

MASTER PLAN REVIEW COMMITTEE

February 16, 2016

MEETING MINUTES

The Master Plan Review Committee meeting was called to order by Mayor Susan Renda at 7:02pm.

PRESENT AT ROLL CALL: Ms. Jenny Burke, Mr. David Cooper, Mrs. Robin Cooper, Mr. David Haines, Mrs. Sibyl McBride, Mrs. Sarah Richards, Mr. Sam Steinhouse

ABSENT: Councilman Dan Fritz

Also Present: Mayor Susan Renda, Sherri Arrietta, Clerk of Council, Aimee Lane, Law Director, Jeff Filarski, Village Engineer, Paul Lippens, McKenna Associates

Mr. Steinhouse made a motion seconded by Mrs. Richards to approve the minutes from the Master Plan Review Committee Meeting of January 26, 2016

ROLL CALL:

AYES: Ms. Burke, Mr. Cooper, Mrs. McBride, Mrs. Richards, Mr. Steinhouse

ABSTENTIONS: Mrs. Cooper, Mr. Haines

NAYS: NONE

MOTION CARRIED

Mayor Renda informed the committee members that unfortunately Mr. Fritz was unable to attend the meeting tonight as he had to take care of a family issue that came up unexpectedly. Ohio Sunshine Laws prevent him from being able participate remotely. She stated that she had a long conversation with him on Friday in preparation for this meeting and so she knows where he stands on these issues, although she cannot vote for him. We will send him the recording of the meeting tomorrow, so that he will be brought up to speed.

Memo Discussion – Mrs. Lane & Mr. Filarski

Mayor Renda asked if anyone had any questions on the memo. No members had any questions. She stated that the memo was very thorough and laid out several options with background information. The background information was included so that members would understand some of the issues more thoroughly; however it does not need to be discussed tonight unless anyone has any questions.

Mayor Renda stated that what she would like accomplish tonight, moving forward, is to work on recommendations that this committee will bring before Planning Commission next Monday, February 22nd, in the three specific areas that we have discussed.

Mrs. Cooper asked about the PUD overlay district and whether it would need to go to the voters. Mrs. Lane stated that was correct and that other than the WEB area recommendations, everything will need to go to the voters. She stated that there are different ways to set it up so that we would only have to take these issues to the voters once instead of multiple times.

Possible Planning Commission Recommendations

- WEB Area

Mayor Renda stated that the WEB area is the easiest because it just takes a recommendation to the Planning Commission that they would then recommend to Council to change the ordinance. It does not need to go to the voters because it does not change the zoning map. If the zoning map were to be changed in anyway (even the zoning for one parcel) it would still need to go to the voters.

Mayor Renda explained that there are no two-acre lots in the WEB area, so this committee would not be messing with the two-acre zoning at all. All this would be doing is cleaning up the text and helping redevelopment in that area in order to make it easier to have that area be more in character with the rest of the village and to prevent massive houses on small lots. She stated that Mr. Filarski had pointed out that there is 18% coverage on some of those lots when you cannot

have more than 12% coverage in the rest of the village. If Council were to pass these recommended changes, it makes the character of this area more in line with the rest of village. Mr. Cooper asked for clarification about the plan for the WEB area and whether we are letting the smaller houses of that area dictate what can and cannot go in. Mayor Renda explained that we are not saying that there is anything wrong with the current homes there but what people find attractive about the Village is the natural character. She stated that this would help build in a little more respect for that natural character by allowing them to buy two lots to build a larger home. Currently in this area only, you can cover a larger percentage of your property which is huge because these properties are really close, so if some minor changes are made, it would prevent such massive coverage on these lots, especially right up against the road like the one example we have discussed.

Mayor Renda stated that it is not this committee's job to recommend specific numbers, but it is their job to recommend these changes that are outlined in Mr. Filarski and Mrs. Lane's memo. It is up to the Planning Commission to determine the percentage since they do this all the time and therefore have the knowledge and background to do so.

Mr. Haines asked if what currently exists in that area would be grandfathered in. Mayor Renda stated that was correct. She stated that there are some vacant lots so this will define what will happen in terms of redevelopment or if someone buys a house and wants to tear it down in that neighborhood. If we allow for consolidation of two quarter acre lots, which would give someone a half-acre lot, that would be more manageable to build on. Right now it cannot be done because it is under the two-acre minimum and would require a variance to do so.

