

PLANNING COMMISSION MEETING AND PUBLIC HEARING
June 27, 2016
Minutes

The Planning Commission meeting was called to order by Chairman Stanard at 6:39 pm.

PRESENT AT ROLL CALL: Mrs. Cooper, Mr. Pogatschnik, Mayor Renda, Mr. Stanard

ABSENT: Mr. Bolek, Mr. Fritz

Others in attendance: Jeffrey Filarski, Village Engineer; Aimee Lane, Law Director; Rick Loconti, Building Official; Theresa Dean, Assistant Clerk

Mrs. Cooper made a motion seconded by Mr. Stanard to approve the minutes from the May 23, 2016 Planning Commission meeting.

Roll Call:

AYES: Mrs. Cooper, Mr. Pogatschnik, Mr. Stanard

NAYS: None

ABSTENTIONS: Mayor Renda

MOTION CARRIED

Garcia Residence - Garage Addition

429 Bentleyville Road

In attendance to represent the project were Patrick and Mara Garcia, homeowners; Henry Piper architect with MES/Sky Builders; and Mark Savransky, general contractor, MES/Sky Builders.

Mr. Piper presented the designs for a two-car addition to the home which also features a home office and half-bath on the second floor. The addition is set at a slight angle so as not to block the view of the house from the street. Mr. Garcia pointed out the orientation and design of the addition on the overhead display and noted that elements such as the gables match those on the existing home.

Neither Mr. Filarski nor Mr. Loconti had any concerns regarding the project. Mr. Stanard asked if Mr. Piper had taken into account Ohio Building Code standards relating to living spaces located above garages. Mr. Piper replied that they had, and that drywall and doors would be compliant to the fire code. Mr. Loconti reminded Mr. Piper of the required placement of smoke and CO2 detectors.

The design was approved by the Village Architect without note.

Mr. Stanard make a motion seconded by Mrs. Cooper to approve the request for the garage addition at 429 Bentleyville Road.

Roll Call:

AYES: Mrs. Cooper, Mr. Pogatschnik, Mayor Renda, Mr. Stanard

NAYS:

MOTION CARRIED

CRU Restaurant - Temporary Construction/Project Description Sign
34300 Chagrin Boulevard

Richard Kawalek, architect, was in attendance to represent MacDonald Properties.

Mr. Kawalek is requesting permission to erect a temporary construction/project identification sign at the location of the future CRU Restaurant. A rendering of the proposed sign was displayed for review. It will measure four (4) by eight (8) feet, be situated approximately three (3) feet above the ground, and will be rendered on a composite aluminum board similar to that used for highway signs. It will describe the nature of the restaurant and identify the owner, architect, engineer and other relevant information. The sign will be set back three (3) feet from the right-of-way as required by Code.

Mr. Filarski confirmed that the sign is in a good position relative to traffic, and Mr. Loconti confirmed that the size is permitted without requiring a variance.

Mr. Kawalek said he anticipates that the sign will be in place for approximately eight (8) to ten (10) months.

Mayor Renda and other Planning Commission members commented that the site is already looking much improved.

Mrs. Cooper made a motion seconded by Mr. Pogatschnik to approve a temporary construction/project description sign at 34300 Chagrin Boulevard.

Roll Call:

AYES: Mrs. Cooper, Mr. Pogatschnik, Mayor Renda, Mr. Stanard

NAYS: None

MOTION CARRIED

Cunningham Residence - Renovation with New Porch Overhang, Roof, Siding, and Windows
33845 Chagrin Boulevard

Larry Newman of Marni, Inc., builder, was in attendance to represent the project.

Mr. Newman said that the owner of the house, Mr. Cunningham, is also the architect and is relocating to Moreland Hills with his family. The majority of the renovations will be on the interior, with exterior renovations being limited to a new canopy over the front porch and the installation of a new roof, new siding, and new windows. Mr. Newman feels that the owner is doing a very good job of cleaning up and improving the home.

Mr. Loconti confirmed that the drawings were approved as submitted by the Village Architect. Neither Mr. Filarski nor Mr. Loconti had any concerns about the project.

Mr. Stanard made a motion seconded by Mrs. Cooper to approve the improvements to the Cunningham residence at 33845 Chagrin Boulevard.

