

Gates Mills Comprehensive Plan

Advisory Committee Meeting #7

LOCATION: Gates Mills Elementary School House
7639 Colvin Road

March 7, 2023 5:30 PM



Agenda

(Distributed 3/1/23)

Time	
5:30 pm	Overview of tonight's meeting <ul style="list-style-type: none">Review Existing Zoning MapHighlights of Plan draft (3/1/23) & other material previously providedFormat and questions for tonight's small group discussions
5:40 pm	Breakout to Separate Rooms for Small Group Discussion Topic 1. Development Outside the Village Center Topic 2. Development inside the Village Center
6:30 pm	Reconvene as one group <ul style="list-style-type: none">Report out – summary of overall “consensus” or “non-consensus” to extent possibleDiscussion by entire group
7:00 pm	Next Steps <ul style="list-style-type: none">Town Hall meeting (4/18/23 at Community House)Final Advisory Committee meeting (early May)Present to Council at June Council meeting

Attachments:

1. Discussion Questions
2. Zoning Maps – Village Residential and Village Center
3. Village Center Existing Conditions Map
4. Key Provisions of Existing Zoning Regulations for Residential Development:
U1 Residential District (Ch 1163) and Conservation Development District (Ch 1160)
5. Summary of Bruce Rinker's Defensible Zoning Presentation (9/27/22)

DISCUSSION QUESTIONS

Topic 1. Development Outside the Village Center

- Review Map of Residential Zoning outside Village Center (pg 3)
- Discussion Questions:
 - Do you favor maintaining current zoning in these areas?
 - If yes, why? If no, why not?
 - What are the implications?

Topic 2. Development inside the Village Center

- Review Zoning Map & Existing Conditions inside Village Center (pgs 4 and 5)
- Discussion Questions:
 - Do you foresee or desire any new development in the area south of the bridge / west of the river? If yes, elaborate?
 - Do you think development in the Village Center area between the bridge and Colvin Road should be considered?
 - If yes, what type (residential? retail? office?) and what if any concerns
 - If no, why not and what are the concerns?

Village of Gates Mills U1 Residential Districts

U1 Residential Districts Minimum Lot Size

- A1 = 5 ac
- A2 = 1.95 ac
- A3 = 15,000 sq ft
- A4 = 7,500 sq ft

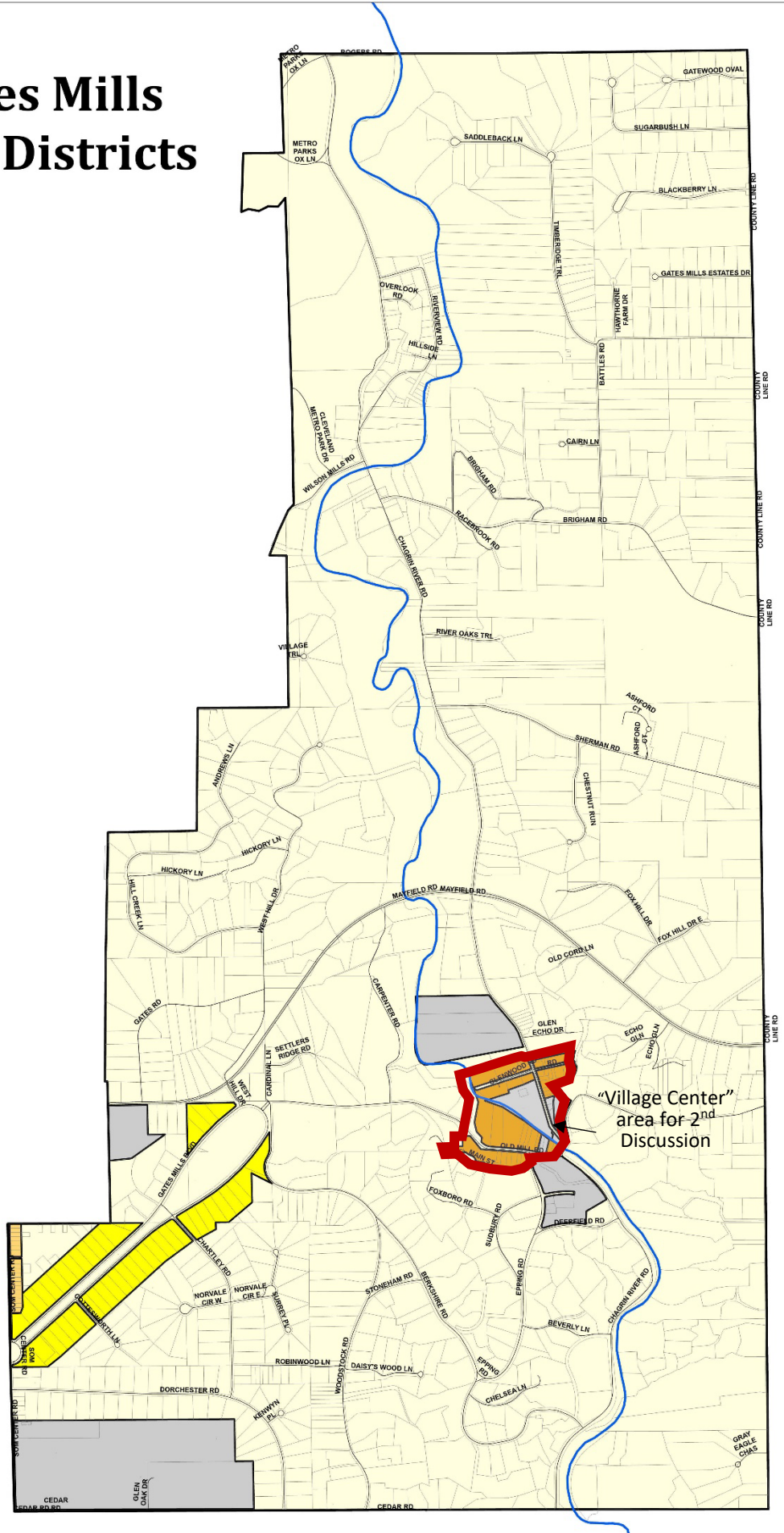
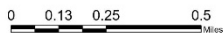
Legend

