

PUBLIC HEARING TO HEAR SOLAR ORDINANCE REVISION PROPOSAL
BRECKSVILLE PLANNING COMMISSION
Community Room - Brecksville City Hall
April 25, 2019 Page 1

Present: Michael Bandsuh, Michael Harwood, Mayor Hruby, Eric Lahrmer, Ron Payto, Kirk Roman
Dominic Sciria
Others: Eric Hall, Scott Packard, Gerald Wise and approximately 10 guests

Mr. Roman opened the Public Hearing at 7:00 P.M. by reading the following legal notice published in the April 11, 2019 Sun Star Courier.

The Brecksville Planning Commission will hold a Public Hearing at 7:00 P.M. on Thursday, April 25, 2019 in the Community Room of Brecksville City Hall, 9069 Brecksville Road, Brecksville, Ohio, to hear the Solar Ordinance Revision Proposal.

Mr. Harwood related that the Planning Commission, over the last few months, reviewed the City Ordinance Chapter 1186: Small Wind Energy Systems and Solar Energy Systems for updating. A public interest group of Brecksville residents had been attending Planning Commission meetings to provide their input on the issue of solar systems. Revisions were proposed in some areas of the Ordinance, which were amenable to the citizen group.

During a Planning Commission meeting a question arose on the appropriateness and legality of Section 1186.09(a) Dismantling and Removal of Solar Energy and Small Wind Energy Systems, relating to the requirement of a property owner to assume the responsibility and costs of dismantling and removing a solar energy or small wind energy system prior to the property transferring to a subsequent purchaser. The issue was referred to the City Law Director, David Matty, for his opinion.

I have reviewed Section 1186.09(a) at your request. Although this provision may be unique compared to other solar panel ordinances in communities in our area, it is my opinion that Planning Commission and City Council do have the authority and discretion to continue such a dismantling requirement with the purchase contract exception in the provision. My research shows that these systems may be purchased or leased, and there may be contractual obligations consistent with this provision, especially in the case of leased systems.

Mr. Packard was asked to review specific revised sections of Chapter 1186, which the Planning Commission proposed to forward to City Council and their Legislative Committee for review. Only areas with changes are shown in underline or struck out:

1186.03(c)(1) – Solar panels shall be permitted as a rooftop installation in any residential zoning district. The roof mounted solar energy equipment shall not exceed the maximum building height for the residential zoning district where it is located, and shall be installed in compliance with the applicable Building Code and manufacturer’s installation specifications. Solar panels installed in a roof-top configuration are limited to the portion of the roof which faces the rear yard or in an alternate location which has been approved in accordance with the provisions of 1186.06 ~~and shall not exceed twenty-five percent (25%) of that portion of the roof area.~~ In addition, the roof mounted solar energy equipment must be installed within the boundaries or edges of the roof area, ~~and~~ cannot overhang any portion of the edge of the roof, shall follow the existing roof pitch and shall not extend more than 12” above the surface of the roof.

1186.04(c)(10) – (new language) A scaled 3-D rendering from all directions as seen from the public right of way and adjacent properties and structures

1186.09(c) The owner and any subsequent purchaser or transferee of a small wind energy system ~~or solar energy system~~ shall be required to post and maintain a surety bond, or other form of guarantee as approved by the Director of Law, in an amount as reasonably determined by the Building Commissioner which is equal to the cost of removing a small wind energy system ~~or solar energy system~~ in the event the owner or occupier of the property fails to so do as required in this chapter.

There were no comments from the public and the Public Hearing closed at 7:06 p.m.

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THE BRECKSVILLE PLANNING COMMISSION

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

Minutes recorded by Nancy Dimitris

REGULAR MEETING
BRECKSVILLE PLANNING COMMISSION
Community Room - Brecksville City Hall
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Present: Michael Bandsuh, Michael Harwood, Mayor Hruby, Eric Lahrmer, Ron Payto, Kirk Roman
Dominic Sciria
Others: Eric Hall, Scott Packard, Gerald Wise and approximately 10 guests

Mr. Roman opened the Regular Meeting of the Planning Commission at 7:06 P.M.

