

# Planning Commission

July 25, 2016

Minutes

The Planning Commission meeting was called to order by Chairman Stanard at 6:01 p.m.

Present at Roll Call: Mr. Bolek, Mrs. Cooper, Mr. Fritz, Mr. Pogatschnik, Mr. Stanard

Absent: Mayor Renda

Others present: Jeffrey Filarski, Village Engineer; Aimee Lane, Law Director; Rick Loconti, Building Official; Theresa Dean, Assistant Clerk; Paul Kowalczyk.

Mrs. Cooper made a motion seconded by Mr. Pogatschnik to approve the minutes from the June 27, 2016 with one correction to a date shown on the first page.

ROLL ALL:

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

NAYS:

ABSTENTIONS: Mr. Bolek, Mr. Fritz

MOTION CARRIED

## McCormick Residence

45 Hopewell Trail - Renovations

George Clemens, the architect for the project with Pantuso Architecture, was in attendance. Mr. Clemens explained that the house is located at the end of a cul-de-sac and that the displayed elevation showed the rear of the house, which faces a private back yard. Mr. Clemens said that no significant change will be made to the front of the home. There is a proposed sunroom addition and alteration of windows, plus interior work on the sunroom. They will also be changing the kitchen windows on the back of the home.

The only changes to the configuration of the house itself are to the two rear-facing dormers. The proposed shed dormers are wider than the existing gable dormers and will create more space on the second floor. Additionally, a minor alteration will be made to the left-side dormer, changing the windows to a pair of triple windows rather than three double windows.

Mr. Clemens also pointed out the interior plans showing where the sunroom addition will be as well as photos of the existing home.

Mr. Loconti indicated that the plans were approved by the Village Architect without notes; neither he nor Mr. Filarski had any concerns about the project.

Mr. Bolek asked if a new closet shown on the plans would change the existing roofline, and Mr. Clemens replied that it would not.

Mr. Bolek made a motion seconded by Mr. Fritz to approve the renovations at 45 Hopewell Trail.

ROLL CALL:

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

NAYS:

MOTION CARRIED

#### Kochis Residence

4355 Giles Road – Porch, Patio, Outdoor Kitchen and Fireplace

Jonas Pattie of The Pattie Group was in attendance to present the project. Photos were displayed showing the existing three-season porch on the back of the home. The proposed plan is to tear off the existing porch and replace it with a new three-season porch and add a new patio space off the back of the porch with outdoor fireplace, built-in grill, and kitchen. Mr. Pattie said that the existing porch is small with a poor traffic pattern, and, therefore, is not very functional. The proposal is for a much larger porch with screens on three sides; the side facing the back yard will have retractable screens. The door is being moved to the right side of the porch, and a step landing will be built leading to the patio; it will have a proper footer and foundation versus the failing post structure that currently exists. In addition to screens, windows that can close off the porch will be located on the side that faces Giles Road, as that is the direction from which the wind blows.

Mr. Loconti reported that the plans were approved by the Village Architect without notes. Neither Mr. Loconti nor Mr. Filarski had any concerns about the project.

Mr. Pattie said that the patio itself would reuse some of the existing sandstone to tie in with the look of the house. Mr. Loconti confirmed that the distance from the house to the outdoor fireplace was approved. Mr. Bolek asked for clarification about the rendering provided, as it appeared to show a brick patio. Mr. Pattie replied that both sandstone and brick will be used, with the sandstone being used as inlay in the new patio. Stone used for the fireplace and outdoor kitchen will be selected to match as closely as possible with stone used in other architectural elements on the property, such as driveway pillars at the front of the house.

Mr. Bolek asked if there was a full set of plans that was approved; Mr. Loconti indicated that there was.

Mrs. Cooper asked about the orientation of the house to Giles Road. Mr. Kochis said the addition will be in line with the existing home and look less like an addition when viewed from the road than what currently exists.

Mr. Fritz made a motion seconded by Mrs. Cooper to approve the porch addition with patio, fireplace, and outdoor kitchen at 4255 Giles Road.

ROLL CALL:

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

NAYS:

MOTION CARRIED

**Ahmed Residence**

50 Woodburn Drive - Sunroom

Dr. Azzam Ahmed, the homeowner, was in attendance. Dr. Ahmed indicated that the previous all-glass sunroom, as built, was problematic. The glass created too much humidity in the room. That sunroom was demolished, and the plan is to replace it with a framed, solid structure and better glass. There will be no change to the existing footprint or utility services, and the same foundation will be used.

Mr. Loconti said that the plans were approved by the Village Architect with the comment that photos of the home were needed, which Dr. Ahmed had provided. Mr. Stanard reviewed the photos and confirmed with Dr. Ahmed that some of the work had already commenced and that there would be no changes to the footprint of the room or to the utility services. Dr. Ahmed apologized for not being familiar with the Village's requirements and starting the project without prior review and approval. Mr. Loconti also confirmed that demolition of the old sunroom had been completed and that construction on the new room had started; Mr. Loconti stopped the project after receiving a complaint from a neighbor. He indicated that Dr. Ahmed has been very cooperative and is waiting on the Planning Commission's review and approval to proceed.

Mr. Stanard confirmed with Mr. Loconti that the Village Architect had reviewed the additional photos and had no other comments. Mr. Filarski had no concerns about the project. Mr. Loconti said he had no concerns about the project but that the fee for the building permit would be doubled as a fine for beginning work without a permit, per Village Ordinances. No further fines would be imposed.

Mr. Stanard made a motion to approve the project to convert the glass sunroom to a wood-framed room at 50 Woodburn and asked that Dr. Ahmed stay in contact with the Building Department to ensure that all inspections were done. The motion was seconded by Mr. Pogatschnik.