- Chagrin River
- Streets
- Parcels
- Municipal Boundary
- Commercial Districts
- Single Family Residential A1
- Single Family Residential A2
- Single Family Residential A3
- Single Family Residential A4

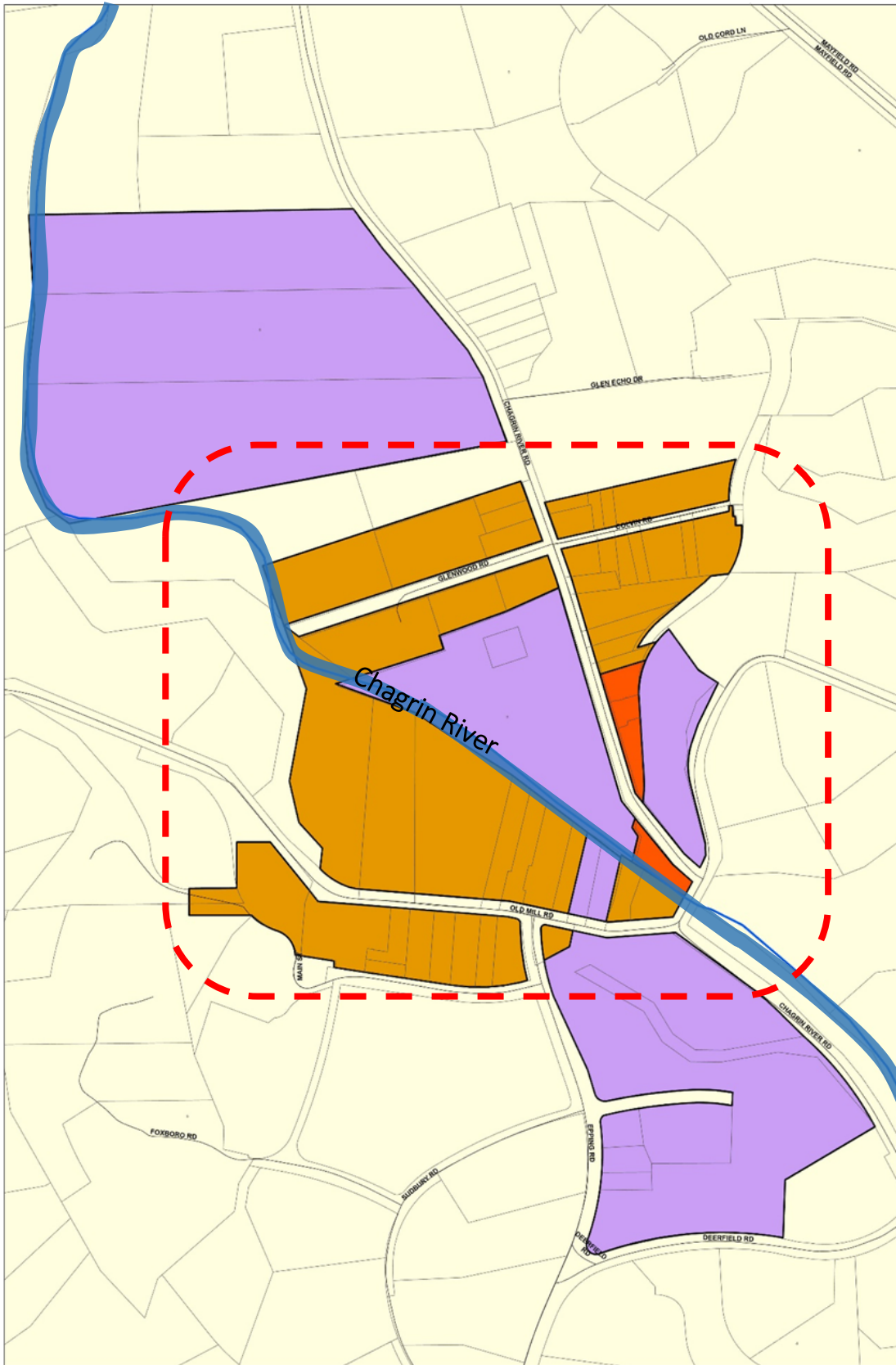


LEADING THROUGH
the next 100 years

February 28, 2023



Village of Gates Mills Village Center Districts



U1 Residential Districts Minimum Lot Size

A1 = 5 ac
A4 = 7,500 sq ft

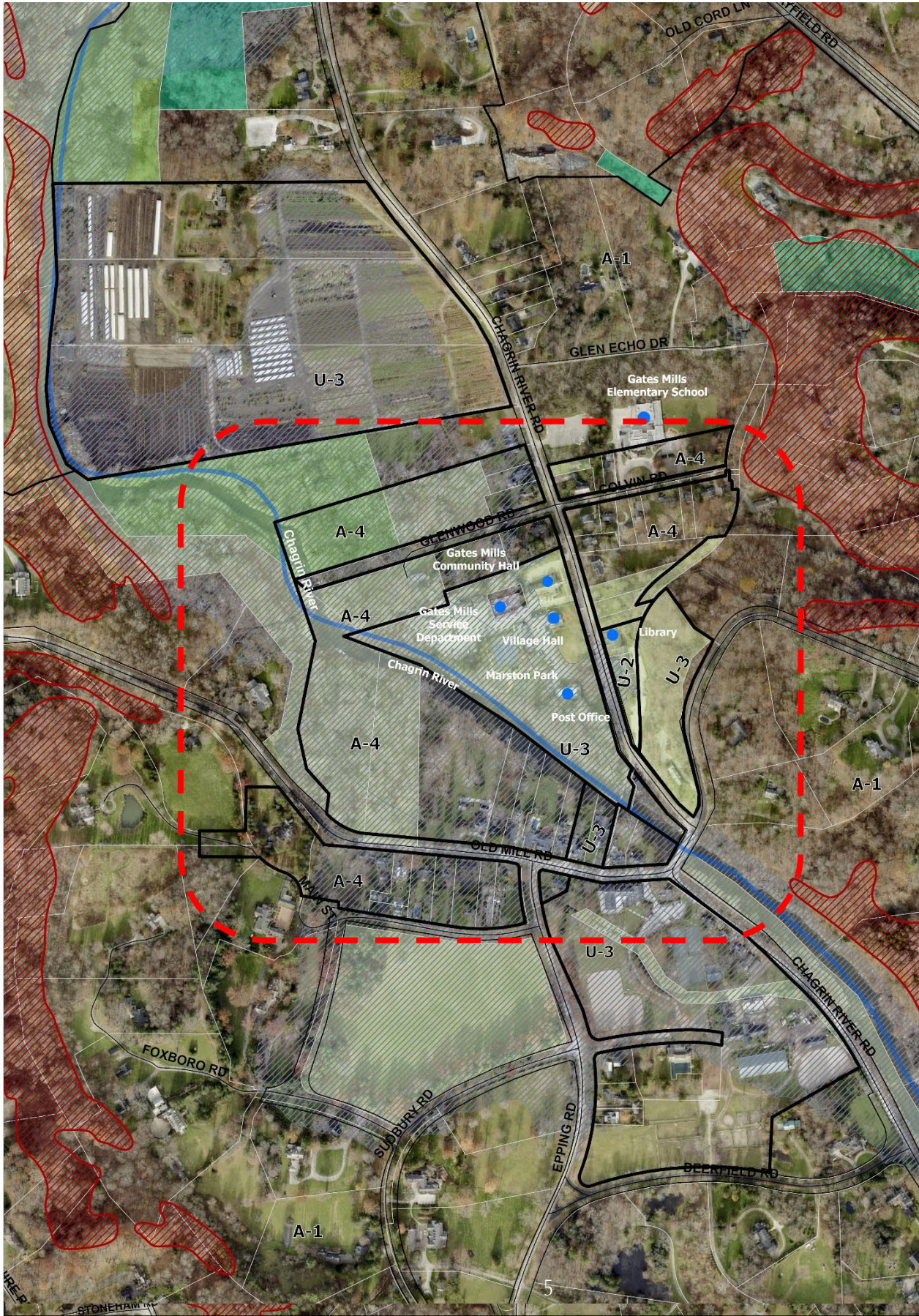
Legend

- Chagrin River
- Streets
- Parcels
- Municipal Boundary
- Commercial U2
- Commercial Special U3
- Single Family Residential A1
- Single Family Residential A4



LEADING THROUGH
the next 100 years

Village of Gates Mills Village Center Area



Zoning Legend

Non-Residential Districts

- U-2 = Commercial
- U-3 = Special Commercial

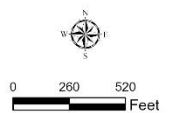
Residential Districts Minimum Lot Size

- A-1 = 5 ac
- A-2 = 1.95 ac
- A-3 = 15,000 sq ft
- A-4 = 7,500 sq ft

Legend

- Chagrin River
- Streets
- Right-of-Way
- Protected Hillside
