

REGULAR MEETING
BRECKSVILLE PLANNING COMMISSION
Community Room - Brecksville City Hall
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Present: Michael Harwood, Mayor Hruby, Eric Lahrmer, Ron Payto, Kirk Roman, Dominic Sciria
Absent: Robert Hotaling
Others: Scott Packard, Gerald Wise, and approximately 9 guests

Mr. Roman opened the Regular Meeting of the Planning Commission at 7:05 p.m.

APPROVAL OF THE PUBLIC HEARING MINUTES OF FEBRUARY 22, 2018 TO CONSIDER A DECK EXPANSION AT 6770 WINDWARD HILLS

It was moved by Mr. Roman and seconded by Mr. Harwood that the Planning Commission Public Hearing Minutes of February 22, 2018 to consider a Deck Expansion at 6770 Windward Hills be approved.

ROLL CALL: Ayes: Michael Harwood, Eric Lahrmer, Mayor Hruby, Ron Payto, Kirk Roman, Dominic Sciria
Nays: None
MOTION CARRIED

APPROVAL OF THE PUBLIC HEARING MINUTES OF FEBRUARY 22, 2018 TO CONSIDER A FRONT YARD SETBACK AT 10077 BARR RD.

It was moved by Mr. Roman and seconded by Mr. Harwood that the Planning Commission Public Hearing Minutes of February 22, 2018 to consider a Front Yard Setback for 10077 Barr Road be approved.

ROLL CALL: Ayes: Michael Harwood, Eric Lahrmer, Mayor Hruby, Ron Payto, Kirk Roman, Dominic Sciria
Nays: None
MOTION CARRIED

APPROVAL OF THE PUBLIC HEARING MINUTES OF FEBRUARY 22, 2018 TO CONSIDER A FRONT YARD SETBACK AT 9304 FITZWATER RD.

It was moved by Mr. Roman and seconded by Mr. Harwood that the Planning Commission Public Hearing Minutes of February 22, 2018 to consider a Front Yard Setback at 9304 Fitzwater Road be approved.

ROLL CALL: Ayes: Michael Harwood, Eric Lahrmer, Mayor Hruby, Ron Payto, Kirk Roman, Dominic Sciria
Nays: None
MOTION CARRIED

APPROVAL OF THE REGULAR MEETING MINUTES OF FEBRUARY 22, 2018

It was moved by Mr. Roman and seconded by Mr. Harwood that the Planning Commission Regular Meeting Minutes of February 22, 2018 be approved.

ROLL CALL: Ayes: Michael Harwood, Eric Lahrmer, Mayor Hruby, Ron Payto, Kirk Roman, Dominic Sciria
Nays: None
MOTION CARRIED

APPROVAL OF THE WORK SESSION MEETING MINUTES OF FEBRUARY 22, 2018

It was moved by Mr. Roman and seconded by Mr. Harwood that the Planning Commission Work Session Meeting Minutes of February 22, 2018 be approved.

ROLL CALL: Ayes: Michael Harwood, Eric Lahrmer, Mayor Hruby, Ron Payto, Kirk Roman, Dominic Sciria
Nays: None
MOTION CARRIED

REPORT OF COUNCIL REPRESENTATIVE

Mr. Harwood reported that City Council approved the signage package for Chase Bank, the Demko Deck Enlargement, and Front Yard Setbacks for Arth on Barr Road and Zawacki on Fitzwater Road.

Mr. Harwood commented that Mr. Hotaling, regrettably, would be unable to complete his term on the Planning Commission due to the increasing travel commitments of his business. The Mayor and Mr. Harwood met with and presented to City Council a citizen candidate to join the Planning Commission. Council would be voting at their next meeting to accept that individual who has been a lifelong resident of Brecksville.

REPORT OF MAYOR HRUBY

Mayor Hruby acknowledged the contributions made by Mr. Hotaling to the Planning Commission over the years. He noted that City Council at their last meeting had the third reading of acceptance of the deed for the V.A. property and the Memo of Understanding with the DiGeronimo Companies. The deed was presented to the City Monday and filed with the County on Wednesday. The Mayor expected the zoning changes to that property recommended by the Planning Commission to City Council in 2016 and passed by the electorate would set the tone for the successful redevelopment of the former V.A. property.

REPORT OF CITY ENGINEER - No Report

The Regular Meeting recessed into the Work Session, and reopened to make a motion.

THE PRESERVE AT PARKSIDE – DEWEY ROAD

It was moved by Mr. Roman, and seconded by Mr. Harwood, that the Planning Commission recommend to City Council **FINAL** approval of a major subdivision of 22 lots on approximately 36 acres of land on the west side of Dewey Road in the City of Brecksville, Ohio to be known as The Preserve at Parkside, PP #605-24-002, 605-24-013, 605-24-014, 605-24-015 and 605-24-016, as depicted on the drawings by TGC Engineering LLC, dated February 22, 2018.