ROLL CALL:

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

NAYS:

MOTION CARRIED

**Pavlofsky Residence**  
Raea Lane, S/L 1 - New Dwelling

Kevin Cieszykowski, principal architect, and John Vinton with Palmieri Builders were in attendance to present the proposed new dwelling on Raea Lane. This will be a new two-story, 6,500 square-foot home at the intersection of Raea Lane and South Woodland Road. The home will include a master suite on the first floor, three bedrooms on the second floor, and a partially finished basement.

Mr. Stanard asked about a proposed landscape mound at the back of the property that would not be compliant with Village ordinances. Mr. Vinton replied that the height would be lowered to come into compliance. Mr. Filarski said that he had provided some engineering comments to be addressed with the designer.

Mr. Loconti reported that plans were reviewed and approved with no comments by the Village architect. Mr. Loconti also said that no variances are required and that he has no concerns about the project. Mrs. Cooper asked about a comment in Mr. Filarski's letter regarding a wall over thirty-six (36) inches in height that is for a backyard patio. He confirmed that this is a retaining wall, not a decorative wall, and therefore does not need a variance.

As scans of the plans were not able to be displayed on the overhead screens, Mr. Bolek and members of the Planning Commission reviewed hard-copies of the plans, with Mr. Cieszykowski answering questions regarding specifics of the design and Mr. Vinton discussing the site layout with Mr. Filarski.

Mr. Fritz made a motion seconded by Mr. Pogatschnik to approve the new dwelling on S/L 1, Raea Lane subject to Building Code review, including mechanical drawings, for the smoker/grill/fireplace area, as well as a secondary review by the Fire Marshall for his approval.

**ROLL CALL:**

**AYES:** Mr. Bolek, Mrs. Cooper, Mr. Fritz, Mr. Pogatschnik, Mr. Stanard

**NAYS:**

**MOTION CARRIED**

**Blaushild Residence - Public Hearing**  
37801 Chagrin River Road - Streambed Restoration

Marc Blaushild, owner, was in attendance, as well as Craig Cawrse, of Cawrse and Associates, Inc. Landscape Architects and Land Planners, with his team.

Because this application requires a public hearing, Mrs. Lane administered the oath to anyone wishing to speak at the hearing, and Mr. Stanard declared the Public Hearing open at 6:36 pm.

Mr. Cawrse introduced his members of his team, including Judith Mitchell, Davey Resource Group, and John Crawford and Roger Newberry with Partners Environmental Consulting in Solon. Mr. Cawrse displayed an aerial map showing the Blaushild property and surrounding properties. Photos of the

stream were shown from various view points, including views of a box culvert running under Chagrin River Road and culverts heading east that are on Metropark property. Some flooding has occurred here in this area in the past due to silt deposits. He pointed out an area where the erosion has exposed approximately five (5) feet of pipe. Other views showed part of the stream that has been armored with stone work and areas where gravel deposits have occurred. There is a foot bridge across the stream that needs to be raised above the high water mark. It is not currently above that height, which sometimes causes a backup of water. He also showed views moving west up the stream with crumbling walls, as well as trees which have fallen and vegetation that needs to be dealt with.

Mr. Cawrse then displayed a topography map and asked John Crawford to speak. Mr. Crawford indicated that they have done a full topographic survey of the property to include areas all the way to the river. They are aware of several issues, including stream erosion, flooding, and sheet flow that goes across the property to the north. Mr. Filarski asked if a boundary survey had been done; Mr. Crawford said it had been done and pinned.

Mr. Crawford asked Roger Newbury, civil engineer, to comment as well. Mr. Newberry said that they need to analyze the volume of water coming from behind the Blaushild house and understand what happens as it flows through the stream and encounters the culverts, including the area by the Polo field parking lots. It seems that there is a lot of water for a relatively small drainage area. The goal is to identify other influences, come to an understanding of where the water level is at various increments of storm intensity to determine what can pass under the foot bridge and through the culverts, and to come back to the Village and the Metroparks with a plan on how to best alleviate flooding.

Mr. Cawrse asked Mr. Filarski about correspondence he had from the NE Ohio Regional Sewer District (NEORS). This stream was not part of their original regional stream system network, as they only managed streams draining more than three hundred (300) acres. Mr. Filarski has corresponded with them and confirmed that this stream does, in fact, drain more than three hundred (300) acres. They have issued a letter adding this stream to their network and will now maintain the culvert at Chagrin River Road and clean it out after every storm. NEORS will also be doing their watershed studies, with the Chagrin River Watershed being scheduled for 2018; they will generate recommendations for various areas throughout the watershed.

Mr. Filarski also commented that the culvert was replaced in the early 2000's, with half the cost being paid by the County. It was designed per County standards based on traffic and resulted in a design for a ten-year storm rainfall event. A twenty-five-year storm event would allow water to flow within a foot of the center line of the road. It was not designed for a one-hundred-year storm rainfall event.

Mr. Cawrse said he will need more topography studies on the Platts' property if they will allow that in order to get a better understand of the flooding. Jonathan Platt was in attendance and said they would absolutely allow that access.

Mrs. Cooper asked if the stream was wholly contained on the Blaushild property or if it straddles the two properties. Mr. Platt said he believes the stream does touch on their property in several areas but wonders if the property line as shown on the preliminary plan is accurate. Mr. Cawrse replied that a survey has now been done and pinned in the field. Mr. Crawford said that the stream bed itself is solely on the Blaushild property and does not cross the property line, though the bank straddles the property line in places. Mr. Platt said that they had never had the property line surveyed, but that it was his understanding that this latest survey was taken based on previous pins. Mrs. Platt relayed that the

surveyor said he did not have a plat map, and that the map available from the Cuyahoga County Auditor's site shows the stream crossing on to their property. Mr. Crawford explained their process in reviewing the property lines and said he would be happy to walk the property with Mr. and Mrs. Platt.

