

REGULAR COUNCIL MEETING

August 9, 2017

MINUTES

The Regular Council Meeting of the Village of Moreland Hills was called to order by Mayor Renda at 7:01pm, at the Orange High School Cafeteria/Commons, 32000 Chagrin Blvd.

PRESENT AT ROLL CALL: Mr. Buczek, Mr. Fritz, Mr. Richman, Mr. Sherck, Mr. Stanard, Ms. Sturgis

Also Present: Aimee Lane, Law Director, Jeff Filarski, Village Engineer, Ted DeWater, Service Director, Chief Kevin Wyant, Lt. Todd Dietzel, Prashant Shah, Treasurer, Sherri Arrietta, Clerk of Council

Mr. Richman made a motion seconded by Mr. Fritz to approve the minutes of the Regular Council Meeting of June 14, 2017.

ROLL CALL:

AYES: Mr. Buczek, Mr. Fritz, Mr. Richman, Mr. Sherck, Mr. Stanard, Ms. Sturgis

NAYS: None

MOTION CARRIED

**Resident Comments**

No one present wished to comment.

**Public Hearing**

**Preliminary Development Plan – 33095-33375 Chagrin Blvd.**

OGDC Moreland Commons LLC

Moreland Commons- A Planned Development

59 Residential Units on approx. 21.33 acres

Mayor Renda made the following statement: “The proposed Moreland Commons is situated on approximately 21 acres on Chagrin Blvd. This land was identified in both the 2003 and 2016 Comprehensive Land Use Studies as a potential development area. This property is uniquely situated at the edge of the Village as it borders Pepper Pike on three sides and is on a busy through-street. Furthermore, it is close to the Retail Business District, the Public Library two high density residential developments and across the street from the Orange Schools campus. The lots in this area had either narrow frontage on Chagrin Blvd. or no frontage at all and were several hundred feet deep. Thus, the lots were not well-suited for traditional two-acre development and have, in fact, been considered for commercial development over the years.

The two families who owned the majority of this land jointly listed their properties on the market during the 2016 Comprehensive Land Use Study process. This, in turn, inspired the Master Plan Committee to take a closer look at development possibilities there. A Land-Use Planner guided the committee as it studied the advantages/disadvantages of several types of development for that space. The Committee decided a planned development gave the Village the most control over potential land use. They also determined that best Planning practices dictate that there should be some diversity in zoning and housing types, which could be achieved with a change of zoning in this area.

The Master Plan Committee unanimously recommended to Planning Commission that they study the issue and propose a zoning change to Council. After a public hearing, thoughtful debate and several meetings, Planning Commission unanimously recommended that Council hold a yet another public hearing, deliberate the issue and decide whether or not to put the question of a zoning change on the ballot.

Council then hired a second land planner to write the Ordinances for Chapter 1159, which dictate the process for development. The Chapter was designed to allow a limited mix of carefully designed, high-quality residential dwellings with no possibility for inclusion of commercial development. Council held a public hearing and then voted unanimously to put the issue on the ballot last November. The rezoning passed by 18%.

In June OMNI the submitted a complete application to the Village which included a conceptual layout of the development, natural features and topographic conditions, adjacent buildings, a tree survey and perspective sketches of proposed architectural styles among other requirements. The conceptual layout of the development showed 41% greenspace, more than twice the required amount, and 59 housing units, significantly less than the allowable 4 per acre. It avoided building in the wetlands or ravines and preserved large stands of trees.

Section 1159.06(g) allows for modifications of the regulations to be considered and permitted if “they will result in a higher quality and more sustainable development... “ if they are “consistent with the purposes of the Planned Development regulations... including, but not limited to, improvements in open space provision, environmental protection, tree/vegetation preservation, efficient provision of streets, roads, and other utilities and services, or choice of living and housing environments.”

OMNI initially asked for seven modifications. Although Planning Commission members liked the overall layout, respect for the environment and decreased density over what was allowed they had several concerns:

- three-story, flat-roofed townhomes along Chagrin Blvd. that seemed too urban;
- the encroachments into the required 100-foot building setback along Chagrin Blvd;
- garage doors facing Chagrin Blvd.;
- common access roads which added unnecessary pavement.