APPROVAL OF PUBLIC HEARING MINUTES OF MARCH 21, 2019 REGARDING AN EXTERIOR DORMER
ADDITION AT 8502 CHIPPEWA TRAIL

It was moved by Mr. Roman and seconded by Mr. Sciria that the Planning Commission Public Hearing Minutes of March 21, 2019 regarding an Exterior Dormer Addition at 8502 Chippewa Trail be approved.

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

APPROVAL OF THE REGULAR MEETING MINUTES OF MARCH 21, 2019

It was moved by Mr. Roman and seconded by Mayor Hruby that the Planning Commission Regular Meeting Minutes of March 21, 2019 be approved.

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

APPROVAL OF THE WORK SESSION MEETING MINUTES OF MARCH 21, 2019

It was moved by Mr. Roman and seconded by Mr. Sciria that the Planning Commission Work Session Meeting Minutes of March 21, 2019 be approved.

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

SIGNS:

THERAPY AND WELLNESS CONNECTION LLC – 10245 BRECKSVILLE RD.

Present: Mackenzie Millward - Office Manager, Therapy and Wellness Connection LLC
Jackie McClymont – Owner
Hannah Flynn – Owner

Therapy and Wellness Connection LLC provides therapy services for children and young adults with disabilities. The company planned to expand their space by moving across the street from their current location at 10010 Brecksville Road to 10245 Brecksville Road. They would like to transfer their existing wall sign to the new location. Planning Commission members had no questions.

It was moved by Mr. Roman and seconded by Mr. Harwood that the Planning Commission approve, and the Building Department issue a permit, for a 17.2 sq. ft., non-illuminated, permanent wall sign for Therapy and Wellness Connection, LLC, located at 10245 Brecksville Road, as described in the application dated April 8, 2019, and the attached photograph of the existing sign.

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 the Dormer Addition for 8502 Chippewa Trail was approved by City Council at their last meeting.

REPORT OF MAYOR HRUBY No Report

REPORT OF CITY ENGINEER No Report

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

THERAPY AND WELLNESS CONNECTION LLC – 10245 BRECKSVILLE RD.

It was moved by Mr. Roman and seconded by Mr. Harwood that the Planning Commission recommend to City Council approval for relocation of an existing non-conforming use to allow Speech, Occupational and Physical Therapy services for children and young adults with disabilities in an M-D District, located at 10245 Brecksville Road, Brecksville, Ohio as described in the application dated April 1, 2019 and attached plan dated February 27, 2019.

A – First Floor Plan Proposed

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.

SMITH FRONT YARD SETBACK – 8745 RIVERVIEW ROAD

It was moved by Mr. Roman and seconded by Mr. Harwood that the Planning Commission will hold a Public Hearing at 7:00 P.M on Thursday, May 23, 2019, in the Community Room of Brecksville City Hall, 9069 Brecksville Road, Brecksville, Ohio, to establish a front yard setback of 82.8 feet for Permanent Parcel #602-28-001, located at 8745 Riverview Road, Brecksville, Ohio 44141

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

REGULAR MEETING
BRECKSVILLE PLANNING COMMISSION
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SOLAR ORDINANCE REVISION PROPOSAL

It was moved by Mr. Roman and seconded by Mr. Harwood that the Planning Commission Proposed 2018 Ordinance Revision to Chapter 1186: Small Wind Energy Systems and Solar Energy Systems be forwarded to City Council for their review.

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 8:12 p.m.

THE BRECKSVILLE PLANNING COMMISSION

KIRK ROMAN, CHAIRMAN
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Minutes recorded by Nancy Dimitris

MINUTES OF THE WORK SESSION
BRECKSVILLE PLANNING COMMISSION
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Present: Michael Bandsuh, Michael Harwood, Mayor Hruby, Eric Lahrmer, Ron Payto, Kirk Roman
Dominic Sciria
Others: Eric Hall, Scott Packard, Gerald Wise and approximately 10 guests

Mr. Roman opened the Work Session at 7:10 P.M.

THERAPY AND WELLNESS CONNECTION LLC – 10245 BRECKSVILLE RD.