At this point, Mr. Stanard asked Mr. Cawrse to continue with his presentation with the other issues to be addressed later in the Hearing.

Mr. Cawrse introduced Judith Mitchell from the Davey Resource Group. She spoke to the erosion that is happening as well as to stream bank undercutting, scouring, and constriction of the flow at the road. Their group designed a concept plan prior to having the survey information. This plan suggests various elements to reduce the energy of the water flow, including bendway weirs to help keep the energy of the water in the center of the channel, grade control to reduce erosion, pulling back the stream bank when possible to reduce constriction, and decreasing the elevation of stream banks to allow access to the flood plain. They are also exploring the idea of a secondary channel to allow overflow during high flows and mitigate flooding, and they plan to elevate the footbridge.

Ms. Mitchell displayed several photos showing examples of stream habitats their firm has installed to provide stream stabilization and pointed out that they look just like a natural streambed. The actual size of stone and structures to be used in the Blaushild design will be determined when final modeling is done to calculate the volume and velocity of water at the site. Some existing vegetation will be lost but will be replaced with vegetation to better stabilize the streambed. The bendway weir to be added will be "keyed in" to prevent water from getting behind it and keep the velocity of water down.

At this time, Mr. Stanard asked if there were additional comments for the Public Hearing portion of the meeting. Jonathan Platt, the property owner to the north, stated that their main concern is to make sure that the flooding is addressed in the plan. He said that, before he and his wife purchased their property, there was a smaller house on the Blaushild property, but as the site was built out, the parking and driveway has encroached on and caused constriction of the streambed. When work was being done at the Blaushild property approximately six years ago, the Platts expressed concerns about further constriction of the stream and possible flooding to Greg Potts, the Building Official at that time. Since then, they have experienced flooding of their front yard. Last year, the flooding went into their back yard and through their barn. Although they do not currently have horses, their property is a horse property, and the effects of the flooding and resulting silt make it unusable as such. He said he is encouraged to hear that the culverts will be better maintained and that the bridge will be raised but is hoping that the plan will be successful in stopping the flooding that has occurred on their property.

Josie Platt also spoke. She said the large boulders that were previously placed in the stream reduced the volume of water the stream could hold by approximately one-quarter. During heavy flow, the water jumps the stream bank at that point and floods their yard. Trees that have come down in heavy storms have been caught not only by the bridge but also by these boulders. Mrs. Platt said that, prior to the boulders being placed, they did not have the same type of flooding in their yard, although they did have some when the culverts were blocked or beyond their capacity. She said that the flooding that went through their back yard not only went through the barn but beyond it and into the drive of the neighbors to their north. She said that, under current conditions, their property would not be able to be sold as a horse property, and she wants to make sure their front yard will not be where the water goes when there is a big storm.

As there were no further comments, Mr. Stanard declared the Public Hearing closed at 7:09 pm.

Mr. Fritz asked Mr. and Mrs. Platt if they agreed that the plan is preliminary and a good-faith effort to address the problems. Mr. Platt said yes, and that they would love to be involved in the project going forward and would cooperate in a plan to restore the stream as much as possible. Mrs. Platts also said yes, and that they have been in contact with Mr. Filarski saying they wish to participate. Mr. Filarski distributed a copy of their e-mail correspondence (attached as Appendix A).

Mr. Fritz also asked what parameters would be in place to determine that the problems have been fixed. Mr. Newberry replied that they will need to use statistical modeling, as they can not wait for a 100-year storm event to see what happens but rather need to make some assumptions about rainfall intensity and how frequently it occurs. Therefore, there is no warrant that what they analyze will actually reflect what happens. Mr. Fritz asked about using a five-year storm measurement. Mr. Newberry said that such an "x-year storm" measurement is a measure of what falls on the ground at one time but does not take into account if such rainfall happened the previous week or happens on three successive days. Their intent is to create a design that takes various measurements into account and contains the stream as much as possible.

Marc Blaushild said he certainly appreciates his neighbors' concerns and wants to be a good neighbor. He has been in contact with Mr. Filarski and has hired a professional team to look for a global solution. Mr. Stanard commented that Mr. Blaushild has obviously made an investment with the team he has hired. He also said that, if the Planning Commission recommends approval of the Conditional Use to Council, there will be multiple additional points of expert scrutiny of the plan, with possible involvement by the Ohio EPA and Army Corp of Engineers. Mr. Stanard said it is reasonable to assume that any plan that will survive that level of scrutiny will certainly not make the situation worse. Additionally, the Village Engineer has thoroughly vetted the plan and given his comments. He feels Mr. Blaushild and his team are headed in the right direction and is inclined to recommend the plan go forward.

Mr. Stanard stated that the Planning Commission's role at this time to make recommendation to Village Council that this Conditional Use in this riparian setback be allowed.

Mr. Bolek said he was interested to know what the NEORS D review will entail and asked if there was a constant flow of water in the stream. Mr. Filarski said that there are about three-hundred-forty (340) acres that drain into the stream and that yes, there is a constant flow of water. Mr. Bolek agreed that there needs to be consideration of a Conditional Use but also feels that there is a bigger issue upstream. Mr. Filarski said that, upstream, nothing has changed in decades. However, the area is seeing more frequent, intense rainfalls, and ground that is already saturated can alter the impact of a one-hundred-year storm to something closer to a five-hundred-year storm. There is nothing the Sewer District can do about those impacts, but their role will be to review plans and make suggestions. They will also be looking downstream and make suggestions to the Metroparks regarding culverts on their property as well. Mr. Bolek said he wants to make sure there is coordination of the project. Mr. Cawrse said he has already met with the Chagrin River Watershed Partners and the Western Reserve Land Conservancy and that they have had correspondence with Mr. Filarski.