At the June 19 meeting, OMNI presented a revised plan that increased green space from 41 to 47 percent, eliminated roof-top access on some townhomes and eliminated a common access road. They changed the proposed design of the townhomes to have a less urban feel. Planning Commission agreed the revised development plan showed a vast improvement over the original submission. However, four units still encroached into the setback along Chagrin Boulevard by 25 feet. They asked OMNI to study that issue and suggested it would helpful for them to provide a narrative of what alternative plans were considered and why a further revision would not work.

At the July 10 meeting, OMNI presented the list of five requested modifications along with narratives explaining the need for those modifications. They also presented a massing study, which showed that the townhomes are visually similar to other homes in Moreland Hills. They rotated the homes in the southwest corner of the property to soften the overall look of the layout and decrease encroachment into the setback. They stated that they weighed multiple options and gave priority to protecting the wetlands, mature trees, and other environmentally sensitive areas of the site. Planning Commission voted to recommend the Moreland Commons Preliminary Development Plan and requested modifications to Council for their consideration.

Tonight Council is holding the required Public Hearing regarding the development of this property. This process has been long, arduous and transparent. The Village has attempted to involve and inform the residents as much as possible. Between the Master Plan Committee, Planning Commission and Council, dozens of public meetings and multiple public hearings have been held. This meeting is another step forward but not the last step. The final plan will include, among other things, architectural design, landscape plans for Chagrin Blvd. frontage and buffer areas and storm water management plans.

We would like to hear from as many residents as possible so please limit your comments to 5 minutes. Please step up to the microphone, identify yourself and your address. To help our clerk, please spell your name. Be courteous and respectful and please yield the microphone when the chief tells you your time is up.”

Mayor Renda declared the Public Hearing open at 7:13 pm.

Jane Birnkrant (Murwood) stated the plan does not adequately respect the experience of the residents as they pass the proposed development. Specifically, the decreased buffer along Chagrin is concerning; the green space is in middle of development which will benefit only those residents in the development, not others. She asked for modeling of how the development would look in 3D and to allow the residents to vote. She is concerned about roof heights and roof access. She is also concerned about traffic and safety.

At this time Mrs. Lane administered the oath to residents wishing to speak and to those that already spoke at the public hearing.

Ron Janke (Easton Lane) (see attached statement)

Gerry Polizzi (Wiltshire) had two questions: will there be a sidewalk to the schools and will solar panels be used in the development? Mayor Renda said she talked to the Orange Schools Superintendent who wants to meet with her, the developer and Pepper Pike Mayor. They hope to jointly pursue a sidewalk or walkway. Mr. Bittance replied they are not far enough along in the design process to consider solar panels.

Mr. Abraham (Ellendale) asserted that the zoning change that allows the development is illegal according to the U.S. Supreme Court.

Margie Bergstrom (Miles Rd.) is opposed to modifications. More residents and more houses will cost the village and taxpayers. The houses on ridge above Miles Road cause storm water run-off issues. What will be done to address that for this development? Mayor Renda: Storm water run-off will be dealt with in the final plan. Western Reserve Land Conservancy deals with all its storm water run-off on site. It is anticipated that this development will do the same. A development on what is now the preserved 150 acres on Chagrin River Road may have been expensive for the village to maintain because it would have required upkeep of infrastructure and provision of services. How advantageous any development is depends on residents' income level because the village gets the majority of its revenues from income taxes. In this development the village will not provide services because it will have private streets.

Reggie Bennetts (Ellendale) is opposed to modifications and agrees with Mr. Janke's assertions. She is concerned about traffic and wants a central turning lane. She asked if the developer will be connecting to public sewer lines and if that will create disruptions on Chagrin Blvd. Mr. Bittance stated that disruptions would be minor given the position of the sewer tie-in. Mr. Bittance further stated that although they are not required by the ordinance to conduct a traffic study, they have done so and will get those results to the village. He would not be surprised if a central turning lane was recommended.

Fred Taylor (S. Woodland) compared this development to Pinecrest. He has concerns about the tax rebates given there. He feels that the politicians in Moreland Hills, especially the mayor, have advocated for this development to the detriment of the community. He is opposed to the modifications and asked Council to reject them.

