

Mr. Frankland said this is an odd district that he considers to be quasi-industrial. It is the area where Marc's, Sears Grand, and Carter Lumber are located and also where the Solon Medical Campus property is located. He said the proposal basically takes the C-6 zoning and makes it C-3, commercial zoning. Therefore, at issue is whether or not to amend the

C-6 zoning or remove it and make this part of the C-3 zoning and reduce the number of zoning classifications.

Mr. Frankland read the list of proposed items to be removed and the list of proposed permitted uses. He said the largest affect that changing the zoning will have on these areas is the likelihood that the outparcels will transition into restaurants which will be the highest use for the parcels from a retailer's standpoint.

Mr. Mazur asked how this zoning change would affect Rad Air Complete Car Care.

Mr. Frankland said under the new zoning, car repair would no longer be permitted. However, because they are currently located there, it would be considered a non-conforming use and they would be able to continue in that location.

Mr. Mazur does not feel Rad Air is in a noticeable location and he does not find it offensive.

Mr. Frankland said if car repair is a permitted use in this area, then it could be located close to the main road for all to see.

Industrial Zoning District I-1 (Warehousing and Assembling)

Mr. Frankland said the I-1 District was prepared in cooperation with the property owners along Naiman Parkway and with input from the residents along Brainard Road. This district will basically remain the same with the addition of standardized wording.

Councilman Pelunis referred to the section under accessory uses and said he recalls past complaints in this district regarding noise and lighting.

Mr. Frankland said this will now be addressed in the General Prohibited Use Section for all districts.

Mr. Frankland said some minor modifications have been made to the outdoor storage section and the addition of fencing or screening from view from the street and adjacent properties was added to the I-1 District.

Industrial Zoning District I-2 (Industrial Manufacturing)

Mr. Frankland said this is the primary industrial district in the City. The wording has been modified to standardize the principal uses.

Mr. Frankland said he has expanded the definition of manufacturing. He said Solon has a history of allowing, by policy, clean manufacturing. There has been no prohibition in the Code regarding heavier manufacturing but the City has always followed this policy of clean manufacturing. Mr. Frankland said, therefore, the changes made will be more specific to clarify the type of manufacturing permitted in the City.

Mr. Frankland said he added research and development facilities to the list of principal uses. There are many requests to add these types of facilities and it was not listed as a specifically permitted use. Mr. Frankland said this is an important district and appropriate industry is important to the City.

In response to Councilman Pelunis, Mr. Frankland does not believe it is necessary to add electronics specifically to the list of principal uses since it is meant to be very broad. Mr. Frankland said as long as it is not listed as a use that is specifically not permitted, it will likely fall into the permitted category.

Mr. Frankland said he added the same language regarding outdoor storage to the I-2 section as was in the I-1 section with the exception that raw materials are not prohibited in the I-2 district since raw materials would be commonly used within the main industrial district.

Mr. Frankland read the list of items that were added to the prohibited uses section of the I-2 district.

The Commission discussed whether certain types of commercial contractors should be permitted within the I-2 district. Mr. Frankland said this is an area that will be further discussed to determine a listing of commercial contractors that might not be prohibited in the I-2 district.

There was discussion about ambulance companies and where they would be best located in the City.

General Prohibited Uses

Mr. Frankland explained this is a listing of prohibited uses for all locations in the City.

Councilman Pelunis referred to Item 8, Clay Products Manufacture, and asked if this would include an art studio that wanted to give lessons in making clay items.

Mr. Frankland said as currently written, an art class would be permitted. This prohibited use was originally considered for foundry-type products. He said this section can be reworded.

Mr. Frankland read the proposed changes being made to this section.

Mr. Mazur referred to Item 30 and asked if catering trucks would be considered as outdoor display or sale of food, merchandise or equipment.

Mr. Frankland said he would not consider them structures and would not regulate them through this section. He said catering trucks are not allowed to drive around and solicit business in the City unless they have a contract.

Proposed Amendment #23 – Section 1289.04 – Uses Prohibited In All Single-Family And Two-Family Residential Zoning Districts

Mr. Frankland read the proposed changes to this amendment. He said the biggest change is removing the prohibition of parking a vehicle in the driveway overnight in the single and two-family residential zoning districts.

Proposed Amendment #24 – Section 1289.05 – Prohibition Against General Nuisances

Mr. Frankland read the proposed changes and noted some of the additions will assist with zoning issues regarding structurally unsound buildings.

Proposed Amendment #25 – Section 1261.02 – List of Definitions

Mr. Frankland read the complete list of definitions.

The public hearing was continued and Councilman Pelunis asked for comments.

There were no comments from the public, therefore, Councilman Pelunis advised the public hearing will be continued at the next meeting.

Councilman Pelunis said the Commission will review the next draft prepared by Mr. Frankland at the April 17th meeting, as all members should be in attendance.

COMMITTEE REFERRAL:

4. Consideration of Zoning Code requirements for swimming pool fences

Councilman Pelunis said as noted during the Caucus, this item will not be discussed tonight and Mr. Frankland will provide the Commission with additional information prior to the next meeting.

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

Roll Call: Aye: Mazur, Newberry, Pelunis

Nay: None

Motion Carried

MINOR ALTERATIONS FROM THE PLANNING DEPARTMENT:

There were no minor alterations from the Planning Department to review.

COMMENTS FROM THE AUDIENCE:

There were no comments from the audience.

COMMENTS FROM THE COMMISSION:

Motion by Mr. Mazur, seconded by Mr. Newberry to adjourn the meeting at 8:26 P.M.

Roll Call: Aye: Mazur, Newberry, Pelunis

Nay: None

Motion Carried

Chairman

Secretary