Mrs. Cooper asked if the NEORS D would start evaluating this project prior to 2018. Mr. Filarski said that this is not part of their watershed planning but that this would be reviewed separately. She asked what other state or federal agencies might be involved. Mr. Newberry said that the Ohio EPA would most likely be involved in a review and, depending on what is determined from elevation and flow studies, the Department of Natural Resources and/or FEMA could be involved.

Mr. Fritz mentioned a previous stream restoration project to the south and asked what was changed at the point that stream met Chagrin River Road. Mr. Filarski replied that it was a replacement of a failing culvert. Mr. Fritz asked about the transition between the box culvert at the Blaushild site and the culverts on the Metroparks property. Mr. Filarski said he has been in touch with the Metroparks to make them aware of capacity issues and has met with Sean McDermot, their Director of Engineering and Facilities. It is not currently a priority for the Metroparks but is on their radar due to flooding at the polo fields.

Mrs. Platt spoke again and reiterated that the flooding of their front yard did not happen until after the installation of the large boulders in the stream. She hopes that part of the project is a restoration of stream volume to the point before the boulders were placed. Mr. Filarski said that the current plan is preliminary and modeling will take place to determine how best to proceed. Mr. Blaushild said he will rely on his professional team and is not interested in a plan that protects just his property but a plan that protects his neighbors and the Metroparks property as well.

Mr. Pogatschnik asked for a definition of the term scouring. Ms. Mitchell replied that this means the water is flowing at such a volume and velocity that it literally scours the soil from the streambed and bank, causing erosion.

Mrs. Lane asked if the Planning Commission would be making a motion recommending a Conditional Use approval to Council or if, in addition, they would be approving a plan. Mr. Filarski felt this should be handled as a Conditional Use for erosion control/stream maintenance and landscaping. Mr. Blaushild will still need to go through the administrative process for final plan approval through Mr. Filarski's office. He felt it was acceptable for the Planning Commission to approve the concepts for erosion control/stream maintenance and landscaping, conditioned on final approval of the Village Engineer.

Mrs. Lane said that the Code requires that the Planning Commission, in making a determination on a Conditional Use certificate, state the reasons for doing so in the meeting minutes and read the following statements into the record:

The Blaushilds have requested a Conditional Use for the property at 3780 Chagrin River Road for a streambed restoration project in the riparian setback zone. This requires Conditional Use approval under Ordinance 1173.07(e)(2). The Conclusions of Fact in support of granting the Conditional Use are as follows:

1. The conditional use will be designed, constructed, operated, and maintained to be harmonious and appropriate with the prevailing, existing, and intended character of the general vicinity as indicated by the testimony that the applicant presented. The area is currently largely park use and residential use. The stream is currently experiencing sedimentation and silt build up, erosion, and, at times, flooding. The testimony of Judith Mitchell of Davey Resource Group has described a concept plan that will address those items and that speaks to stream maintenance and landscaping as part of that project.
2. The establishment, maintenance, or operation of the Conditional Use will not endanger the public health, safety, general welfare, or ecosystem of the Village and, in fact, will actually enhance and further those items.

3. The establishment of this Conditional Use in this location will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district, and it appears that the proposed project would actually improve the surrounding development and uses permitted in the district.

Mr. Bolek made a motion seconded by Mr. Fritz to approve the Conclusions of Fact.

ROLL CALL:

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

NAYS:

MOTION CARRIED

Mr. Bolek made a motion seconded by Mr. Pogatschnik to recommend to Village Council the approval of the Conditional Use for streambed improvements at 3780 Chagrin River Road based on the Conclusions of Facts and subject to final Engineering review and approval.

ROLL CALL:

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

NAYS:

MOTION CARRIED

#### **Severin - Re-zoning Discussion**

34550 Chagrin Boulevard

Jerry Severin was in attendance for an informal discussion to propose rezoning of the property from U-2 Retail Business District to U-1 Dwelling House District. Mr. Severin's son would like to build a home on the site, which Mr. Severin had previously requested to be zoned commercial. As he was not able to purchase adjoining commercial property and does not feel there is a need for more commercial property in that area, he would like to return the lot to residential zoning.

Mr. Stanard explained that the zoning map would need to be changed and asked Mrs. Lane to explain that process.

Mrs. Lane said that rezoning was required because the language in the Zoning Code for the U-2 Retail Business District regarding permitted uses specifically prohibits a use not listed. Such use can only be permitted if there is an amendment of the code or a zoning map change. The language does not allow for a use variance or conditional use.

Mrs. Lane said this request would be considered a private party initiated rezoning request that will need to follow the procedures laid out for Planning Commission and Council review and approvals, to include public hearings. However, the issue would not need to go on the ballot, as that is only required if zoning is changing to something other than U-1 Dwelling House District.

Mr. Severin asked how he needed to proceed, and Mrs. Lane referenced a letter she wrote to his son, Seth Severin. A formal request for rezoning from a U-2 District to a U-1 District needs to be made via a letter to the Building Department. Once received, the Law Department will prepare an ordinance for

Council to place on first reading and refer the ordinance to the Planning Commission for a public hearing. The Planning Commission will hold the public hearing and then make a recommendation to Council.

Council will also need to hold a public hearing, the notice for which must be given at least 30 days before the hearing. Once held, Council can take final action on the Zoning Map amendment. Although the Zoning Map amendment does not have to be placed on the ballot, if approved, the legislation does not take effect until thirty (30) days after the ordinance is adopted. Mrs. Lane emphasized that the process can take three to four months to complete.

