

**VILLAGE OF CHAGRIN FALLS
PLANNING AND ZONING COMMISSION
July 16, 2018**

Members present: Rogoff, Paolozzi, Feniger, Davis
Also present: Lindner, Edwards, Jamieson, Markowitz

The meeting was called to order at 7:30 p.m. by Secretary Judi Feniger

BELL TOWER COURT, BELL STREET - ADDITIONAL TOWN HOMES

Mr. Jamieson explained that this is a continuation of the original project that was approved in January of 2002. All but three buildings were built as part of the original project. What is proposed now is three new buildings of three units each, which meets all of the setbacks and density requirements of the original plan. The items in his letter were the only items that were different.

Gillian Maul, Knez Homes, said there are nine units left to be constructed in this project and it was originally intended to be a six-unit building on Bell Street and a three-unit building in the rear on the cul-de-sac. She explained that the only changes from the original plans are to break the six-unit building into two three-unit buildings and ask for relief from installing sidewalks in this development. She said they were required originally but were never installed because the condominiums were never completed. That is something that will need to be done now that we are finishing it and the Homeowners Association would like to ask for relief from that. That will be something that we would like to address at another time.

Rick Siegfried, Architect, explained that the proposed buildings are not identical to what was originally proposed, but the architecture is very similar. He said our main concern regarding the sidewalks is that we will not have any green space left if sidewalks were to be required. It has been this way for fourteen years and it is a private drive.

Mike Cassidy, President of the Homeowners Association, said we entered into an agreement with the builder and we are all in favor of this and urge the Planning and Zoning Commission to support the builder.

Mr. Jamieson said he did show the fire chief the plans and he had no concerns. He actually liked the idea of having the building separation as opposed to six units in one contiguous building.

There was discussion regarding the fact that the distance between the older units and the newer units is 10' and the distance between the two newer units is 6'.

Moved by Ms. Rogoff, seconded by Ms. Paolozzi to approve the modifications, as requested, to the separation of the units. The two new units to be separated by 6', Section 1130.08(b), so it is a

modification of 31' and then the other modification requested is between the existing buildings and the new building, Section 1130.08(b) also, a modification to 10' from 15' so it is a modification of 5' . Carried. Ayes: Rogoff, Paolozzi, Feniger, Davis. Nays: None.

ZONING CODE OVERHAUL

Chapter 1105 & Chapter 1107 were reviewed and discussed. Mrs. Lindner will note and maintain the proposed changes. Chapters 1109 and 1111 will be reviewed at the next meeting.

CHAGRIN RIVER TOWN HOMES, CLEVELAND STREET - NEW SUBDIVISION

Michael Horton, Horton Harper Architects representing Brickhaus Partners, gave an overview of the proposed changes and modifications to the plans that have been made since the last presentation. There was discussion, comments were heard, and questions were answered.

Mr. Jamieson said the fire chief's comments are the same as they were the first time. (Attached)

Mr. Markowitz said we are going to require that as a part of their association deed restrictions they are going to have to prohibit parking in front of the garages. Enforcing that is another issue.

Linda Miller asked what the legal liability would be if the retaining wall failed and we lost a lot of mature trees? Mr. Markowitz said the village never has liability, which is a truism for these kinds of approvals where there is an exercise of judgement. The village has total immunity. Where the claim could be made is if the developer causes something to occur that would not have occurred naturally and it causes a loss of trees on your property. You would have a claim against the developer, assuming they are still around, and you would have a claim against the unit owners, but would have to sue.

Linda Miller asked if there are any regulations as far as exterior lights? Mr. Markowitz said they have to have down lighting for their parking and the lighting that they might put in front of their front doors has to be shielded. There isn't much in the way of a lighting issue on this.

Mrs. Davis said I would like to see what the Chagrin River Watershed Partners have to say regarding Unit G and the impact upon that hillside going into the river on the east side as well as the river front. Ms. Rogoff said the Chagrin River Watershed's letter does speak to that, generally about undisturbed property and so on and so forth. Mr. Jamieson said I do have a reply from Christina Znidarsic, Chagrin River Watershed Partners, from Tuesday, June 12, 2018 (attached). Ms. Paolozzi said she doesn't directly respond to the fact that Building G seems to be encroaching in areas that we thought shouldn't be disturbed. Ms. Rogoff said she does generally respond to that in the previous letter. This plan is a materially different plan from what we looked at. What we looked at and granted had 35' there and so we were accepting of the 35'. Mrs. Feniger said the question that was raised was whether she had seen the new plan. Ms. Rogoff said whether she saw it or not, she chose to require them to maintain the 35'.

Moved by Ms. Rogoff, seconded by Mrs. Davis that we require them to maintain the 35' in this plan or we can completely look at everything and adjust other things. If everyone is inclined to leave what is there, what we approved last time. The motion is to require the 35' on the east side of the plan and not permit a modification. Carried. Ayes: Rogoff, Paolozzi, Feniger, Davis. Nays: None.

Ms. Rogoff asked, what is going to be in the separation? Mr. Horton said, based on the comments from the fire department, we would not have any bushes or shrubs or landscaping that would prohibit access to either side of the building. I would imagine, due to the challenges of maintenance, it could be gravel, it could be grass, and it could be vegetation that doesn't hinder or block access.

Moved by Ms. Paolozzi, seconded by Ms. Rogoff to make a motion, for the same reasons that we made the motion for the prior project, adding the green space at the 6' variance, allowing for the 6' line for a variance down to the 6' between the different sub-buildings on the one foundation. Considering that it is a single foundation I will make a motion to allow 6' between the buildings above grade subject to no landscaping that impedes fire and safety forces other than gravel and also keep it regularly maintained and mowed. Carried. Ayes: Rogoff, Paolozzi, Feniger, Davis. Nays: None.

Mrs. Feniger asked, what about the safety issue with the parking? Mr. Horton said compared to what was already approved, the throat of the drive has gotten wider and we have increased access to the other side of the buildings versus the one building plan. So, there is more maneuverability and there is more space. And, now that we have these openings in between, we have increased the chances of someone getting access to what we all understand is a very difficult north side of this structure. Mrs. Feniger said Dale, your comment about putting it in the deed restrictions, did we do that last time? Mr. Markowitz said I believe we did. Ms. Paolozzi said we did do that last time; Dale put it in for us.

Moved by Ms. Rogoff, seconded by Ms. Paolozzi that this exact plot received June 29, 2018 is subject to all the previous conditions placed upon the previous plan unless they were changed tonight and tonight's modifications are imposed on this plan and the plan is also subject to the comments in the letters from the Chagrin River Watershed Partners dated 5/8/18 and 4/16/18 and those are comments on vegetation and those kinds of things. Carried. Ayes: Rogoff, Paolozzi, Feniger, Davis. Nays: None.

The meeting adjourned at 9:10 p.m.

Judi Feniger, Secretary
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