Mrs. Cooper stated, that having served on the Planning Commission, she thinks this is a good idea, because the setbacks are smaller in that area per our Code, so if you were able to have a lot slightly less than two-acres, it would provide more room and more privacy from your neighbors next door. She stated that currently, when they are rebuilding on those lots, they are under the

same setbacks which makes the houses really close. Mrs. Cooper stated that she believes that this is really a smart solution.

Mrs. Cooper asked if they intend to include the other streets (Giles, Canyon, & Skyline) in this as well. Mayor Renda stated that they decided to stick with the WEB area only. Mr. Filarski explained that because the lots on Giles Road are long bowling alley type lots at .9 acres, they are more manageable. There are some larger lots mixed in on Giles as well, which provides more variation than in the WEB area. He stated that the same goes for Skyline and Canyon having mixed sizes as well. They are also newer housing stock and larger lots compared to the ones in the WEB area.

Mr. Steinhouse asked if any unintended consequences were thought through if this were to be implemented and of the change to this area could be to the detriment of the residents. Mr. Filarski stated that this will be a gradual change to the area and since the depth of the land available is not that great, he does not see anyone buying up a whole side of a street for a development. It is more on a piece meal basis as time goes on. This will allow for a little more land (not quite two-acres) in order to allow people to be able to build larger homes if they choose. The smallest lots in that area are .46 so they would not have a lot larger than .92.

Mrs. Richards asked how these larger lots would affect septic systems. Mr. Filarski stated that if it remains septic, it will be better because there will be less density. It will also provide more area to work with in the yard to site those systems. Mrs. Richards asked if someone with a larger lot would have to redo their septic system. Mayor Renda stated that it is her understanding in talking with the Health Department that when properties change/sell, they would have to go through that anyway. Mr. Filarski stated that a permit with the EPA for the aeration unit is required.

Mrs. Richards stated that she sees the positives to this change; however, since this area stands for a different time in Moreland Hills, do we want to consider preserving that in its original state and

perhaps even glorifying it at some point. Mayor Renda stated that redevelopment happens and it has happened already in that area. What we are trying to do, as redevelopment is going to continue to happen, is to help retain the character of this neighborhood so when someone comes in to build a new house, they will have to respect that neighborhood. However, if they want to build a massive house, they will need to rethink where they are going to buy a lot. If they want to respect the character of this neighborhood and therefore have certain setbacks and agree to the amount of coverage (whatever that ends up being) then we welcome them building in this area. She stated that she does not think that this is designed to change the neighborhood in any way, but to protect it and the things people find desirable about Moreland Hills.

Mrs. Cooper suggested that Planning Commission could talk about square footage maximums. She stated that she believes there is value in having more green space and not having setbacks so close to the street, which is what happens now. This might allow some changes that will give some breathing room. Mrs. Cooper stated that she agrees with Mr. Filarski that this will not happen quickly, but down the road, it could prevent some of what we have already seen in that area.

Mr. Lippens informed the members that they are working on the Master Plan update which is more of an administrative policy document that supports zoning changes. He stated that when they make their motions tonight, they can also include in the motion a recommendation to incorporate these changes into the Master Plan. While they can ask the Planning Commission to investigate how to implement the changes, they can affirm that they want to suggest in the Master Plan that this neighborhood was something that they considered tweaking the zoning code for. Mr. Lippens clarified that it is a two-part motion; 1.) the committee's consensus to incorporate these changes into the Master Plan from a policy perspective and 2.) the recommendation that the Planning Commission explore how this would look when they change the zoning code.

Ms. Burke asked if each specific recommendation would link back specifically to the goals so that it is very clear as to why they think it should be implemented along with the feedback that was received from the residents. Mr. Lippens stated that was correct. Mayor Renda stated that we will meet one more time to approve the document and the members will be given the document ahead of time so that any changes can be made prior to approval.

Mr. Lippens clarified for the members that the Master Plan document that he is preparing, is not a change to the zoning code. Members will be provided with a document that includes this committee's recommendations, which they may be able to refine a little bit, but it is still separate from the process of changing the zoning code. He stated that it is more of a policy and likes the distinction that it is related to the goals they established and the public survey/feedback conducted, and so what it does is form a logical basis if the Planning Commission wants to pursue these changes in its implementation with the zoning code.

Ms. Burke made a motion seconded by Mrs. Cooper to recommend the text amendment changes related to the WEB (Wiltshire, Ellendale, & Berkeley) area to the Planning Commission to allow lot consolidations that are less than two-acres, changing the front and side yard setback requirements, and changing the lot percentage coverage; also recommending that these changes be implemented into the Master Plan.