Present: Mackenzie Millward - Office Manager, Therapy and Wellness Connection LLC
Jackie Mcclymont – Owner
Hannah Flynn – Owner

Therapy and Wellness Connection LLC provides therapy services for children and young adults with disabilities. Their business is currently operating under a non-conforming use permit in an M-D district. The business would like to re-locate across the street from their current location to a larger space, still within an M-D district. They are requesting a continuation of their non-conforming use permit for the new location. Mr. Roman noted there was no request for a change in hours or use.

Mayor Hruby mentioned the difficulty in leasing warehouse space and that the Commission has granted non-conforming use permits in that area in the past. Mr. Lahrmer asked whether there was sufficient parking. Mr. Larry Coven, the building owner, confirmed there was ample parking for that business. The Work Session recessed into the Regular Meeting for a motion.

SMITH FRONT YARD SETBACK – 8745 RIVERVIEW RD.

Mr. Phillip Markowski, Project Manager for Coblenz Homes, was present to request a front yard setback for a home to be constructed at 8745 Riverview Road. A setback of 82.8 ft. would match the setback of adjacent homes to the north and south. Mr. Roman advised that a public hearing would need to be scheduled. Planning Commission members had no questions on the request for 8745 Riverview Road. The Work Session recessed into the Regular Meeting for a motion.

SMITH FRONT YARD SETBACK – 8761 RIVERVIEW RD.

Mr. Phillip Markowski, Project Manager for Coblenz Homes, was present to request a front yard setback of 82.8 ft. for a lot at 8761 Riverview Road to match the front yard setback just granted by the Planning Commission for the lot at 8745 Riverview Road. Mr. Bandsuh asked if there were plans to build a home on the 8761 Riverview Road parcel. Mr. Markowski responded that one person owned both properties and had no plans currently to build on the lot. The property owner thought it expedient to have a front yard setback established for both 8745 and 8761 Riverview in case the 8761 lot was sold for development in the future. Planning Commission members chose to table the request, as any future development of the 8761 property would have to come before the Commission for evaluation with specific plans, determining a front yard setback at that time.

MILLER ROAD SUBDIVISION-CONSULTATION – 5324 MILLER RD.

Messrs. William Bailey, of William Bailey Homes, and Michael MacKay, of MacKay Engineering, were present for a consultation on a proposed 17 lot, one street subdivision off Miller Road between Katherine Boulevard and Barr Road. Mr. Roman noted, for the public present, that the discussion of the proposed subdivision was a preliminary consultation and that no decisions would be made on the issue this evening.

Mr. MacKay described three possible options for the sanitary sewer outlet: 1) Outlet to Katherine Boulevard that would require a pump station and an easement from the City, 2) Outlet to Snowville Road that would require an easement from the City and a private land owner, and 3) Outlet to Barr Road that would require a private land owner easement.

Mr. Wise asked if a wetlands study had been done on the property. Mr. MacKay responded that they had been in touch with a firm to do an assessment, however they did not yet have a report. It was pointed out by Commission members that a wetlands evaluation would be critical to any evaluation of the proposed layout. Mr. Wise asked if the offset of First Energy high-tension lines to the north would impact the lot layout. Mr. MacKay noted the distance from the First Energy easement, to the property line of a lot, was in excess of 300 ft. He was confident any issue with the setback could be easily resolved. Mr. Wise also questioned the setback as it pertained to the substation and the substation poles. Further evaluation was needed on the First Energy setback issue.

The retention pond was shown across the rear of sublots. Mr. Wise remarked that an access road with an easement would need to be shown. He asked if the pond could be shown in an open block and Mr. MacKay thought that was possible as long as it did not affect the lot count.

Mr. Wise asked if the developer had identified a utility easement. Mayor Hruby commented that the City could not grant an easement on the property along Katherine Blvd., deeded to the City with restrictions by GEIS Brothers. The Katherine Blvd. routing was also not preferred because it would require a pump station. Mr. Wise offered to work with the Law Director regarding the restrictions on City property relative to granting a utility easement. Mr. Wise recommended the developer also check sight distances at the entryway.

Mr. Lahrmer commented that the angle of the proposed road created smaller lots on one side than the other. Mr. MacKay explained that layout resulted from wetlands issues. It was noted that there were purchase agreements in place for sublots 2, 10, and 14, which could become part of the subdivision.