Mr. Filarski asked Mrs. Lane if Planning approval for the new home could be done on a parallel path, with approval being conditional upon approval of the rezoning request. This was acceptable to members of the Planning Commission.

Mr. Filarski raised the issue of the private drive to Lancaster Lane being the access point to the lot at 34550 Chagrin Boulevard and that this will need to be addressed between the property owners going forward.

No one on the Planning Commission expressed opposition to the proposed rezoning. Mr. Severin said that a letter will be forthcoming specifically requesting the zoning change.

#### **Public Hearing - Ordinances 2016-29, 2016-30, 2016-31**

Mr. Stanard reported that Ordinances 2016-29, 2016-30, and 2016-31 were put on first reading at the July 13, 2016 Village Council's meeting and recommended to the Planning Commission for its Public Hearing(s). Mr. Stanard asked for and received permission from Mrs. Lane to hold one Public Hearing for all three Ordinances (attached as Appendix B).

At this time, Mr. Bolek asked to be excused from the remainder of the meeting after ensuring that there was a quorum; Mr. Stanard granted his permission.

The Public Hearing was opened at 7:44 pm.

Mr. Stanard gave an overview of each ordinance, as follows:

##### **Ordinance 2016-29:**

This ordinance would amend section 1179.13 (h) "Access Drives," of Chapter 1179, "Off-Street Parking Regulations." The Village Engineer has recommended that portions of the recommendation be deleted to allow for the proper design of access drives to ensure safe access based on conditions that are present rather than a standard rule that says the center line of all access driveways shall be at least forty (40) feet from the centerline right-of-way of the nearest intersecting street. The change would allow the Village Engineer to have input in terms of the proper design based on the conditions that exist at a particular location. The verbiage being added states, "Adequate sight distance to intersections shall be provided to allow for the safety of the vehicular and pedestrian traffic on the main thoroughfare and the access drive."

Mrs. Cooper asked if the recommendation was being made because the existing rule was too stringent. Mr. Filarski said no, but that each project should stand on its own. Mr. Pogatschnik asked if the change will leave room for interpretation. Mr. Filarski said it will not, as adequate line of site is defined by Ohio law.

**Ordinance 2016-30:**

This ordinance was introduced by Mr. Fritz to standardize the amount of notification required for public hearings. Mrs. Lane pointed out that there are inconsistencies in the required notice periods for public hearings. The recommendation is to standardize a consistent time frame of ten (10) days for all public notices to streamline the administrative process. In addition, Mrs. Lane noted that the Conditional Use Certificate language in Section 1129.07 has an agenda posting requirement of seven (7) days before the Public Hearing. Mrs. Lane confirmed with the Assistant Clerk that adjusting the posting requirement to three days would be desirable to allow for last-minute changes to agendas, as is common.

**Ordinance 2016-31:**

This ordinance was also introduced by Mr. Fritz and would amend Section 1125.03, "Building Inspector," and Section 1311.01, "Building Inspector; Appointment, Compensation and Bond" to include the term "Building Official" to identify the Village official responsible for administering the Planning and Zoning Code and the Building Code, and recognize the term "Building Official" as being interchangeable with "Building Inspector" or "Building Commissioner."

As there were no comments regarding any of the Ordinances, Mr. Stanard declared the Public Hearing Closed at 7:52 pm.

Mr. Stanard asked if there was any additional discussion. For Ordinance 2016-30, Mrs. Lane recommended that, in addition changing the agenda posting period from seven (7) to three (3) days in section 1129.07, a requirement be added that the agendas be posting on the Village's website.

Mrs. Cooper made a recommendation seconded by Mr. Fritz to recommend to Village Council to accept Ordinance 2016-29, Ordinance 2016-30 with changes as noted, and Ordinance 2016-31.

**ROLL CALL:**

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

**NAYS:**

**MOTION CARRIED**

**Discussion**

Mr. Stanard thanked Mr. Loconti, who will be retiring in August, for his service to the Village. He introduced Paul Kowalczyk, who will be the new Building Official, and welcomed him to the Village.

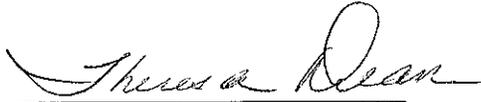
Mr. Filarski reported that the name for the road servicing the Chagrin Bluffs development was being changed from Lily Lane to Addison Lane.

Mr. Fritz asked about the status of the project at 675 Chagrin Boulevard that was presented at an earlier Planning Commission meeting. This was to be a new home for the Harrisons; the house already on the

property was demolished. Mr. Loconti replied that the project has been canceled because the owner's job was transferred. The Harrison's will most likely be looking to sell the property.

As there was no further discussion, Mr. Stanard made a motion seconded by Mr. Fritz to adjourn the meeting at 7:59 pm.

Respectfully submitted,

A handwritten signature in cursive script that reads "Theresa Dean". The signature is written in black ink and is positioned above a horizontal line.

Theresa Dean, Assistant Clerk

**Jeff Filarski**

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**From:** Jonathan A. Platt <jplatt@rennerotto.com>  
**nt:** Sunday, July 24, 2016 9:33 AM  
**Subject:** Jeff Filarski  
RE: Stream Update

Jeff,

Thank for forwarding the conceptual plans from the Blaushields. We plan to attend the meeting Monday night, but in advance of the meeting here are a few of our questions and our concerns from our review of the conceptual plan.