1 of 38	Title Sheet
2 of 38	General Notes
3 of 38	Existing Conditions
4 of 38	Site Plan
5 of 38	Overall Utility Plan
6 of 38	Overall Utility Plan
7 of 38	Intermediate Grading Plan
8 of 38	Final Grading Plan
9 of 38	Final Grading Plan
10 of 38	Cul-De-Sac & Connection Detail
11 of 38	Intersection Detail
12 of 38	Plan & Profile Parkside Drive
13 of 38	Plan & Profile Woodview Way

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14 of 38	Plan & Profile Woodview Way	
15 of 38	Plan & Profile Sanitary Sewer	
16 of 38	Plan & Profile Sanitary Sewer	
17 of 38	Plan & Profile Storm Sewer	
18 of 38	Plan & Profile Storm Sewer	
19 of 38	Plan & Profile Storm Sewer	
20 of 38	Plan & Profile Storm Sewer	
21 of 38	Plan & Profile Water and Sanitary Crossings	
22 of 38	Standard Details	
23 of 38	Standard Details	
24 of 38	Standard Details	
25 of 38	Cleveland Water Notes & Details	
26 of 38	Cleveland Water Details	
27 of 38	Cuyahoga County Sanitary & Storm Details	
28 of 38	Cuyahoga County Sanitary & Storm Details	
29 of 38	Storm Sewer Details	
30 of 38	SWPPP Title Sheet	
31 of 38	Stormwater Pollution Prevention Plan	
32 of 38	Pond 1 Details	
33 of 38	Pond 2 Details	
34 of 38	SWPPP Notes	
35 of 38	SWPPP Details	
36 of 38	SWPPP Details	
37 of 38	SWPPP Details	
38 of 38	SWPPP Grading and Amendment Logs	
1 of 3	Title & Overall Plan	2/19/2018
2 of 3	Sublots & Utility Esmts	2/19/2018
3 of 3	Setbacks & Conservation Esmts	2/19/2018

Contingent upon the law Director approving the deeds, covenants, restrictions and subdivision agreement, the approval of the City Engineer, the approval of the City Arborist and Board of Zoning Appeals and City Council approval of the following variances:

1. A variance from Section 1117.04(e) of 216 ft. from the maximum permitted 800 ft. for a cul-de-sac street, to allow Woodview Way to extend 1,016 ft.
2. A variance from Section 1117.09(a) of 75 ft. from the minimum required 75 ft. rear property line to allow a rear lot width of 0 ft. for Sublot 14
3. A variance from Section 1117.09 design requirement that lots shall be generally rectangular in form to allow Sublot 14 to be triangular in form
4. A variance from Section 1117.09(d) requirement of side yard lot lines be radial to curved street lines to allow non-radial lot lines between Sublots 8 & 9, 11 & 12, 13 & 14, 14 & 15 and 17 & 18.
5. A variance from Section 1119.09 (d) not to install the required public sidewalks on Dewey Road until such time that the City deems appropriate, located at The Preserve at Parkside, a major subdivision of 22 lots, on approximately 36 acres on the west side of Dewey Road, located at PP #605-24-002, 605-24-013, 605-24-014, 605-24-015 and 605-24-016.

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The motion is further contingent upon the Deeds, Covenants & Restrictions and Subdivision Agreement being provided to the Planning Commission for final approval.

ROLL CALL: Ayes: Michael Harwood, Eric Lahrmer, Mayor Hruby, Ron Payto,
Kirk Roman, Dominic Sciria
Nays: None
MOTION CARRIED

The Regular Meeting closed at 8:30 p.m.

THE BRECKSVILLE PLANNING COMMISSION

KIRK ROMAN, CHAIRMAN
DOMINIC SCIRIA, VICE CHAIRMAN
ERIC LAHRMER, SECRETARY

Minutes recorded by Nancy Dimitris

MINUTES OF THE WORK SESSION
BRECKSVILLE PLANNING COMMISSION
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Present: Michael Harwood, Mayor Hruby, Eric Lahrmer, Ron Payto, Kirk Roman, Dominic Sciria
Absent: Robert Hotaling
Others: Scott Packard, Gerald Wise, and approximately 9 guests

Mr. Roman opened the Work Session at 7:08 p.m.

THE PRESERVE AT PARKSIDE – DEWEY ROAD

Mr. Chris Bender was present requesting final approval of the proposed Preserve at Parkside, a 22 lot subdivision on 36 acres located on the west side of Dewey Road. He recognized that there were still some outstanding issues that his engineers were working on with the Building Department. Mr. Bender was seeking final approval at this time in order to receive a clearing permit to meet the April 1, 2018 deadline specified by the Army Corp Permit.