ROLL CALL:

AYES: Ms. Burke, Mr. Cooper, Mrs. Cooper, Mr. Haines, Mrs. McBride, Mrs. Richards,
Mr. Steinhouse

NAYS: NONE

MOTION CARRIED

- Chagrin Blvd.

Mayor Renda stated the village was approached by developers who have suggested that a Planned Unit Development (PUD) on Chagrin Blvd. would be a good idea. They have 21 acres

under their control; most of that acreage is vacant, long bowling alley style lots that abut onto Chagrin Blvd. There are currently 7 houses on that acreage that are older stock, and most of them are rentals. This is in a high traffic area, next to our commercial district and next to and across the street from public use facilities (across the street from the schools, next to the Board of Education building which is next to the library). There is a lot about that area that is not the traditional residential area in Moreland Hills. It is also very close to two developments that are not zoned for two-acre lots (Moreland Mews and Heathermore Condos). All of this plays into how we should look at this piece of property. The developers have suggested that a PUD would be a perfect solution for this property because they cannot develop the property (or it would be not be economically feasible to develop the property) in the traditional two-acre lots because then you would have 10 driveways coming out onto Chagrin Blvd. from these bowling alley style lots, which is not aesthetically pleasing.

Mayor Renda explained that there are cases where if you do not help people to develop properties, they take it to court and call it a “taking.” If you cannot make economic use of your property because of unreasonable zoning laws, it becomes a taking and in essence, the Village can get punished, so to speak. She stated that the thought behind this recommendation is, can they make reasonable use of that property, can we help them in some way make a better use of this property, and will we get sued if we do not help them make use of this property. Mrs. Cooper asked if this is just for residential or commercial as well. Mayor Renda stated that the developers have not made a formal presentation yet. If we were to recommend a PUD to the Planning Commission, and they in turn recommended it to Council, and Council recommended it to the voters who ultimately approved it, the Planning Commission and Council will have the ultimate control over that. She stated that what she has heard is that these developers may be proposing to have an independently owned small book store and an independently owned coffee shop, fronting Chagrin Blvd. They would also like to have a trail that goes over to ML Tavern/Moreland Town Centre.

Mayor Renda stated that her understanding is that they are interested in building some smaller homes on smaller lots and some townhouses, with a little bit of retail in front. Mrs. Lane stated that the town home area is u-shaped and beyond that are single family homes on small lots.

Mrs. McBride asked if she is correct in her understanding that we do not necessarily have to include retail. Mayor Renda stated that was correct and can have it as mixed use residential only. Mr. Cooper asked if we can restrict density. Mayor Renda stated that Planning Commission and Council can control that. Mrs. Lane explained that the idea behind the PUD is to put the big item criteria up front then the more specific details are what get flushed out in the Planning Commission review process. She stated that she does not think density requirements are unusual thing.

Mr. Steinhouse stated that we are trying to balance the fair use of property against holding the line. Is there still a risk if we convey to the developers that we do not want the commercial aspect; are we still making reasonable use of the property. The commercial area surrounding it has always been commercial and this property they are referring to is residential. Mrs. Lane clarified that their idea for the commercial aspect is mostly to support the residential community right there. She stated that she does not think it would be unreasonable to approach a mixed use residential development. Mrs. Lane stated that she does not believe that the developer would have a strong argument that they are not able to make reasonable use of the property without it.

Mr. Lippens informed the members that you can create a PUD without commercial; you can control the building massing size, space requirements, floor requirements, density, etc. The advantage is that you can create it as a floating district which permits you to say that unless developed through a PUD, it would retain the two-acre zoning. It would essentially be a development process for reviewing each development on its own merits. It is a development option which is consistent with what we heard and it will allow the Village some flexibility and ability to explore these different implementation processes which can be included in the Master Plan as potential options. The question would be in addition to making a recommendation to the Planning Commission to explore any zoning modifications, is the idea of a floating zone

consistent with what we have heard in our process and does the committee want to explore that as a tool for new development, and particularly in these areas. Mr. Lippens stated that it can be required in your zoning code that any PUD can be related to what is in the Master Plan. In the Master Plan, we can add that this committee specifically discussed these areas and zoning changes and tie those locations to the Master Plan, which would protect that floating district from being used in any other parts of the Village. Mrs. Lane asked if that would provide legislative intent/history. Mr. Lippens stated that it would and therefore the zoning changes become more defensible if they are done through the Master Plan.