John Pogatschnik (Mill Creek) explained that he serves on the Planning Commission that approved the plan. He moved into Moreland Hills 10 years ago and stated that it is not an easy place to move into. There are not a lot of houses for sale. He suggested that the audience think about those who need to move into smaller homes but want to stay in Moreland Hills. This could provide that opportunity for them. He asked that people think about the perspective of a 35-foot tall house as opposed to a 42-foot house. Would you be able to perceive the difference as you were driving by? He is fully in favor of maintaining the integrity of Moreland Hills, which he feels, exists in neighborhoods and along Chagrin River Road, not on Chagrin Blvd. He defended the "negotiation" process and the requested modifications as reasonable.

Steve Bittance (OMNI Development) pointed out an existing two-story home on the proposed Moreland Commons property that fronts on Chagrin Blvd. and is 75 feet from the road. He showed a picture of the home that is largely hidden by a landscape buffer. He suggested that the landscape buffer would keep those on Chagrin Blvd. from seeing much of the homes from Chagrin Blvd. and that significant landscaping in the buffers between neighboring properties and theirs would accomplish the same objective. They will use existing deciduous tall trees and shorter evergreens. He said that they are proposing a small walking trail along the north side of Chagrin and hope to work out connectivity issues with the school board. He addressed concerns about heights of townhomes. He stated a typical two-story home with a sloped roof measures 40 feet at the peak because of the way the code measures height. The peak of the townhomes along Chagrin Blvd. will be 37 feet at peak, 2 feet higher than the allowed 35 feet and 3 feet shorter than a typical two-story family home. Regarding storm water management they will use permeable pavers on much of the interior roadway along with underground retention. They will provide a detailed plan during the final phase and will work with the village and NEORS to make certain that it is done correctly to maintain all the storm water run-off on the property. He pointed out the enabling ordinance places an emphasis on preservation of natural features including trees, ravines and wetland. That was their emphasis when laying out the design.

There was then a question and answer period.

Architecture? Mr. Bittance stated that they have not gotten very far down the road with the architecture as they are waiting for preliminary plan approval. They are using a photograph of an existing home on the property for inspiration.

Roof-top decks? Mr. Bittance stated that there will be no roof-top decks along Chagrin. All roof-top decks will face the interior of the property; none will face neighboring properties. Private roads? Condo association or homeowners association? Mr. Bittance stated there will be a Homeowners Association. There will be fee ownership of property. The roads will be owned by the association.

Can school buses come on private roads? Mr. Bittance stated that there is enough room for fire equipment and school buses to turn around. School buses pick up children on private streets throughout the village. In answer to a question Mr. Bittance pointed out that the roof top decks in the interior of the development will be 250 to 300 feet from Chagrin Blvd. Financial benefit to the village? Mayor Renda stated that the income tax benefits will depend somewhat on the income level of those who move into the development. The property tax benefits will be significant. There will be no increased costs because services will not be provided.

Andreas Alexopoulos (Chagrin Blvd.) asked about legality of the modifications and the ethics of granting those modifications. Law Director Lane explained the difference between a traditional development and a Planned Development. In a traditional single-family development, there are very strict requirements for setbacks, provision of streets, utilities and landscaping, the idea behind a planned development to be more flexible, to cluster homes together in order to preserve and provide greater greenspace. It is one of the main purposes of using a planned development scheme. The Village Staff and Council worked with a seasoned land use planner who has written other planned development codes and other land use codes. Together we created this document that was approved by the voters that does create and permit this modification process. Again, this is supposed to be a fluid process as opposed to a rigid one. The idea of Planned Development is that some things will be determined during the process taking into account the natural features of the property to be developed. In a traditional development, if a developer needs a variance, the Planning Commission actually has the authority to consider that. In our Planned Development Code the Planning Commission makes a recommendation to Council. She explained that variances and modifications are separate, different things. But both require that standards be applied when considering them. She read from 1159.06(g) which states “modifications to the zoning regulations applicable to a Planned Development may be permitted if they will result in a higher quality and more sustainable development over what could have been accomplished through strict application of the otherwise applicable zoning regulations, consistent with the purposes of the Planned Development regulations including, but not limited to, improvements in open space provision and access, environmental protection, tree/vegetation preservation, efficient provision of streets, roads and other utilities and services and choice of living and housing environments.” There will be other provisions when we are looking at individual buildings and how they are situated on lots. Mrs. Lane stated that she wanted to highlight that there have been some comments about there being trade-offs and let the audience know that the Planning Commission applied provisions that exist in the code that was written by a seasoned land-use planner and that was approved by the voters.