1. An overall concern is whether this plan is addressing the right problem, that of the flooding. The big problem as we see it is that creek has been modified to constrict the water flow rate that can pass through it. The conceptual plan seems to be primarily concerned with maintaining the stream in its current state, preventing further erosion of the stream banks and protecting structures (bridge, driveway, and house) on the Blaushields' property. There is mention in the conceptual plan of a "design flow" – how was this design flow determined, and how does it relate to an unobstructed flow of the stream and expected flows from heavy rains?
2. We're concerned about the two sets of bendway weirs in the plan. Won't placing weirs of any sort in the stream tend to constrict the overall flow in the stream? Last year we had flooding both in our front yard and our back yard, the latter flooding creating a flow of water through our barn, something that would make our property unsuitable as a horse property. We're concerned that the plan might merely push the flooding further upstream along the creek to Forest Ridge Preserve property, giving us a reduced chance of flooding in our front yard only at the cost of more flooding in the back yard of our property. (And the flow through our back yard went straight to the house of the Zabells, our neighbors on the other side.)
3. The conceptual plan calls for removal of several trees near the property line "to accommodate regrading to allow for better access to floodplain." What area is this "floodplain"? It sounds like this part of the plan is facilitating the directing of water into our front yard, deliberately exacerbating the very thing that we find unacceptable with the present situation. (The flooding of our front yard has significant impact on our property beyond the temporary presence of water there. The sediments that are deposited there damage or kill plants, and create a health hazard in mowing the lawn. Again, with regard to the possible use of our property for horses, the flooding would make the front yard unusable as a pasture for horses.)
4. Related to the last point, our understanding is that property line is several feet over from where it is depicted on the conceptual plan map. (This is in line with a corner survey pipe that was in place when we purchased this property, and note from the attached map, from the Cuyahoga County GIS system, that the upstream end of the creek appears to run on our property, contrary to what is shown in the conceptual plan map.) Therefore we believe that the trees that the conceptual plan calls for removing may well be on our property. We'd like to survey the property line prior to final approval of this project. Beyond the question of the trees that the plan causes for removing, we would like to avoid damage on our property from the work.
5. As you are well aware, there is a history of changes to the condition of this creek that in our view have constricted flow in the creek, and have altered the path of creek from where it was when a prior (smaller) house was on the Blaushields' property, with no driveway running along the creek. We would welcome involvement in a true process of restoring the creek as much as possible to its former condition, avoiding further damage to the integrity of the creek's ecosystem.

..é look forward to seeing you Monday night at the meeting.

Very truly yours,

**ORDINANCE NO: 2016-29****INTRODUCED BY: Mr. Stanard****AN ORDINANCE AMENDING SECTION 1179.13(h) "ACCESS DRIVES," OF CHAPTER 1179, "OFF-STREET PARKING REGULATIONS," OF THE CODIFIED ORDINANCES OF THE VILLAGE OF MORELAND HILLS, OHIO.**

**WHEREAS**, existing Section 1179.13(h), "Access Drives," of the Codified Ordinances of the Village of Moreland Hills provides that "the centerline of the access driveways on the frontage street shall be at least forty (40) feet from the right-of-way line at the nearest intersecting street"; and

**WHEREAS**, the Village Engineer has recommended that this regulation be deleted to allow for the proper design of access drives to ensure safe access based on the conditions that are present; and

**WHEREAS**, the Planning Commission, after holding a public hearing as required by Section 1133.09, has recommended that Council amend Section 1179.13(h) of the Codified Ordinances of the Village of Moreland Hills to remove the requirement that the centerline of an access driveway be at least forty (40) feet from the right-of-way line of the nearest intersecting street and to add the requirement that new access drives be located where there is adequate sight distance to intersections; and

**WHEREAS**, this Council, after holding a public hearing as required by Section 1133.17, desires to amend Section 1179.13(h) of the Codified Ordinances of the Village of Moreland Hills as recommended by the Village Engineer and set forth herein.

**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 1179.13(h), "Access Drives," of the Codified Ordinances of the Village of Moreland Hills, Ohio, be and the same hereby is amended to read as follows:

"1179.13 CONSTRUCTION, USE, IMPROVEMENT, AND  
MAINTENANCE STANDARDS.

\* \* \*

(h) Access drives. The location and width of entrance and exit driveways to parking facilities shall be planned to interfere as little as possible with the use of nearby property and with pedestrian and vehicular traffic on the nearest streets. Adequate sight distance to intersections shall be provided to allow for the safety of the vehicular and pedestrian traffic on the main thoroughfare and the access drive. ~~Whenever possible, the centerline of the access driveways on the frontage street shall be at least forty (40) feet from the right-of-way line of the nearest intersecting street.~~ Entrances and exits shall be

limited to three (3) lanes. The width of such entrances and exits, measured at the setback line, shall conform to the following Schedule 1179.13:

<b>Schedule 1179.13 Access Drive</b>		
<b>Number of Lanes</b>	<b>Width (Feet)</b>	
	<b>Minimum</b>	<b>Maximum</b>
1	10	12
2	18	24
3	27	33"

Section 2. Existing Section 1179.13(h), "Access Drives," 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 and Referred to Planning Commission July 13, 2016

PASSED: \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
CLERK

**ORDINANCE NO. 2016-30**

**INTRODUCED BY: Mr. Fritz**

**AN ORDINANCE AMENDING SECTION 1129.07, "CONDITIONAL USE CERTIFICATES," SECTION 1133.09, "PUBLIC HEARING AND NOTICE BY PLANNING COMMISSION," AND SECTION 1173.01, "CHANGING LAND CONTOUR REGULATIONS," OF THE CODIFIED ORDINANCES OF THE VILLAGE OF MORELAND HILLS REGARDING THE MAILING OF NOTICES OF PUBLIC HEARINGS.**

**WHEREAS**, the Planning and Zoning Code's time requirements for mailing notices of public hearings to neighboring property owners or an applicant or owner vary and, as a result, can cause administrative inefficiencies; and