Ms. Burke stated that she noticed on the chart that the floating option does not have any disadvantages. Mayor Renda stated that condensed the information from Mr. Filarski and Mrs. Lane's memo and tried to come up with disadvantages to this plan to compare to the others, but could not find one. She asked if Ms. Burke had any disadvantages to it. Ms. Burke stated that she did not. Mrs. Lane explained that the PUD overlay district could be set up so that it would only go to the voters once if it is specific to certain areas. There is some talk about identifying areas along Chagrin or SOM that could make use of this, so you would not be calling out a specific parcel; it would say "these parcels in these areas along Chagrin and SOM can make use of the PUD Overlay district" and once a property owner acquires a 20 acre property (or whatever the acreage requirements will be) they would then apply to the Planning Commission for a conditional use. The property owner making the choice to utilize that zoning on that property at that time would then have to go to the voters for approval.

Mrs. Cooper asked if the conditional use component is added, if there is any control from the voters as to whether this will be commercial or mixed use residential. Mrs. Lane stated that decision would be put into the Planning Commission and Council's hands. She stated that the conditional use process gives the village that added protection because the conditional use criteria talks about negative impacts on neighboring property owners and allows for putting reasonable conditions on the approval. So it adds another layer of review and thought.

Mr. Steinhouse stated that if were too broad, could we open ourselves up to the possibility that voters would have discomfort with it as a whole and not look at the areas separately, in turn voting against the entire thing. If something evolves the in future, we have less of a concern of unintended consequences. Mrs. Lane stated that if the PUD overlay district was presented, then obviously the voters would have to be educated that if that option was linked to the corridor concept of parcels abutting a portion of Chagrin and SOM, the importance of promoting that would be to educate voters that in order to do so, a property owner/buyer would have to amass 20 acres (or the approved acreage amount), which not everyone can accomplish.

Mrs. Lane informed members that putting an overlay district on the books would not necessitate an issue being presented to voters. The way the Moreland Hills Charter is written, when Council makes changes to uses, it has to go to the voters. She stated that just putting the PUD district on the books and also identifying properties that that district applies to should go to the voters so we can try to do that in one step. Mayor Renda stated that is what we did with the U-4 district.

Mr. Cooper asked if there is a disadvantage to calling out specific areas. Mrs. Lane stated that the only disadvantage is that it is just looking at today (2016), not 20 years from now. But because the district is created, that property owner could then come to the Village at that time. Mr. Steinhouse stated that it creates a pathway to an alternate approach, as opposed to where we are now. Mr. Cooper stated he is afraid it will open the door for a developer to come in and put a bunch of houses on it. Mayor Renda asked Mrs. Lane if the committee's recommendation could include a recommendation for "density not to exceed" a specific amount. Mrs. Lane stated that ultimately it is a recommendation and the final decision still rests with the Planning Commission and Council.

Mrs. Cooper asked if the community survey included anything about commercial development. Mayor Renda stated that it was mixed as far as wanting more and wanting less. Ms. Burke stated that she disagreed that it was mixed because 80% said that the most positive aspect of Moreland Hills is that it is rural and private. She asked if the committee could make a recommendation

about not having commercial. Mr. Cooper stated that he thinks it's nice to have a mix. Mrs. McBride asked what happens, though, if it fails and something like a McDonalds comes in and takes its place; she stated that her point is that we do not have endless control on what comes in. Mayor Renda explained that with a PUD, you can have endless control, especially the way Mrs. Lane has structured it with the conditional use aspect. Every time that aspect changes, they would have to come before the Planning Commission for the proper approvals. Mr. Haines asked if you can restrict the quality of what is being put in. Mrs. Lane stated that the Village zoning code currently has design criteria built into it already for each zoning district (architectural design, materials, design, and styles) which would be carried over to the PUD building concept. Mr. Steinhouse stated that it seems as though the consensus of group is not to have commercial.

Mayor Renda stated there was some interest in bungalow housing in the public outreach effort. She stated that this committee probably should not dictate to Planning Commission that they consider only bungalow housing for this area. Her point is that there may be some acceptance of smaller houses on smaller lots in limited areas. In this one specific area because of many different existing conditions, it may be a good idea to consider a PUD as a development tool.

Mr. Filarski stated that in the last 15 years there have been some interesting developments in Lyndhurst that are similar to what is being proposed. He clarified that there will be setback regulations, landscaping regulations, etc. Mrs. Lane suggested that this group may want to make a recommendation to Planning Commission. Mrs. Lane explained that the property at SOM and Miles was developed as a result of a law suit. The judge found that the current zoning did not allow for economically viable use of the property. She stated that this property may be similar to the property at Hiram and SOM in that it is smaller and multiple driveways could be a safety issue in both places.