At this time, Mrs. Lane swore in Mr. Boyer, as he was not present earlier when the oath was administered.

Willis Boyer (Farwood) stated that he is an Architect and City Planner. He stated that he has been through this process in other cities. He complimented the Village on the process and said the he thinks the process has led to a superior proposal. He stated it is apparent to him that the developer has put in a great deal of thought and effort into the project. He addressed Mr. Bittance and said that he was curious about square footage, price point and target market. Mr. Bittance said their target market was empty nesters who wished to “age in place,” that the units would 3000 to 4000 square feet and the price point would be around \$800,000. Mr. Boyer stated that this project is great for the community and the village has done a great job with the process.

Mr. Bergstrom (Miles) asked how this chapter got into the code. Was it a legislative action? Mrs. Lane stated that the village went through a comprehensive land use study and through that process this property was identified as an area that would be appropriate for further review and consideration for a different type of development, given the nature of the property and its location in the village. The Master Plan Committee made a recommendation to the Planning Commission to consider a planned development zoning change. The village then hired a professional planner to write the code. According to the Moreland Hills Charter, the zoning change question and the enabling ordinances had to go to the voters for approval. In the Planned Development Chapter the area is called out by permanent parcel numbers. This Chapter was written for and applies to this one specific area only and allows for this development only. Mrs. Lane stated that she is not aware of any other location in the village where this type of development might be appropriate and the Comprehensive Land Use Plan does not identify any other area where this type of development is appropriate at this time.

Dan Fritz stated he chaired the Master Plan Committee, which updated the Comprehensive Land Use Plan. He explained the outreach that his committee did for resident input during the year-long process. It is the guiding vision for the village for years to come. Several recommendations came out of that process. One was the rezoning of this property for a planned development. Another recommendation was some zoning changes to protect the character of the WEB area. The recommendation for a zoning change went to the voters along with specifics from Chapter 1159.

Andrea Hill who is a neighbor in the far back portion of the property stated she is concerned about light trespass, traffic and noise. She is hoping the developers will have adequate buffers. She is also curious about a time line. Mr. Bittance said they had not yet come up with a lighting plan but with the advent of LED and other new lighting technology, they feel they can be very specific in their lighting. They will try to be fair to surrounding properties as they shape their lighting plan. She asked about the process going forward. Mayor Renda explained that if Council were to approve the preliminary plan, the Planning Commission would have to review and discuss the final plan. It is hard to anticipate an exact time-line for that because much work remains to be done. Mayor Renda encouraged residents to check the website or call Village Hall.

Paul Stanard stated that he has had the privilege and the challenge of chairing the Planning Commission for the last two years. He stated that this project is specifically allowed by Chapter 1159 which was approved by the voters in November. He has studied this chapter several times over to make certain that we adhered to the process that was specified in the chapter. The chapter defines what is to happen at each stage. This stage is a contemplation of the preliminary development plan and the developers are seeking approval of that preliminary plan only. That approval will allow them to develop a final plan, which will then go back to Planning Commission, which will have the final say. He has taken good notes and will consider each person's objections. He reiterated that this type of development cannot happen again. This chapter is very specific about the parcels that can be included in a planned development, which are limited to the 21 acres on Chagrin Blvd. Based on the results of the Comprehensive Land Use Study, it is extremely unlikely than any other parcel exists in the village that could be developed in this way. It is likely that this will be the only planned development in the village.

Mayor Renda declared the Public Hearing closed at 8:27pm.

Mayor Renda thanked everyone for attending and informed them that Council will take time to consider everything and will not vote on Moreland Commons tonight. They will consider it again at the September Meeting.

### **Public Hearing**

Ordinance 2017-21, Ordinance 2017-22, and Ordinance 2017-30

Mayor Renda declared the Public Hearing open at 8:28 pm.

#### **Ordinance 2017-21 (Third Reading) - Introduced by Mr. Stanard**

AN ORDINANCE AMENDING CERTAIN PROVISIONS OF THE PLANNING AND ZONING CODE AND THE BUILDING CODE REGARDING OUTDOOR LIGHTING.