Roll Call:

AYES: Mrs. Cooper, Mr. Pogatschnik, Mayor Renda, Mr. Stanard

NAYS: None

MOTION CARRIED

Gonzales Residence - New Entrance Canopy and Exterior Renovations
15 Cableknoll Lane

David Maddux, architect, was present to represent the project.

Renderings of the proposed project were displayed, with Mr. Maddux bringing in additional images showing the Gonzales home and surrounding properties. The owners have updated the interior and now wish to update the exterior to create more continuity. The exterior renovations will include a new entrance canopy and planter, new trim and wood panels around the front windows, and new sliding doors on the back of the home.

There is currently a stamped concrete walkway measuring approximately eleven (11) feet wide by sixty (60) feet long; the proposed entrance canopy will be a simple steel-columned canopy to create cover but not add a heavy architectural element or block light entering the home. Additionally, a planter will be added across the front to tie in to the exterior of the home. The trim to be added will be stained cedar to tie in with the existing windows. The sliding NanaWall doors to be added to the back of the home will open up the living room to the rear of the property.

Mr. Loconti confirmed that the designs were approved as submitted by the Village Architect. Neither he nor Mr. Filarski had any concerns about the project.

Mrs. Cooper asked about the length of the canopy; Mr. Maddux answered that it would extend ten (10) feet from the front of the house. Mr. Stanard asked about the planter, which Mr. Maddux said would create cleaner lines and give more structure to the exterior than individual pots.

Mr. Stanard also asked about the rendering of a second floor porch and trees that appear in the drawing. Mr. Maddux clarified that this is a view of the back of the home and that there is currently a parapet-type wall that serves as the porch railing. The plan is to replace that solid wall with a glass rail system to open up the view from the upstairs bedroom. The trees shown in the rendering represent plantings in pots on the porch.

Mayor Renda asked for a definition of the proposed NanaWall doors. Mr. Maddux explained that this is a moveable, German-manufactured glass door/wall system; the doors will create a fifteen (15) foot expanse, with all doors sliding to one side.

Mayor Renda made a motion seconded by Mr. Stanard to approve the renovations at 15 Cableknoll Lane.

Roll Call:

AYES: Mrs. Cooper, Mr. Pogatschnik, Mayor Renda, Mr. Stanard

NAYS:

ABSTENTIONS:

Public Hearings - Ordinances 2016-25, 2016-26, and 2016-27

Mr. Stanard reported that, after consulting with Mrs. Lane, he was informed that one Public Hearing can be held for all three Ordinances that were placed on first ready by Council on June 8, 2016 and referred to Planning Commission. Therefore, Mr. Stanard declared the Public Hearing open at 7:01 pm.

No member of the public remained in attendance for this portion of the evening's meeting, so no one was sworn in to testify.

Mr. Stanard briefly reviewed the three ordinances for discussion (copies are attached as Appendix A):

Ordinance 2016-25: This ordinance relates to the height of decorative walls, and this has been an issue that has generated a number of requests for variances to increase the allowable height limit of eighteen (18) inches. The existing language of the ordinance assumed free-standing walls would be used as decorative walls only, with the eighteen (18) inch height limit set to allow the walls to be decorative but not obtrusive. However, applicants are increasingly installing decorative walls as part of their patio that are designed to double as seating. The proposed change to 1153.13(p), "Fences and Walls in Rear Yards," would allow fences which do not exceed five (5) feet in height and decorative walls which do not exceed thirty-six (36) inches in height.

Ordinance 2016-26: This requires that an open space conservation easement be conveyed to a land trust or a third party, not the Village, capable of legally accepting such an easement and protecting it from that point forward. Mrs. Lane indicated that this language is needed to clarify existing section 1153.19(b), "Open Space Requirements, Prohibition of Further Subdivision of Open Space," and would require that a responsible entity must be able to fulfill the obligations of compliance and enforcement of such an easement over time.

Ordinance 2016-27: This ordinance would modify the height requirements in the U-2 Retail Business district. In the residential district, structures can be thirty-five (35) feet; however, in the commercial district, structures are limited to twenty-five (25) feet or two (2) stories. The amendment to Section 1157.07, "Height Requirements," would specify that principal buildings or structures in the Retail Business District shall not exceed two and one-half (2.5) stories and thirty-five (35) feet. The maximum height for accessory buildings or structures in the Retail Business District shall not exceed two stories and twenty-five (25) feet.