Mr. Wise reviewed the following items enumerated in his March 8, 2018 letter to the Building Department:

Outstanding Items

- Storm sewer and storm water management modifications
- Final easement locations
- Finalization of subdivision & escrow agreements
- Other governmental approvals submitted and awaiting final approval

Ongoing Work

- Clearing and grading of a roadside swale to manage roadside drainage along Dewey
- Relocation and extension of the sanitary sewer
- Replacement of culvert under Dewey Road

Mr. Wise noted the developer was working in good faith to address the remaining issues as defined by the engineer and Building Department. Mr. Wise was comfortable recommending the Planning Commission consider final plan approval of the subdivision subject to his final approval of the plans before the start of construction. If the project received Planning Commission approval, Mr. Wise planned to work with Mr. Packard to issue a clearing permit so tree clearing could be accomplished before the Army Corps' April 1, 2018 deadline.

Mayor Hruby asked about the amount of wetlands being disturbed. Mr. Bender said they would be paying to mitigate less than a half-acre of wetlands. He added that several lots were lost during the planning to avoid the wetlands. The Mayor asked who would be served by the two stumps in the sewer line created across from the new development on Dewey. Two residents would be able to connect, however to serve more would involve extending the main. Mr. Bender mentioned an additional sideyard connection being made for a Mr. Stuart, whose property was just to the south of the development's proposed entrance.

Mr. Bender remarked on the deed restrictions documents still in the development process, which were similar to the Woodlands of Brecksville development, although the minimum square footage requirement would be 10% more for the new development. He mentioned an amendment to the Woodlands HOA to make the maintenance of the gang mailbox pad to be the responsibility of the HOA, which would also be a requirement of the new development HOA.

In response to a question of builders for the new development, Mr. Bender expected Parkview Homes to develop at least half the homes with the remainder being developed by other custom builders, or builders of choice by the property owners. He would not be approaching any national builders. Mr. Bender was encouraged by the amount of interest in the development expressed by Brecksville residents. There were no further questions from Commission members and the Work Session recessed into the Regular Meeting for a motion.

SOLAR PANEL REVIEW

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Mr. Harwood indicated that at the Planning Commission's direction the Building Commissioner had reviewed the solar panel policies of other communities in the Cleveland area for comparison purposes to aide in the Planning Commission's review of Brecksville's current Code requirements for solar systems. Mr. Packard presented an analysis of surrounding communities' solar panel policies which were, in many cases very similar, except for Brecksville's restriction of no more than 25% coverage of each roof area. All communities specified that solar panels be not visible from a street or sidewalk. Also provided as part of the review were Brecksville's solar panel ordinance and that of several other communities, along with a photograph of a solar panel installation from a company serving the West Coast area. A number of communities, including Broadview Heights, Independence, North Royalton and Strongsville had no ordinances relating to solar energy.

Mr. Packard suggested Brecksville's requirement for a public hearing on requests for solar panels was an important part of each submission for panels. He felt providing neighbors a platform for comment was helpful in the Commission's review process. Mayor Hruby noted that when the City's solar energy system ordinance was written in about 2010 it was not the most restrictive of those in force at that time. He pointed out that the Planning Commission reviews each solar panel request and has granted deviations requested by homeowners. He noted that homeowners can also appeal to City Council. The Mayor suggested it was important to continue considering merited deviations from Code. Mr. Payto thought it was important to maintain a restriction that the solar panels not be visible from the front of the home. He suggested the 25% coverage maximum might be too restrictive, although more coverage involved more costs and a longer return on investment.

The discussion was opened for public input. Ms. Ellen Kramer, 7775 Sunstone Drive, said she and her husband were not able to apply for a solar system because of the orientation of their home and the restrictions of the City's ordinance. She thought perhaps the ordinance could be worded to provide an avenue for a variance consideration if complying with code requirements would not be a cost effective installation. She thought the 25% roof restriction was too small. Ms. Kramer pointed out there was no mention of ground installations in the City's ordinance. She felt that broadening the ordinance would encourage more applicants for solar systems. Ms. Kramer suggested residents might find the language of the ordinance and the review process before the Planning Commission intimidating and she wondered if it could be simplified. Mr. Roman felt that most residents, especially those applying for solar systems, were very knowledgeable. He indicated that often contractors in solar systems make the actual presentations before the Planning Commission. Mr. Roman assured her that as residents in the community Commission members were eager to be of help to other residents.

