

REGULAR MEETING
BRECKSVILLE PLANNING COMMISSION
Community Room - Brecksville City Hall
October 4, 2018 Page 1

Present: Michael Bandsuh, Michael Harwood, Mayor Hruby, Eric Lahrmer, Ron Payto, Kirk Roman,
Dominic Sciria
Others: Scott Packard, Gerald Wise, and approximately 12 guests

Mr. Roman opened the Regular Meeting of the Planning Commission at 7:00 p.m.

APPROVAL OF THE REGULAR MEETING MINUTES OF SEPTEMBER 6, 2018

It was moved by Mr. Roman and seconded by Mr. Harwood that the Planning Commission Regular Meeting Minutes of September 6, 2018 be approved.

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

APPROVAL OF THE WORK SESSION MEETING MINUTES OF SEPTEMBER 6, 2018

It was moved by Mr. Roman and seconded by Mr. Harwood that the Planning Commission Work Session Meeting Minutes of September 6, 2018 be approved.

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

SIGNS:

VA SPECIAL EVENT BANNERS – 10000 BRECKSVILLE ROAD

Mr. Packard reported the DiGeronimo Companies requested six promotional banners to be installed along the fencing on Miller and Brecksville Roads to promote the redevelopment of the VA property. The banners were already in place and the request before the Commission was to extend the period of time they could be posted from the 15 day Code requirement to indefinitely, or at such time the fencing was removed, or they are no longer necessary. The banners were 55" x 50' which Mr. Packard suggested was appropriate given the large size of the project.

It was moved by Mr. Roman and seconded by Mr. Harwood, that the Planning Commission approve, and the Building Department issue a permit for the installation of six 55" x 50' special event banners to be installed on the fence along the sidewalk until such time they are no longer deemed necessary for DiGeronimo Companies/City of Brecksville to be located at 10000 Brecksville Road, Brecksville, Ohio 44141, as shown in the banner plan.

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

REPORT OF COUNCIL REPRESENTATIVE

Mr. Harwood reported that at their September 18th meeting City Council approved Alterations to the Joe Maxx Coffee Building.

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REPORT OF MAYOR HRUBY

Mayor Hruby reported now that the environmental issues were resolved for the Chase Bank property, they expected to begin construction on the new bank building on Monday.

REPORT OF CITY ENGINEER - No Report

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

NITON/ZEMITO LOT SPLIT & CONSOLIDATION – 6614 & 6638 Oakes Road

It was moved by Mr. Roman and seconded by Mr. Harwood, that the Planning Commission recommend to City Council approval of a lot split and consolidation of PPN's #603-14-028 & 603-14-027 to create Parcel A consisting of 2.0327 acres at 6614 Oakes Road and Parcel B consisting of 2.0289 acres at 6638 Oakes Road, Brecksville, Ohio as described on the application dated September 11, 2018 and lot split consolidation plat by The Western Reserve Surveying Company contingent upon approval by the City Engineer and also that the appropriate signatures from Council be added to the documents and that the documents referenced by Mr. Wise be received from the County.

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

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

SCOTT FRONT YARD SETBACK – 5304 VALLEY PARKWAY

It was moved by Mr. Roman and seconded by Mr. Harwood that The Brecksville Planning Commission will hold a Public Hearing at 7:00 P.M. on Thursday, October 25, 2018, in the Community Room of Brecksville City Hall, 9069 Brecksville Road, Brecksville, Ohio, to establish a front yard setback of 110' for Permanent Parcel #603-17-024, 5304 Valley Parkway, Brecksville 44141.

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

The Regular Meeting closed at 8:15 p.m.

THE BRECKSVILLE PLANNING COMMISSION

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

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Minutes recorded by Nancy Dimitris

MINUTES OF THE WORK SESSION
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Present: Michael Bandsuh, Michael Harwood, Mayor Hruby, Eric Lahrmer, Ron Payto, Kirk Roman,
Dominic Sciria
Others: Scott Packard, Gerald Wise, and approximately 12 guests

Mr. Roman opened the Work Session at 7:03 p.m.

NITON/ZEMITO LOT SPLIT & CONSOLIDATION – 6614 & 6638 Oakes Road

Messrs. John Niton and Jeff Herynk were present on behalf of the Niton/Zemito lot split and consolidation on Oakes Road. Mr. Niton would like to buy 26.6 ft. of property to the east of his house where his property line is currently close to his house. Mr. Herynk indicated Mr. Zemito agreed to the split as a nice thing to do for the Niton family. Mr. Wise commented that the split evens out the lots and permits the elimination of a common drive in favor of a driveway for each property. Mr. Wise mentioned two issues that would need to be resolved involving a missing Council signature from the plat and the provision of a County pre-approval document. The Work Session recessed into the Regular Meeting for a motion.

SCOTT FRONT YARD SETBACK – 5304 VALLEY PARKWAY

Mr. Nestor Papageorge was present on behalf of the Scott 110 ft. front yard setback request on Valley Parkway. Mr. Wise had no issue with the request beyond commenting that the applicant could set the home further back given the positioning of the two adjacent homes. Mr. Papageorge indicated a lot of time was spent in the home design and the positioning of the home on the lot to provide the property owner with an adequate backyard. The Commission emphasized that the motion for a public hearing would include a specific setback figure and any deviation from that figure would require another public hearing. Mr. Papageorge asked that the setback be the 110 ft. Code specification. The Work Session recessed into the Regular Meeting for a motion to set a public hearing.