Mr. Stanard stated that this ordinance came out of a request from a resident who wanted to light a sport court. In reviewing the existing Code for outdoor lighting, a number of locations were found where there were omissions and inconsistencies. The Planning Commission felt they needed more information so at the public hearing, the board asked for a professional lighting expert, because lighting has changed so dramatically since the original ordinances were drafted. Lighting is so much more sophisticated than it used to be. The administration decided to make the code more clear, concise, and consistent and the Planning Commission had a discussion with the lighting expert about light trespass, standards for trespass, the luminaires not facing the light source, maximum pole height, wattages, night sky trespass and night pollution, hours restricted for sport court lighting and difference of times for weekdays and weeknights, acceptable level, and ability to light facades and/or up-lighting for landscape. Mrs. Lane then worked with the lighting expert to draft an ordinance that would answer some of these questions. Mr. Stanard stated that it will encompass five chapters with the new additions and corrections and the allowance of sport court lighting, with restrictions.

There was no one present wishing to comment on this ordinance.

Mr. Stanard made a motion seconded by Ms. Sturgis to place Ordinance 2017-21 on Third Reading and for passage.

#### **ROLL CALL:**

**AYES:** Mr. Buczek, Mr. Fritz, Mr. Richman, Mr. Sherck, Mr. Stanard, Ms. Sturgis

**NAYS:** None

**MOTION CARRIED**



**Ordinance 2017-22 (Third Reading) - Introduced by Mr. Buczek**

AN ORDINANCE ENACTING NEW SECTION 1151.21, "SPECIAL PROVISIONS FOR WILTSHIRE, ELLENDALE, AND BERKELEY," AND AMENDING SECTION 1151.07(F), "MINIMUM SETBACK REQUIREMENTS," OF THE CODIFIED ORDINANCES OF THE VILLAGE OF MORELAND HILLS REGARDING NONCONFORMING LOT CONDITIONS.

Mr. Buczek stated that this came from a recommendation from the Master Plan Committee and will establish a new section within the ordinances that will specifically look at this area to keep it in character with the rest of the neighborhood. Mayor Renda stated that during the Comprehensive Land Use process, this neighborhood was looked at and was decided to be a valuable asset to Moreland Hills. The Planning Commission and Council want to do what the Master Plan Committee recommended which was to have certain setbacks that will not allow no more than 12% lot coverage. This area was starting to have homes torn down and rebuilt that were massive and out of character, so in order to respect the original character of the neighborhood, it was decided to clear up some things in the legislation.

At this time, Mrs. Lane administered the oath to residents wishing to speak at the public hearing.

Ron Klein (Canterbury Homes, Inc.) stated that he bought a house beyond repair in that area and asked if the maximum lot coverage for all buildings is 12% refers to the footprint or the total square footage of the house. Mr. Buczek answered that it refers to the footprint. Mr. Klein asked what is to be done about homes that are there that are 6 feet from the property line. Mayor Renda stated that anything existing is grandfathered in, which happens in every zoning code. He asked what would happen if he wanted to change to a front loading garage. Mrs. Lane stated that front facing garages are permitted in that neighborhood, but it would depend on the setback; a variance can also be sought.

Mr. Buczek stated that this area was developed in the early 1900's and Ellendale and Berkeley were subdivided 1918 when there were not that many codes. The new ordinance is very specific and will eliminate a lot of confusion that has happened over the years.

Mr. Stanard stated that he felt that this was a good and thoughtful ordinance. A lot of time and effort was put into it to making sure it was right.

Mr. Buczek made a motion seconded by Mr. Stanard to place Ordinance 2017-22 on Third Reading and for passage.

ROLL CALL:

AYES: Mr. Buczek, Mr. Fritz, Mr. Richman, Mr. Sherck, Mr. Stanard, Ms. Sturgis

NAYS: None

MOTION CARRIED

**Ordinance 2017-30 (Third Reading) - Introduced by Mr. Fritz**

AN ORDINANCE AMENDING CHAPTER 1171, "GENERAL USE REGULATIONS" OF THE PLANNING AND ZONING CODE OF THE VILLAGE OF MORELAND HILLS BY ENACTING NEW SECTION 1171.25 "PROHIBITION OF MEDICAL MARIJUANA ENTITIES."