Ms. Jennifer McMillin, 6115 Pioneers Point, took issue with language in the ordinance which gave the impression that solar panels were unattractive, should be hidden and needed to appear more natural. She hoped the Commission would consider side roof coverage and an increase in the 25% percentage of maximum roof coverage. Ms. McMillin felt it was wrong for a home with a challenging orientation to be denied consideration for a solar system. She also disagreed with neighbor opinions that could possibly negatively impact her progressively seeking a clean air energy source. The Mayor commented it would be doing the public a disservice to not hear their comments on issues before the many boards and commissions of the City. The Planning Commission gives residents a platform to exchange their ideas, but ultimately makes their decisions based on many factors. He pointed out that the Commission has granted well supported variances many times. With reference to neighbor opinions, Mr. Sciria pointed out that in many community subdivisions there were HOA's that govern the shrubs residents can plant, the color of a house, garage orientations, outbuilding structures, and various other restrictions much more restrictive than City ordinances.

Ms. Melinda Torres, 6625 Rockledge Drive, said she and her husband could not consider a solar system for their home because of its orientation. She challenged the idea that solar panels were garish, citing their beauty in the cleaner future they represent for the next generation. She felt many potential applicants for solar systems were being thwarted by the City's restrictive ordinance.

Ms. Cheryl Gutridge, 5536 Forest Lane, who was working with the group of women present to draft a proposed ordinance, thought a side-by-side comparison of Brecksville ordinance provisions to those of other communities would provide a more effective analysis of the differences between communities. She has spent a lot of time in the communities cited as not having solar system regulations and not found them to have turned garish. She characterized people seeking solar energy solutions as residents the City should want to see in the community.

Ms. Gutridge would like to see the parameters of variances being considered widened to give the many Brecksville residents with prohibitive home orientations a chance to opt for clean energy. She asked that the group of women present receive advance notification of the next time the solar energy issue would be discussed as they would like to provide the Commission with community input.

Mr. Jack Petsche, 6607 Morningside Drive, said the orientation of his house and the density of trees made it ineligible to meet the ordinance requirements in Brecksville. Mr. Harwood advised that applications were considered on a case-by-case basis. He knew of one application not granted, one withdrawn by the applicant, some granted with deviations to the 25% maximum, and one granted for front application which was not visible from the street. Mr. Petsche commented that the energy companies were not interested in encouraging solar systems. He spoke about all the benefits of solar power over energy produced by fossil fuels. He hoped the Commission would make changes to the current ordinance to help promote the development of solar systems in the community. Mr. Lahrmer maintained that the Commission was not against solar panels, but was seeking to provide guidelines for the process. He felt that negativity associated with solar panels would change over time as their installation increased in the community. Mr. Lahrmer pointed out that negativity can also drive the market to produce other, perhaps more acceptable, solar panel options.

The Mayor said that the Planning Commission would be reviewing a series of recommendations for change in the solar energy ordinance to recommend for City Council to consider making changes to the ordinance. This initial meeting was the first step in that process. Ms. McMillin said the group of women might do some more work on their draft ordinance and on providing a regulation to regulation comparison and share those results with the Commission. The Mayor offered to provide them with any minutes on the solar energy topic that might provide helpful background.

Ms. Becky Claridge, 12022 Glen Valley Road, said her family was lucky enough to have solar panels on their home. She wondered, if every applicant had to appear before the Planning Commission, why include restrictive language in the ordinance which only served to discourage applicants. Mr. Sciria said only applicants that would be requesting a variance would appear before the Commission. Mr. Harwood recalled a comment made by one of the women in attendance that probably at least half the people in the community thought solar panels were attractive. He said that attendees at public hearings mostly have questions or issues to discuss and their input was just as valuable as those of people who have no problems to discuss. Ms. Claridge suggested that at the least the language in any revised ordinance could be more neutrally worded.

Ms. Maggie Stumpfl, 8661 Hollis Lane, supported more neutrality in the wording of a revised ordinance. She wondered if more could be done, perhaps by realtors, to educate the public on selecting properties where solar energy panels could be effective. She felt the community should welcome people with a commitment to improving the environment.

Ms. Kramer thought Brecksville's solar ordinance was much more restrictive than Hudson, Worthington, Orange, or Rocky River. Mr. Sciria didn't think Brecksville had to model their solar ordinance after any particular other community. He felt Brecksville had done a good job with City Code requirements as evidenced by the Brecksville Road corridor through our city.

The Commission expressed appreciation for the public input and asked that contact information be given to Mr. Packard, who would act as a conduit between the ladies and the Commission for the exchange of information and documents related to revising the ordinance. Mr. Roman expected another meeting would be scheduled on the matter when more information was generated.

SIGN DISCUSSION

There was a short discussion on the problem of businesses putting up non-compliant with Code signage. Rather than sending a notice to non-compliant businesses, Mr. Packard proposed addressing the issue with a door-by-door visit. Mr. Packard was instructed by the Planning Commission to have the Building Department enforce the City Sign Code.

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The Work Session closed at 8:30 p.m.

THE BRECKSVILLE PLANNING COMMISSION

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Minutes recorded by Nancy Dimitris