- Parcels
- Zoning Districts
- Municipal Boundary
- 100 Year Flood Plain
- Village Owned
- Metroparks
- GMLC Fee-Owned

February 28, 2023



Key Provisions of Existing Zoning Regulations for Residential Development

	U-1 A-1		U-1 A-2	U-1 A-3	U-1 A-4
	Lots created since 2000	Pre 2000			
Lot Requirements					
Minimum Lot Size (acres)	5	2.5	1.95	0.34	0.17
(square feet)	217,800	108,900	85,000	15,000	7,500
Minimum Lot Frontage (feet)	200	200	--	--	--
Minimum Width at Building Line (feet)	200	150	110	50	50
Minimum Average Width (feet)	200	200	150	75	50
Setback/Yard Requirements					
Minimum Front Setback (feet)	100	100	100	50	50
Minimum Side Yard Setback (feet)	40	25	25	15	15
Minimum Total for Both Side Yards is 40% of average lot width. Feet required based on average noted above	80	80	60	30	20
Minimum Rear Yard (but not less than 20% of lot depth)*	50	40	50	50	50
Minimum rear yard required based on lot with minimum average width required above*	217.8	108.9	113.3	40	30

*Orange indicates minimum rear yard required for a lot meeting the minimum average lot width.

	Development Site	Requirements by Unit Type		
Minimum Development Site	25 acres			
Maximum Density per acre	0.2			
Minimum Open Space to be preserved via perpetual conservation easement	50%			
Maximum Impervious cover	10%			
Minimum setback from existing street	200 feet			
Minimum setback from all other boundaries	100 feet			
Private street preferred over public				
All lots must have access from internal street				
		Single-Family	2-unit Bldg	3-unit Bldg
Maximum Impervious cover by type of unit ⁽¹⁾		12%	20%	25%
Minimum setback from internal street (feet)		50	75	100
Minimum separation of units		50	50	50
Note 1. Unclear how the impervious cover is calculated				

Defensible Zoning and the Comprehensive Plan

Summary Remarks by Bruce Rinker, Land Use Attorney, Mansour Gavin, LPA
To the Gates Mills Advisory Committee, September 27, 2022

“The purpose in having a Comprehensive Plan is to provide a prophecy of public reaction to specific development proposals, a measure of predictability.