Mr. Fritz stated that Governor Kasich signed a law in June 2016, allowing the use of medical marijuana and allowing local municipalities to regulate whether they wanted to allow cultivators, processors and dispensaries of medical marijuana within their municipal boundaries.

Council discussed whether we would want those within in our borders and received input from the Police Department who informed us of the hardship it could have on the village, since certain aspects of missing shipments, etc. would fall on the local police department to handle. Council weighed out the pluses and minuses and determined to prohibit it.

There was no one present wishing to comment on this ordinance.

Mr. Fritz made a motion seconded by Mr. Richman to place Ordinance 2017-30 on Third Reading and for passage.

ROLL CALL:

AYES: Mr. Buczek, Mr. Fritz, Mr. Richman, Mr. Sherck, Mr. Stanard, Ms. Sturgis

NAYS: None

MOTION CARRIED

Mayor Renda declared the Public Hearing closed at 8:49pm.

**Reports from the Mayor and Other Municipal Officials**

**Mayor**

Mayor Renda did not have a report.

**Finance**

Mr. Shah did not have a report.

**Service**

Mr. DeWater did not have a report

**Law**

Mrs. Lane did not have a report.

**Engineer**

Mr. Filarski did not have a report.

**Police**

Chief Wyant did not have a report.

## **REPORTS OF COMMITTEES**

Mayor Renda asked if, in the interest of time, all the Committee Chairs could hold on to their reports and give them with their next month report at the September Council Meeting.

## **ORDINANCES AND RESOLUTIONS**

### **Ordinance 2017-40- Introduced by Mr. Stanard**

AN ORDINANCE AMENDING SECTION 1177.11(G), "SOLAR ENERGY SYSTEMS," OF THE PLANNING AND ZONING CODE OF THE VILLAGE OF MORELAND HILLS.

Mr. Stanard stated that this ordinance will require three readings. He stated that a few years back, Council put legislation in place to allow solar power generators on rooftops and since then, it has come to our attention via the Fire Marshal, that there are implicit hazards with solar systems on rooftops that are creating dangerous situations for firefighters and other emergency personnel. This will add the requirement for an access pathway so firefighters know where they can tread through safely.

Mr. Stanard made a motion seconded by Mr. Fritz to place Ordinance 2017-40 on First Reading and refer it to the Planning Commission.

ROLL CALL:

AYES: Mr. Buczek, Mr. Fritz, Mr. Richman, Mr. Sherck, Mr. Stanard, Ms. Sturgis

NAYS: None

MOTION CARRIED

### **Ordinance 2017-41- Introduced by Mr. Richman**

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH ORANGE VILLAGE FOR THE COOPERATION AND COST SHARING FOR THE RESURFACING OF JACKSON ROAD AND DECLARING AN EMERGENCY.

Mr. Richman stated that this ordinance allows the Village to enter into an agreement with Orange Village to resurface Jackson Road; Jackson Road runs through both Villages, however, the majority of it is in Orange. Moreland Hills' portion is not to exceed \$10,000.

Mr. Richman made a motion seconded by Mr. Fritz to suspend the rules for Ordinance 2017-41.

ROLL CALL:

AYES: Mr. Buczek, Mr. Fritz, Mr. Richman, Mr. Sherck, Mr. Stanard, Ms. Sturgis

NAYS: None

MOTION CARRIED

Mr. Richman made a motion seconded by Mr. Fritz for passage of Ordinance 2017-41.

ROLL CALL:

AYES: Mr. Buczek, Mr. Fritz, Mr. Richman, Mr. Sherck, Mr. Stanard, Ms. Sturgis

NAYS: None

MOTION CARRIED

**Ordinance 2017-42- Introduced by Mr. Richman**

AN ORDINANCE ACCEPTING THE BID OF, AND AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH, TC CONSTRUCTION FOR THE RECONSTRUCTION OF CREEKVIEW CIRCLE AND DECLARING AN EMERGENCY.

Mr. Richman stated that this allows the Village to enter into a contract for the reconstruction of Creekview Circle. Five bids were received; the lowest for \$269,280 was from TC Construction. He stated that the Village Engineer knows of them and is pleased with work they have done.