**WHEREAS**, pursuant to Section 1131.07, "Notice of Public Hearing," the clerk must mail notices of public hearings of the Board of Zoning Appeals at least ten (10) days before the date of the public hearing; and

**WHEREAS**, pursuant to Section 1129.07, "Conditional Use Certificates," the clerk must mail notices of public hearings of the Planning Commission at least seven (7) days before the date of the public hearing; and

**WHEREAS**, pursuant to Section 1133.09, "Public Hearing and Notice by Planning Commission," the clerk must mail notices of public hearings of the Planning Commission on proposed Planning and Zoning Code or Zoning Map amendments at least seven (7) days before the date of the public hearing; and

**WHEREAS**, pursuant to Section 1173.01, "Changing Land Contour Regulations," the clerk must mail notices of public hearings of the Planning Commission on an application to change land contours to the applicant and property owner at least three (3) days before the date of the public hearing; and

**WHEREAS**, in the interest of administrative efficiency, the Village Administration has recommended that Sections 1129.07, 1133.09 and 1173.01 of the Codified Ordinances of the Village of Moreland Hills be amended so that all public hearing notices to neighboring property owners, or an applicant or owner in the case of an application to change land contours, must be mailed at least ten (10) days before the date of the public hearing; and

**WHEREAS**, the Planning Commission, after holding a public hearing as required by Section 1133.09, has recommended that Council amend Sections 1129.07, 1133.09 and 1173.01 of the Codified Ordinances of the Village of Moreland Hills so that all public hearing notices to neighboring property owners, or an applicant or owner in the case of an application to change land contours, must be mailed at least ten (10) days before the public hearing; and

**WHEREAS**, this Council, after holding a public hearing as required by Section 1133.17, believes that it is in the best interest of the Village to amend Sections 1129.07, 1133.09 and 1173.01 of the Codified Ordinances of the Village of Moreland Hills as set forth herein.

**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 1129.07, "Conditional Use Certificates," of the Codified Ordinances of the Village of Moreland Hills, be and the same hereby is amended to read as follows:

**"1129.07      CONDITIONAL USE CERTIFICATES.**

\* \* \*

- (f) Public Hearing and Notice by the Planning Commission. The Planning Commission shall hold a public hearing on the proposed conditional use. Notice of such public hearing shall be given, by first class mail, to the applicant and to the property owners contiguous to and directly across the street from the parcel or parcels of land on which the use is proposed. Failure of delivery of such notice shall not invalidate action taken on such application. All notices shall be deposited in the U.S. mail at least ~~seven~~ ten (10) days before the date of said public hearing. All notices shall set forth the time and place of the public hearing, the nature of the proposed conditional use, and where additional information can be obtained. The Commission may recess such hearings from time to time, and if the time and place of the continued hearing is publicly announced at the time of the adjournment, no further notice shall be required. Notice of the agenda for a public hearing on a conditional use application before the Planning Commission shall also be posted in a prominent place in Village Hall at least seven (7) days before the date set for such hearing.

\* \* \*"

Section 2. Existing Section 1129.07, "Conditional Use Certificates," of the Codified Ordinances of the Village of Moreland Hills, be and the same is hereby repealed.

Section 3. Existing Section 1133.09, "Public Hearing and Notice by Planning Commission," of the Codified Ordinances of the Village of Moreland Hills, be and the same hereby is amended to read as follows:

**"1133.09      PUBLIC HEARING AND NOTICE BY PLANNING COMMISSION.**

- (a) Upon passage of a motion by the Planning Commission or upon the receipt of an ordinance or resolution from the Village Council, the Planning Commission shall set a date for a public hearing for reviewing the proposed amendment.
- (b) Whenever a proposed map amendment proposes to rezone ten (10) or fewer parcels, written notification shall be given by the Building Inspector, by first class mail, to the applicant and to all owners of property located contiguous

to and directly across the street from the property proposed to be rezoned or redistricted. Failure of delivery of such notice shall not invalidate any recommendation of the Planning Commission or any subsequently enacted ordinance.

- (c) All notices shall be mailed at least ~~seven (7)~~ ten (10) days prior to the date of the public hearing.
- (d) In all cases, notice of such hearing shall be given one (1) time in a newspaper of general circulation in the Village.
- (e) Notices shall include the time and place of the public hearing, a summary of the proposed amendment and a statement that the opportunity to be heard will be afforded to any person interested.
- (f) The Commission may recess such hearings from time to time, and if the time and place of the continued hearing is publicly announced at the time of the adjournment, no further notice shall be required.”

Section 4. Existing Section 1133.09, “Public Hearing and Notice by Planning Commission,” of the Codified Ordinances of the Village of Moreland Hills, be and the same is hereby repealed.

Section 5. Existing Section 1173.01, “Changing Land Contours Regulations,” of the Codified Ordinances of the Village of Moreland Hills, be and the same hereby is amended to read as follows:

**“1173.01 CHANGING LAND CONTOURS REGULATIONS.**

\* \* \*

(c) Application Procedures.