Mr. Stanard stated that all three ordinances have been introduced by the Village Council. It is required that the Planning Commission hold a Public Hearing for any debate or discussion of the changes with the public. The Village Council will also be required to hold a Public Hearing, as these are changes to the zoning ordinances.

Mrs. Lane commented that she specifically called out that the change to the height limit in the Retail Business District only applies to the principal structure; accessory buildings or structures will remain limited to a height of twenty-five (25) feet.

As there were no attendees wishing to comment, Mr. Stanard declared the Public Hearing closed at 7:08 pm.

In response to Mrs. Cooper's concern that the change to Ordinance 2016-25 would allow for solid walls of up to thirty-six (36) inches in height in front yards, Mr. Loconti clarified that this ordinance only pertains to fences and walls in the rear yard. Mrs. Cooper also clarified that the measurement of wall height would be from grade and asked if the farthest anyone could fall would be thirty-six (36) inches. Mr. Loconti reviewed the issue of deck height and when a guide is required based on that height.

Mr. Pogatschnik expressed concern that the Planning Commission might run into a challenge if, for example, a proposed stone patio with a deck at twenty (20) inches above grade and an eighteen (18) inch seating wall would create a higher effective height. He wondered if the Planning Commission wishes to require a guard additional to what is required by the Ohio Building Code in this instance. Mr. Stanard said that there is a distinction between a decorative wall and something that is part of a deck structure and, therefore, subject to the standards of the Ohio Building Code. Mrs. Lane felt the language of the ordinance may need to be specific that the measurement of a decorative wall be from grade, and Mr. Filarski suggested that we define the measurement from "natural grade."

Mr. Pogatschnik reminded the Planning Commission that this exact example came up at the May 23, 2016 Board of Zoning Appeals meeting.

Mr. Stanard and members of the Planning Commission recommended that Ordinance 2016-27 specify that the measurement of a decorative wall be from grade.

Mayor Renda moved that all three ordinances be recommended to Council with instructions to the Law Director to define in Ordinance 2016-25 that the measurement of thirty-six (36) inches for decorative walls be from grade. The motion was seconded by Mr. Stanard.

Roll Call:

AYES: Mrs. Cooper, Mr. Pogatschnik, Mayor Renda, Mr. Stanard

NAYS:

ABSTENTIONS:

Discussion

Mr. Loconti commented on the issue of Schedule 1151.07(2)(c) that was brought up by Mr. Piper during the earlier Board of Zoning Appeals review of a variance request for the Garcia residence. Mr. Loconti felt that the Mr. Piper minimized the desired effect of note (c), which was to reduce the likelihood that a neighbor would see nothing of an adjacent home but a long expanse of wall. Mayor Renda mentioned that Mr. Piper suggested the Village cap the maximum required side yard setback. Mrs. Lane did not feel this was necessary, as someone can always request a variance if needed. Mr. Stanard also felt it best to let the Schedule stand as is at this time.

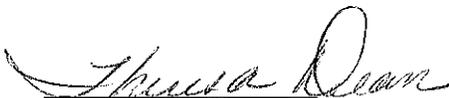
As there were no further items for discussion, Mayor Renda made a motion seconded by Mr. Pogatschnik to adjourn the meeting at 7:22 pm.

Roll Call:

AYES: Mrs. Cooper, Mr. Pogatschnik, Mayor Renda, Mr. Stanard

NAYS: None

Respectfully submitted,



Theresa Dean
Assistant Clerk

ORDINANCE 2016-25

INTRODUCED: Mr. Stanard

AN ORDINANCE AMENDING SECTION 1151.13(p)(2) "FENCES AND WALLS IN REAR YARDS," AND SECTION 1345.02, "FENCES AND WALLS IN REAR YARDS," OF THE CODIFIED ORDINANCES OF THE VILLAGE OF MORELAND HILLS, OHIO REGARDING THE MAXIMUM HEIGHT OF DECORATIVE WALLS IN REAR YARDS.