Mr. Richman made a motion seconded by Mr. Buczek to suspend the rules for Ordinance 2017-42.

ROLL CALL:

AYES: Mr. Buczek, Mr. Fritz, Mr. Richman, Mr. Sherck, Mr. Stanard, Ms. Sturgis

NAYS: None

MOTION CARRIED

Mr. Richman made a motion seconded by Mr. Buczek for passage of Ordinance 2017-42.

ROLL CALL:

AYES: Mr. Buczek, Mr. Fritz, Mr. Richman, Mr. Sherck, Mr. Stanard, Ms. Sturgis

NAYS: None

MOTION CARRIED

**Ordinance 2017-43- Introduced by Ms. Sturgis**

AN ORDINANCE PROVIDING ADDITIONAL APPROPRIATIONS, TRANSFERRING ITEMS ALREADY APPROPRIATED AND DECLARING AN EMERGENCY.

Ms. Sturgis that this ordinance transfers items already appropriated. Two items listed are: \$20,000 for Chagrin Falls EMS to increase the budget because they did not include the increase in the contract, and \$7,000 for an LED lights; the Village received a grant and will receive \$6,000 back. Mayor Renda thanked Mr. DeWater for applying for this grant.

Ms. Sturgis made a motion seconded by Mr. Fritz to suspend the rules for Ordinance 2017-43.

ROLL CALL:

AYES: Mr. Buczek, Mr. Fritz, Mr. Richman, Mr. Sherck, Mr. Stanard, Ms. Sturgis  
NAYS: None  
MOTION CARRIED

Ms. Sturgis made a motion seconded by Mr. Buczek for passage of Ordinance 2017-43.

ROLL CALL:  
AYES: Mr. Buczek, Mr. Fritz, Mr. Richman, Mr. Sherck, Mr. Stanard, Ms. Sturgis  
NAYS: None  
MOTION CARRIED

**Miscellaneous**

Mayor Renda stated that she will be out of town during the September Council Meeting. This would have been the first Council Meeting she will have missed in ten years, however she feels she should not miss it. The timing is unfortunate but it was out of her control. She stated that she has no doubt that Mr. Fritz would have done a good job running the meeting, but since the Moreland Commons project is so huge and a first of its kind for the Village, she stated that she should be there. It was decided to reschedule the meeting for September 6, 2017, and cancel the Committee of the Whole meeting originally scheduled for that date. Mayor Renda thanked Council for working with her on this.

Mr. Fritz wanted to comment on one of the residents comparing Moreland Commons to Pinecrest (in Orange Village). He stated that he wanted to put it in perspective; Pinecrest is a 250 million dollar, 235-unit living space. The buildings are 5-6 stories tall and includes bars, restaurants, office space, retail; a lot of infrastructure. In terms of Fire Department needs, there is no comparison to Moreland Commons. As it relates to Pinecrest, there has been some discussion of additions to the workforce (Fire Department) and changes in tactics. For Moreland Commons, there will probably be discussions on tactics but will not require hiring additional people.

Mayor Renda added to Mr. Fritz's comments by stating that there are currently 1500 homes in the Village and Moreland Commons is proposing to add 59 more units (homes), which is only about a 4% increase in homes. She stated that even if the Village were to provide rubbish pick-up, snow plowing, etc., it would not be overwhelming. Mayor Renda stated that Mr. Fritz is correct that there is a huge difference between the two developments.

Mayor Renda thanked the following: the staff for hanging in for a long meeting, Chief Wyant for being the timer for the public hearing, Lt. Dietzel for keeping them safe, and Mr. Pogatchnik for making his statement and hanging in for the whole meeting as well.

Mr. Buczek made a motion seconded by Mr. Fritz to adjourn the Regular Council Meeting at 9:02pm.

ROLL CALL:

AYES: Mr. Buczek, Mr. Fritz, Mr. Richman, Mr. Sherck, Mr. Stanard, Ms. Sturgis

NAYS: None

MOTION CARRIED

The meeting was adjourned at 9:02pm.