SOLAR PANEL REVIEW

Present: Jennifer McMillin, Cheryl Gutridge, and Ellen Kramer

Mr. Packard remarked that the City was in the process of reviewing its Solar Energy Ordinance for updating. A concerned citizens group submitted a draft proposal for updating the ordinance that was presented to the Planning Commission at their August 9, 2018 meeting. At that meeting there was a consensus among Commission members that the stipulation of not more than a 25% panel coverage of any roof be permitted should be stricken from the Solar Ordinance Section 1186.03(c)(1). The Commission felt other suggestions for change from the citizen draft would not impact what the current ordinance provided in that deviations would always be reviewed on an individual application basis by the Planning Commission.

Ms. McMillin said it was the goal of a small group of Brecksville residents to provide the Commission with suggestions to revise the City Ordinance on Solar Energy from an overly restrictive, solar discouraging document to an ordinance more supportive of solar energy conservation. Ms. McMillin noted that in their research of the topic they reviewed the solar energy policies of other communities in the area to make sure any suggestions they made would align with current practices in other communities.

Ms. McMillin commented that they chose to remove any statements in their proposed ordinance relating to appearance or visual impact to keep the ordinance focused to energy savings and the environment. They also would eliminate any reference to the opinions of neighboring residents as they felt a neighbor's concerns about aesthetics should not have the power to derail a solar energy applicant's request. The citizen's group felt the ordinance should be more supportive of cost effectiveness in the location of roof panels, not restricting them to only rear facing roofs.

The Mayor asked if the group agreed with the removal of the 25% roof coverage restriction and whether they were asking that roof orientations other than the rear should be considered. Ms. McMillian thought that side roof applications should certainly be considered. She thought that applicants should submit a cost effective analysis done by their solar energy panel provider for which roof surfaces and coverages would provide the applicant with the best coverage. The Mayor asked if the City would need to provide an outside expert to analyze solar energy proposals much as they do for cellular tower installations in the City, and Ms. McMillian thought that would be redundant.

Ms. Cheryl Gutridge had a problem with the current Solar Ordinance language under Section 1186.06(b)(2)A from a legal interpretation standpoint. The term "unnecessary hardship" she felt didn't correspond with economic viability which dictates that the applicant wouldn't be trying to install a system on a roof if the value could not be economically recovered. The group felt this subsection was unnecessary. Ms. Gutridge spoke about a recent trip to Texas where there was much more use of residential solar energy systems on all roof surfaces, including front facing roofs. Mr. Roman remarked there seemed to be a difference in emphasis between Ms. McMillian and Ms. Gutridge's presentations. He asked if they were promoting some balance between aesthetics and economic viability for the revision to the Solar Ordinance. Ms. Kramer noted that their focus was to eliminate the 25% roof coverage restriction, permit other roof orientation applications, and at some point consider ground mount installations. She conceded that aesthetics could be part of the solar consideration.

Mayor Hruby recalled that at an earlier meeting someone from the group objected to giving consideration to the surrounding neighbors' opinions. Ms. Gutridge indicated they felt neighbors should not have veto power over a solar energy request. Mr. Harwood asked why, since they agreed visual impact had some relevance in solar considerations, they removed references to visual impact in their proposed revisions. He particularly referenced Section 1186.01(f) where "visual impacts" had been replaced with "...and public welfare impact". Ms. Gutridge thought the term "public welfare" referenced safety and health issues which were more representative of the group's focus. She said their initial goal was to provide an actionable document that facilitated further dialogue with the Planning Commission.

Ms. McMillin said it appeared the premise of the current Ordinance was that solar panels look bad and should be hidden. She thought the tone of the Solar Ordinance should be shifted to the thoughtful and responsible consideration of solar energy systems.

The Mayor asked the group if they knew of any solar energy ordinances in effect that specifically dealt with value return and cost effective results for applicants. Ms. McMillin thought there were better ordinances in effect than the one for Brecksville. She noted that there were some that dealt with functionality and system effectiveness. Some general discussion followed regarding the financial return expectations of solar system applicants. The general direction of the Commission was to question why such financial determinations should be part of the ordinance, or the Commission's consideration beyond understanding that maximum roof coverage for maximum benefit would be the expected request.

The Mayor confirmed that both the City and the citizen's group were in agreement with removing the 25% roof coverage restriction. He identified two additional issues important to the group as 1) permitting side facing roof installations, and 2) financial viability. Mr. Packard asked Commission members to review the draft ordinance, mark any notations for change and return their suggestions to the Building Department. He noted that any references to "variances" should be changed to "deviations". Mr. Packard also mentioned that certain roof orientations were not specifically prohibited, but considered as deviations by the Commission. Rear facing roof orientations were automatically permitted with any other roof orientation requests subject to a public hearing.

Ms. Melinda Tores, who was among the general public present, indicated that her south facing roof (street facing) solar application was denied in the past. Mr. Packard responded that the Commission has not considered street facing requests in the past. He mentioned that in recent years the Commission has been more open minded on solar applications. They have often been willing to consider deviations with the submission of supporting documentation. He encouraged her to reapply.

MINUTES OF THE WORK SESSION
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The Work Session closed at 8:15 p.m.

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Minutes recorded by Nancy Dimitris