WHEREAS, Section 1151.13(p)(2) in the Planning and Zoning Code and Section 1345.02 in the Building Code provide that decorative walls in the rear yard shall not exceed eighteen (18) inches in height; and

WHEREAS, in recent months, there has been an increase in applications submitted to the Board of Zoning Appeals requesting variances to construct decorative walls as part of a patio at a height higher than eighteen (18) inches and, in most cases, with the purpose of the wall providing bench seating; and

WHEREAS, based on the recent variance applications submitted to the Board of Zoning Appeals, a wall height of thirty-six (36) inches is a comfortable dimension for a wall to serve as bench seating; and

WHEREAS, the Planning Commission, after holding a public hearing as required by Section 1133.09, has recommended that Council amend Section 1151.13(p)(2) and Section 1345.02 of the Codified Ordinances of the Village of Moreland Hills, to increase the maximum height of a decorative wall in the rear yard from eighteen (18) inches to thirty-six (36) inches; and

WHEREAS, this Council, after holding a public hearing as required by Section 1133.17, desires to amend Section 1151.13(p)(2) and Section 1345.02 of the Codified Ordinances of the Village of Moreland Hills to increase the maximum height of decorative walls in the rear yard from eighteen (18) inches to thirty-six (36) inches.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF MORELAND HILLS, COUNTY OF CUYAHOGA, STATE OF OHIO, THAT:

Section 1. Existing Section 1151.13(p), "Fences and Walls in Rear Yards," of the Codified Ordinances of the Village of Moreland Hills, Ohio, be and the same hereby is amended to read as follows:

"1153.13 ACCESSORY USES AND STRUCTURES.

*** * ***

(p) Fences and Walls.

*** * ***

- (2) Fences and Walls in Rear Yards. Fences which do not exceed five (5) feet in height and decorative walls which do not exceed ~~eighteen (18)~~ thirty-six (36) inches in height shall be permitted in the rear yard.

* * *

Section 2. Existing Section 1151.13(p), "Fences and Walls in Rear Yards," of the Codified Ordinances of the Village of Moreland Hills, be and the same is hereby repealed.

Section 3. Existing Section 1345.02, "Fences and Walls in Rear Yards," of the Codified Ordinances of the Village of Moreland Hills, Ohio, be and the same hereby is amended to read as follows:

"1345.02 FENCES AND WALLS IN REAR YARDS.

Fences which do not exceed five (5) feet in height and decorative walls which do not exceed ~~eighteen~~ thirty-six (36) inches in height shall be permitted in the rear yard as defined in ~~Chapter 1121~~ Section 1123.03 of the Planning and Zoning Code."

Section 4. Existing Section 1345.02 "Fences and Walls in Rear Yards," of the Codified Ordinances of the Village of Moreland Hills, Ohio, be and the same is hereby repealed.

Section 5. The actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council and all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings held in compliance with all legal requirements.

WHEREFORE, this Ordinance shall be in full force and effect from and after the earliest time allowed by law.

Mayor

Placed on First Reading June 8, 2016

PASSED: _____

ATTEST:

CLERK

ORDINANCE 2016-26

INTRODUCED: Mr. Stanard

AN ORDINANCE AMENDING SECTION 1153.19(b) "OPEN SPACE REQUIREMENTS," OF CHAPTER 1153, "OPEN SPACE CONSERVATION DISTRICT," OF THE CODIFIED ORDINANCES OF THE VILLAGE OF MORELAND HILLS, OHIO.

WHEREAS, the Village desires to amend Section 1153.19(b), "Open Space Requirements," of the Codified Ordinances of the Village of Moreland Hills to clarify that the conservation easement required for a residential open space conservation development must be conveyed to a land trust or other third-party entity capable of accepting such an easement; and

WHEREAS, the Planning Commission, after holding a public hearing as required by Section 1133.09 has recommended that Council amend Section 1153.19(b) of the Codified Ordinances of the Village of Moreland Hills, to clarify the Village's intent that the required conservation easement is to be held by a third party, such as a land trust or other third-party entity capable of accepting such an easement.

WHEREAS, this Council, after holding a public hearing as required by Section 1133.17, desires to amend Section 1153.19(b) of the Codified Ordinances of the Village of Moreland Hills to state that the required conservation easement is to be held by a third party, such as a land trust or other third-party entity capable of accepting such an easement.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF MORELAND HILLS, COUNTY OF CUYAHOGA, STATE OF OHIO, THAT:

Section 1. Existing Section 1153.19(b), "Open Space Requirements," of the Codified Ordinances of the Village of Moreland Hills, Ohio, be and the same hereby is amended to read as follows:

"1153.19 OPEN SPACE REQUIREMENTS.