Mr. Lippens suggested that a recommendation be included in the master plan that the PUD be used as a development tool on the SOM property and, further, that the recommendation be made to Planning Commission to start the rezoning process. It should be implemented in a way that

makes the most sense. Mrs. Lane agreed with his recommendation. She further stated that the village would need to hire a zoning expert as they move forward with the rezoning process.

Mr. Steinhouse made a motion seconded by Mrs. McBride that this committee recommend the use as a residential PUD be included in the master plan as a possible development tool for the property on Chagrin Blvd. and recommends that the Planning Commission explore changes necessary in the zoning code to implement the PUD for this specific property and that the Planning Commission explore a mix of residential densities that are consistent with the goals of the master plan.

ROLL CALL:

AYES: Ms. Burke, Mr. Cooper, Mrs. Cooper, Mr. Haines, Mrs. McBride, Mrs. Richards,
Mr. Steinhouse

NAYS: NONE

MOTION CARRIED

-Hiram and SOM

Mayor Renda said that the committee should now consider the issue of Hiram and SOM. It is similar to the property on Chagrin Blvd. in that it is near the commercial district, at a very busy and difficult intersection and is near both Heathermore Condominiums and the Moreland Mews development. Furthermore, the first nine or ten houses on Hiram Trail are nonconforming lots. The area is different from that on Chagrin Blvd. in that it is smaller. Mr. Lippens suggested that the motion for this area would be similar to the one the committee just made for Chagrin Blvd. and thus, the discussion should be centered and focused around those issues (no commercial).

Mayor Renda stated that the property at the corner has been on the market for several years and the property across the street on SOM has been for sale even longer. Mr. Steinhouse asked if there are developmental pressures on this property. Mayor Renda responded that the village was

contacted by a developer and his attorney about this property. She also stated that the master plan is updated only about every ten years so there is a need to be thoughtful about the future. We are trying to develop a plan that guides the village through 2025.

Mr. Steinhouse made that point that presenting both rezoning issues to the voters at once may make them suspicious. Ms. Burke worried about the precedent at Miles and SOM and stated that although there is currently not a lot of property available, as residents age, a developer may acquire more properties. She has concerns about staying silent on the issue. Mr. Lippens suggested that in the master plan we could specifically call out this property for application of the PUD tool in the future. This leaves ultimate control with the voters because each time the PUD is to be used as a development tool, they can say yes or no. It may make sense to have each issue go to referendum voting. This is a policy decision but the bigger, more immediate decision is, “is this a tool you want to use, should you put it in the master plan, and finally do you want Planning Commission to explore rezoning in this area.” Mayor Renda suggested that the committee may want this included in the master plan but not recommend that Planning Commission act on it at this point. She pointed out that we are still planning for 10 years out just by calling it out in the master plan. It provides guidance and a tool for Planning Commission and Council.

Mrs. Burke asked if we restate or affirm the U-4 district in the master plan. Mr. Lippens stated that yes; its use will be reaffirmed. Essentially the new plan will include all the goals and uses from the 2003 master plan.

Mrs. Cooper made a motion seconded by Mr. Steinhouse that this committee recommend that the use of the PUD at SOM and Hiram be included in the master plan as a development tool for the future in case a developer were to acquire more properties in this are but that the committee not recommend zoning changes to Planning Commission at this time.

ROLL CALL:

AYES: Ms. Burke, Mr. Cooper, Mrs. Cooper, Mr. Haines, Mrs. McBride, Mrs. Richards,
Mr. Steinhouse

NAYS: NONE

MOTION CARRIED

Mrs. Burke volunteered to present the findings to Planning Commission at their February meeting on Monday, February 22nd at 6:00 p.m.

Mayor Renda thanked Mr. Lippens, Mr. Filarski and Mrs. Lane for their leadership and advice. She especially thanked the committee members for their thoughtful input and their service to the village.

Mrs. McBride asked if there would be another meeting. Mayor Renda stated that after the draft plan is complete, each person will get a copy and the opportunity to weigh in on any changes. The committee will meet one more time to formally adopt the plan. Mr. Lippens will attend that meeting.

Mrs. McBride made a motion seconded by Mr. Haines to adjourn the meeting.

ROLL CALL:

AYES: Ms. Burke, Mr. Cooper, Mrs. Cooper, Mr. Haines, Mrs. McBride, Mrs. Richards,
Mr. Steinhouse

NAYS: NONE

MOTION CARRIED

The Master Plan Review Committee Meeting was adjourned at 8:42pm.

Respectfully submitted by:

Sherri Arrietta, Clerk of Council