All members of the community—property owners, homeowners, and government agencies—benefit from the predictability inherent in a comprehensive plan. Predictability eliminates uncertainty. For the property owner wishing to develop his/her property, uncertainty is a major friction in an otherwise efficiently functioning real estate market. The predictability stemming from a comprehensive plan also enables a homeowner (or homebuyer) to know what is likely to happen in the homeowner’s neighborhood. By setting out in advance the mapped and written policies by which development proposals will be evaluated, a comprehensive plan guards against capricious and arbitrary treatment of property owners (whether they be homeowners or developers) and prevents post hoc rationalizations of land use decisions. And, when the ground rules and justification for a development decision are clear, the local government’s decisions should be additionally safeguarded from legal attack.”

Ohio Planning and Zoning Law, 2022 ed. (Baldwin’s Ohio Handbook Series),

Mr. Rinker addressed two components of Land Use Planning and Zoning:

1. How does the comprehensive plan help protect a community’s zoning from any challenges?
2. Conservation Development (Chapter 1160) – to what extent does it or does it not protect and function for the purpose it was implemented?

US Constitution:

1. Property ownership is a fundamental right
 - o Ohio Supreme Court recognizes that private property ownership is a fundamental right guaranteed by the Constitution of the United States. Whenever zoning or other governmental activity has an impact adverse to property rights, it needs to be considered seriously.
 - o Zoning laws are treated under the law as being in derogation of these private property rights:
 - Per case law in Ohio Supreme Court, zoning regulations are to be construed strictly.
 - And, the application of zoning laws are to be viewed favorably towards the property owner.
2. Ohio also recognizes home rule (not something that all states have). Gates Mills is a home rule community, and has its own Constitution, Charter, Council, and Mayor. As such, it has the right to promulgate zoning regulations for the benefit of the community. It is the duty (and often the struggle) of public officials to:
 - o Look out for the welfare of the community, and
 - o Ensure the community’s rule uphold individual property rights.

Ohio Law and Zoning

Ohio requires that if the community has zoning regulations in effect at the time an application for development is made, the property owner has a right to proceed with the use of the property as it was zoned, regardless of any subsequent changes to the zoning.

1. About 20 years ago, Gates Mills changed zoning for the A1 Single-Family Detached Residential District to increase the minimum lot size to 5 acres (like Hunting Valley) from 2.5 acres per lot.
 - o Hunting Valley and Gates Mills are the only two communities in Cuyahoga County that have 5-acre minimum lot size residential zoning.
 - o Hunting Valley has the lowest population density in Cuyahoga Co (85 persons per square mile) and Gates Mills is second, at 244 persons per square mile. In comparison, Cuyahoga County's Outer Ring Suburbs is 1,440, while the county average is 2,630.
2. The municipality need only show that its zoning ordinance implements a coherent land use policy derived from a rational consideration of the needs of the community as a whole. (*Ohio Planning and Zoning Law*)
 - o In the broader context, 5-acre minimum lot size is viewed as exclusionary zoning.
 - o The Village needs to justify maintaining an acreage minimum that, in the scheme of things, is exceptional.
 - o The Comprehensive Plan is a key document for the Village to spell out/justify the 5-acre minimum lot size for any new subdivision occurring after 1999, when most of the Village was already subdivided.
3. It is imperative that the municipality balance private property rights with public purpose. On one hand, the community must honor private property rights. On the other, the community has laws that give public officials the power to regulate property use. Once zoning laws are passed, the presumption is that they are reasonable and for good purpose.

Ohio Law and Comprehensive Planning

1. The goal for the comprehensive plan is to justify the Village's goals for large lot zoning (keeping open spaces) and at the same time find ways to maintain a sustainable environment where the Village can: attract younger, wage earning families, take care of all generations, and take care of the Village's bottom line.
2. Comprehensive Plan Considerations: Under Ohio Law, when developing/adopting a comprehensive plan, think critically and be prepared to respond if someone challenges it:
 - o What data informs the comprehensive plan, and the methodology used to analyze the data (is it an honest assessment?) Under the law, the more objectively based an opinion can be, the better it will be supported.
 - o What are the underlying public purposes that are supposed to be served?

Condensed from the Meeting #3 notes distributed to the Advisory Committee on 10/3/22