* * *

(b) Prohibition of Further Subdivision of Open Space. Open space shall be prohibited from further subdivision or development by a conservation easement ~~in a form acceptable to the Law Director and duly recorded in the Office of the Cuyahoga County Recorder~~ conveyed to a land trust or a third party, not the landowner or the Village, which is capable of accepting such conservation easement pursuant to Ohio Revised Code Section 5301.68; which has sufficient funds and other resources dedicated to monitoring compliance with and enforcement of the conservation easement; and which can be reasonably expected to fulfill its obligations to monitor and enforce the conservation easement. The conservation easement shall be in a form acceptable to the Law Director and duly recorded in the Office of the Cuyahoga County Fiscal Officer.

* * *

Section 2. Existing Section 1153.19(b), "Open Space Requirements," of the Codified Ordinances of the Village of Moreland Hills, be and the same is hereby repealed.

Section 3. The actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council and all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings held in compliance with all legal requirements.

WHEREFORE, this Ordinance shall be in full force and effect from and after the earliest time allowed by law.

Mayor

Placed on First Reading June 8, 2016

PASSED: _____

ATTEST:

CLERK

ORDINANCE NO. 2016-27

INTRODUCED BY: Mr. Stanard

AN ORDINANCE AMENDING SECTION 1157.07, "HEIGHT REQUIREMENTS," OF THE CODIFIED ORDINANCES OF THE VILLAGE OF MORELAND HILLS, OHIO REGARDING THE MAXIMUM PRINCIPAL BUILDING HEIGHT IN THE U-2 RETAIL BUSINESS DISTRICT.

WHEREAS, pursuant to Section 1157.07, "Height Requirements," of the Codified Ordinances of the Village of Moreland Hills, the maximum principal and accessory building height in the U-2 Retail Business District is twenty-five (25) feet; and

WHEREAS, pursuant to Section 1151.09 and Section 1153.11(h) of the Codified Ordinances of the Village of Moreland Hills, the maximum principal building height in the U-1 Dwelling House and U-4 Residential Open Space Conservation districts is two and one-half (2.5) stories and thirty-five (35) feet; and

WHEREAS, many existing principal buildings in the U-2 Retail Business District have a height in excess of twenty-five (25) feet; and

WHEREAS, the Planning Commission, after holding a public hearing as required by Section 1133.09 has recommended that Council amend Section 1157.07 of the Codified Ordinances of the Village of Moreland Hills to increase the maximum principal building height permitted in the U-2 Retail Business District from twenty-five (25) feet to thirty-five (35) feet; and

WHEREAS, this Council, after holding a public hearing as required by Section 1133.17, believes it is in the best interest of the health, safety and welfare of the Village to amend Section 1157.07, "Height Requirements," of the Codified Ordinances of the Village of Moreland Hills to increase the maximum principal building height permitted in the U-2 Retail Business District from twenty-five (25) feet to thirty-five (35) feet.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF MORELAND HILLS, COUNTY OF CUYAHOGA, STATE OF OHIO, THAT:

Section 1. Existing Section 1157.07, "Height Requirements", of the Codified Ordinances of the Village of Moreland Hills, be and the same hereby is amended to read as follows:

"1157.07 HEIGHT REQUIREMENTS.

Buildings and structures shall comply with the following height regulations:

- (a) The maximum height for principal ~~and accessory~~ buildings or structures in the Retail Business District shall not exceed ~~twenty five (25) feet or two (2) stories~~

two and one-half (2.5) stories and thirty-five (35) feet. The maximum height for accessory buildings or structures in the Retail Business District shall not exceed two stories and twenty-five (25) feet.

- (b) Chimneys, church spires, flagpoles, radio antenna, lighting towers or poles and similar mechanical appurtenances may be erected above the height restriction, provided that in each case the approval of the Planning Commission shall first be obtained upon being satisfied that such appurtenance shall not constitute a hazard or nuisance of any kind.”

Section 2. Existing Section 1157.07, “Height Requirements”, of the Codified Ordinances of the Village of Moreland Hills, be and the same is hereby repealed.

Section 3. The actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council and all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings held in compliance with all legal requirements.

WHEREFORE, this Ordinance shall be in full force and effect from and after the earliest time allowed by law.

Mayor

Placed on First Reading June 8, 2016

PASSED: _____

ATTEST:

CLERK