Attest:

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Sherri Arrietta, Clerk of Council

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Dan Fritz, Council President

**TESTIMONY OF RONALD R JANKE, AUGUST 9, 2017 PUBLIC HEARING ON PRELIMINARY DEVELOPMENT PLAN AND REQUESTED MODIFICATIONS TO THE RECENTLY ENACTED ZONING REQUIREMENTS**

**1. THE MODIFICATIONS ARE NOT "MINOR," AS REFERENCED IN THE VILLAGE NEWSLETTER**

- Reducing the building set back from 100 to 75 feet is a 25% reduction. Reducing it to 15 feet is a 15% reduction.

- Increasing the building height from 35 to 42 feet is 20% increase.

- Reducing the landscaping setback from 75 to 40 feet is 47% reduction.

**2. THE MODIFICATIONS MUST BE EVALUATED BASED ON THEIR COMBINED EFFECT, NOT INDIVIDUALLY**

- The Townhouses along Chagrin Blvd will be seven feet higher and ten feet closer to Chagrin Blvd with forty feet less of a landscaping buffer.

- These townhouses will be located on the highest portion of the property, which generally slopes to the north. The garages from these townhouses will face Chagrin Blvd. These townhouses are the largest mass structure in the development, much larger than any residential unit currently along the north side of Chagrin Blvd. between the School Administration Building and the ML Restaurant. Due to the combination of these features, these townhouses will be a looming presence which is uncharacteristic of Moreland Hills.

- Likewise the townhouses along the east side of the property will be seven feet higher and 15 feet closer to the neighboring properties.

- These townhouses, with their garage doors facing the neighbors to the east, are the ones closest to current property owners.

- These modifications should be rejected because of their combined intrusive impacts.

**3. THESE MODIFICATIONS FAIL ON THEIR OWN MERITS**

- During the Planning Commission meetings that I attended, I did not hear any member say "Our building setback is too wide" or that "Our landscaping setback is too wide." Nor did any of them say that "we need taller buildings than our building height restriction allow."

**4. THESE MODIFICATIONS CANNOT BE JUSTIFIED BASED ON "TRADE-OFFS"**

- Exceeding the 20 percent "green space" requirement is not praise worthy. That requirement

would be practically be met by complying with the landscaping setback and leaving the unbuildable ravine and wetlands alone. 47 % greenspace is about half the greenspace currently on this property.

- The green space shared by the public through the landscaping buffers should not be traded for interior greenspace with no public access.

- Greater green space and less density within the housing project is no comfort for existing residents who are impacted by garages of taller townhomes closer to their own backyards and homes.

- Density does not justify modifications in building heights. Density (the number of units) does not increase if attached houses and townhomes on the south and east sides of the property are lower than those in the interior of the housing development. All units do not have to be the same height unless cookie cutter houses are going to be built..

#### 5. THESE MODIFICATIONS ARE NOT WHAT THE VOTERS WERE PROMISED

- Repeatedly, this Council, the Mayor and your planning consultant told the public at public meetings and in several mailings that the proposed zoning restrictions would require a "100-foot building setback and a 75-foot landscaping setback." These representations continued after the proposed zoning ordinance was approved for the ballot in the Village sent mailings to the voters in support of the rezoning. In other words, after the legislative function had run its course, the village mailings campaigned for the rezoning by emphasizing the 100 and 75 foot set backs.

- The council and mayor risk their credibility by granting modifications to these set backs, as this reversal can be seen as a bait and switch.

#### 6. BECAUSE THESE MODIFICATIONS WERE NOT AND CANNOT BE SUPPORTED BY THEIR OWN MERIT, APPROVAL OF ANY OF THEM SHOULD BE CONDITIONED UPON A FINAL PLAN THAT CONTAINS ALL OF THE REPRESENTATIONS THAT ARE MADE IN THE PRELIMINARY PLAN AS TO THE NATURE OF THE HOUSING PROJECT.

- It is clear that the Planning Commission in approving the modifications has done so based on the "sizzle" of other elements it found attractive in the preliminary plan, such as four-sided architecture. The risk of this approach is that the final plans rather than providing steak will provide meatloaf due to changes for whatever reasons, such as economic conditions, marketing decisions, etc.

- If any modification is approved, it should be conditioned upon the presentation of a final plan that conforms to all of the representations made in the preliminary plan and the presentations to the Planning Commission.