Mr. Sciria summarized the issues the Planning Commission would require additional information on for further consideration of the proposed subdivision:

- Wetlands study
- First Energy setbacks
- Retention pond on common property
- Utility easement – avoid pump station is possible

Mr. Bandsuh wondered if there were any plans to deal with the increased traffic on Miller Road west of I-77 given the new development on the south side of the City, particularly with the development of Valor Acres in the future. Mr. Wise commented that traffic studies were done for the Fogg development and Crow property in that area which identified some improvements to Miller Road. He thought any traffic study for the development of Valor Acres would also assess increased traffic in that area.

Mr. Roman asked if there were questions from the audience. Mr. Joseph Balog, 10101 Barr Road, asked if parcel No. 6 was included in the development and that was confirmed. Mr. Randy Zack, 5520 Miller Road, noted that the entrance road to the subdivision would be about 30 ft. from his home. He asked if a Barr Road easement would be granted by the City. Mr. Wise said the developer would acquire the easement and grant it to the City. Mr. Zack was concerned about increased traffic in the area. Ms. Zack said they would not have built on the property if they knew about the impending development. Mr. Ken Stefanov, 5300 Miller Road, was concerned about the impact of his privacy with the new subdivision. He also asked about the City's negative response to a pump station and Mr. Wise responded that the City preferred gravity sewers to pump stations, which become the City's responsibility for repair and maintenance costs.

BRECKSVILLE MEGA-STORAGE CONSULTATION – 10060 BRECKSVILLE RD.

Mr. Phil Billick and Mr. Dean Asimes were present for a consultation on constructing storage units behind an existing warehouse/office building at 10060 Brecksville Road. The 24 mega storage units would be 18' x 40' and would typically be used for the storage of large items such as cars, boats, campers, contractor equipment, etc. The units would be insulated and wired for electricity, although not heated. No outside storage would be

permitted. Mr. Billick noted that their initial plan had a rear yard setback issue. They have moved the buildings forward so all setbacks are in compliance with Code requirements.

Mr. Wise advised that there would need to be a wetlands report and storm water management details. Mr. Harwood pointed out that the proposed project would maximize development of the site. Storm water management on the site would probably then require underground tanks which might prove to be too expensive. Mr. Billick said the plan was still in the conceptual stages and there might be room to move parking around to provide above ground retention.

Mr. Lahrmer asked if the turning radius had been evaluated to make sure there was adequate access for trailers with big boats. Mr. Billick said they could provide a turning radius on the next drawing, although he acknowledged that there would be some size limitations. A question was asked relative to the access drive to the mega storage units. Mr. Billick responded they could use the existing drive, with some modification. They might also choose to relocate the main drive to the south side of the building.

Since the next step in the evolution of their plan involved engaging engineering services, Mr. Billick asked for some direction from the Commission if they were able to comply with the turning radius required and resolve storm water management. Mr. Harwood didn't think the plan was financially viable if underground retention was required. He had no idea if parking for the mega storage units and the office building was adequate, especially if they would be reducing parking or units to provide above ground retention. Mr. Wise asked about the usage of the 100 parking spaces on the lot. Mr. Billick thought maximum use of the lot might be 35 spaces at any given time. Mayor Hruby thought more information on parking stall sizes and driveway widths was necessary, especially if large trailers would be using the drive.

Mr. Sciria asked about the total property size, which Mr. Billick thought was approximately two acres. Mr. Sciria commented that the Commission usually required a minimum lot size of five acres for that type of development. He did not think the proposed storage units represented the highest and best use of the property. He speculated that their proximity to the Valor Acres property might provide better opportunities for development.

Mr. Asimes maintained there was a need for larger unit storage. He pointed out that the property behind the office building was not picturesque with its view of other industrial buildings and loading docks. Mr. Harwood suggested they have someone look at the layout to come up with a simple, conceptual drawing that would show the retention on the site. Mr. Billick said they would re-examine the project to see if it could be scaled back or rearranged and still be feasible.

SOLAR ORDINANCE REVISION PROPOSAL

The proposed revised solar ordinance was reviewed at a public hearing earlier in the evening. There was no further discussion of the issue and there was a consensus among Planning Commission members to forward the revised solar energy ordinance to City Council for their review. The Work Session recessed into the Regular Meeting for a motion.

The Work Session closed at 8:12 p.m.

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