- (1) The application shall be forwarded to the Planning Commission by the Village Engineer, together with a written report by him with respect to the statements contained therein and his recommendations thereon. The Planning Commission shall review the application according to the procedures in this Section and in Chapter 1127, Development Plan Review Procedures.
- (2) The Planning Commission may request a report from the Chagrin River Watershed Partners, Inc. or other such technical experts as necessary, stating their recommendations for adequate erosion and sediment control measures for the proposed grading, excavating, filling or removal operation. After securing all such information as it deems necessary, the Planning Commission shall set the matter down for a public hearing and mail a notice thereof to the applicant and owner of the land at the address given in the application not less than ~~three (3)~~ ten (10) days prior to the public hearing. If, after such hearing, the Planning Commission determines that the granting of the application will not adversely affect the public welfare, peace, health, safety and convenience, it shall grant the application with such conditions relating to the method of grading, excavating, filling or removal of the land or area on which the operations are to be conducted, the terms of the Zoning Certificate, the amount of topsoil

**ORDINANCE NO: 2016-31**

**INTRODUCED BY: Mr. Fritz**

**AN ORDINANCE AMENDING SECTION 1125.03, "BUILDING INSPECTOR," AND SECTION 1311.01, "BUILDING INSPECTOR; APPOINTMENT, COMPENSATION AND BOND," OF THE CODIFIED ORDINANCES OF THE VILLAGE OF MORELAND HILLS, OHIO.**

**WHEREAS**, the Moreland Hills Building Department is certified by the Ohio Board of Building Standards to administer and enforce the state codes regarding residential and non-residential buildings; and

**WHEREAS**, as a state certified building department, the Moreland Hills Building Department is staffed by a certified Building Official and a certified Building Inspector; and

**WHEREAS**, in recognition of the Building Department's state certification, Sections 1125.03 and 1311.01 of the Codified Ordinances of the Village of Moreland Hills should be amended to include the term "Building Official" to identify the Village official responsible for administering the Planning and Zoning Code and the Building Code and recognizing the term "Building Official" as being interchangeable with the terms "Building Inspector" or "Building Commissioner"; and

**WHEREAS**, the Planning Commission, after holding a public hearing as required by Section 1133.09, has recommended that Council amend Section 1125.03 and Section 1311.01 of the Codified Ordinances of the Village of Moreland Hills, to include the term "Building Official" in the description of the Village official responsible for administering the Planning and Zoning Code and the Building Code; and

**WHEREAS**, this Council, after holding a public hearing as required by Section 1133.17, desires to amend Section 1125.03 and Section 1311.01 of the Codified Ordinances of the Village of Moreland Hills as set forth in this Ordinance.

**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 1125.03, "Building Inspector," of the Codified Ordinances of the Village of Moreland Hills, Ohio, be and the same hereby is amended to read as follows:

**"1125.03 BUILDING INSPECTOR.**

(a) Establishment. The Building Inspector shall act as the administrative officer for the purpose of effecting the proper administration of the Planning and Zoning Code. The Building Inspector shall also be known as the Building Official. Whenever in this Code the designation Building Inspector appears, it shall also be interpreted as including the designation Building Official.

(b) Powers and Duties. The Building Inspector or his/her designee shall have the following powers and duties:

(1) Unless specifically stated otherwise, the Building Inspector shall enforce the provisions of this Code. The Building Inspector shall have all necessary authority on behalf of the Village to administer and enforce the provisions of this Code;

(2) To interpret the meaning and application of this Planning and Zoning Code and its provisions;

(3) To issue Zoning Certificates as provided by this Planning and Zoning Code and keep a record of the same with a notation of any special conditions involved;

(4) To issue Certificates of Zoning Compliance as provided by the Planning and Zoning Code and keep a record of the same;

(5) To accept, review for completeness, and respond to questions regarding applications upon which the Building Inspector is authorized by the provisions of this Planning and Zoning Code to review, including amendments to the Planning and Zoning Code, development plan review, variances, and appeals;

(6) To coordinate the Village's administrative review of applications required by this Planning and zoning Code, including rezoning applications and development plan review;

(7) To maintain any records required by the Planning and Zoning Code including, but not limited to, inspection documents, and records of all variances, amendments, development plan applications, and similar use determinations;

(8) To make such records available for the use of Council, the Planning Commission, the Board of Appeals, the Architectural Reviewer, and the public according to Ohio law;

(9) To conduct or cause the inspection of buildings and uses of land to determine compliance with this Planning and Zoning Code;

(10) To determine the existence of any violations of this Planning and Zoning Code and cause such notifications of violations or revocation notices, stop work orders to be issued, or initiate such other administrative or legal action as needed to address such violations;

(11) To maintain in current status the "Official Zoning Map" of the Village of Moreland Hills, as same may be amended;

(12) To provide such technical and consultation assistance as may be required by the Board of Appeals, the Planning Commission, the Architectural Reviewer, the Village Council, and other boards and commission, in the exercise of their duties relating to this Code; and

(13) To perform such other functions as are referred or delegated by the Village Council, the Mayor, or this Code"

Section 2. Existing Section 1125.03, "Building Inspector," of the Codified Ordinances of the Village of Moreland Hills, be and the same is hereby repealed.

Section 3. Existing Section 1311.01, "Building Inspector; Appointments; Compensation and Bond," of the Codified Ordinances of the Village of Moreland Hills, Ohio, be and the same hereby is amended to read as follows:

**"1311.01 BUILDING INSPECTOR; APPOINTMENT, COMPENSATION AND BOND.**

There is hereby created the office of Building Inspector who shall be appointed by the Mayor, subject to the confirmation of Council, and who shall serve at the pleasure of the Mayor and until his or her successor is duly appointed and qualified. ~~The Building Inspector shall possess training and experience as required by Section 1301.05.~~ The Building Inspector shall also be known as the Building Official or the Building Commissioner and wherever in this Code the designation Building Inspector appears, it shall also be interpreted as including the designations Building Official and Building Commissioner. The Building Inspector shall receive such compensation as shall be fixed from time to time by Council, and shall perform the duties prescribed in this Part Thirteen – Building Code and such other duties as are or may be prescribed by ordinance or the laws of Ohio. The Building Inspector shall furnish bond in such amount as may be fixed by Council, and in such form and with such surety as approved by the Mayor."

Section 4. Existing Section 1311.01 "Building Inspector; Appointment, Compensation and Bond," 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 and Referred to Planning Commission July 13, 2016

PASSED: \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
CLERK