

PLANNING AND ZONING COMMISSION
MINUTES OF **TUESDAY, MARCH 05, 2019**

Pursuant to notice duly given, the regular meeting of the Planning and Zoning Commission, also sitting as the Board of Zoning Appeals, was called and held on **Tuesday, March 05, 2019 at 5:00 P.M.** in the Council Chambers of the Gates Mills Town Hall.

Members present: Nancy Sogg; Chair, Scott Broome, Sally Burke, Jim Deacon, Emily Hamilton, and Sandra Turner.

Members absent: Craig Steinbrink.

Also present: Karen Schneider, Mayor
Chris Courtney, Village Engineer
Todd Hunt, Law Director.

1. Roll Call.
2. The minutes of **Tuesday, October 02, 2018** regular meeting of the Planning and Zoning Commission were submitted for approval. A motion was made to approve the minutes as revised.

Mr. Broome recommended the word "that" be inserted after "prevent" on page four, second paragraph.

Motion by: S. Turner 2nd: S. Burke

Roll Call: Ayes: All.
 Nays: None.

Motion Approved

3. A review and discussion of a rezoning request for the **LEMMO** property at **781 Chagrin River Road** was heard.
Rick Lemmo; Developer, Nick Lemmo; Owner, Michael Caito; Architect, and Eric Payne; Builder were present.

Mr. Rick Lemmo reviewed the rezoning request for the Board. A PowerPoint presentation was shown. The request is to allow a cluster type development of 16 individual homes to be built on the property. He indicated the property would consist of just over 20 acres, the properties would be owned fee simple, a permanent Home Owners Association would be established, the front of the

property and the part across the street would not be developed and remain open space, and the proposed development would be for 55 year old adults or older with no children and made available for sale to Gates Mills residents first. He asked if there were any additional questions by from the Board.

Mr. Rick Lemmo and Mr. Nick Lemmo review the proposed sanitary system for the proposed cluster development.

Mr. Courtney indicated the proposed sanitary system for the cluster development has been preliminarily discussed and reviewed by the County Board of Health and the Ohio EPA with no objections but will need additional design information for final approval by the agencies.

Mrs. Sogg opened the meeting to comments from the audience.

Ann Stewart from River Oaks Trail stated her concern of lower property values as a result of this type of development.

Holly Mathews from Sherman Road stated her concern of the amount of development for this property. She submitted a letter from Mr. and Mrs. Mathew DiVita to the Board for consideration.

Don McClung from Chagrin River Road spoke about the responsibilities of the staff and elected officials.

Gordon Kinder who owns the property to the south along Sherman Road expressed his concern of the potential noise nuisance and questioned if this proposal could be considered "spot zoning" and could result in a legal challenge.

Mr. Hunt stated a new ordinance for this type of development would need to be created and adopted similar to the previous Conservation Cluster Development that was adopted years ago. The new ordinance would be a "zoning district overlay" with specific minimum requirements that eligible properties would have to meet in order to be considered as an option for this type of development. He also stated even if a property would meet the minimum requirements it still would have to be approved by the Village. He indicated an ordinance of this type would not be considered "spot zoning".

Jerry Bohinc suggested the Village residents should be notified about the meetings and this type of discussion and not just the adjoining properties.

Celest McClung from Chagrin River Road expressed her concerns on the amount of additional traffic this development could cause and the number of accidents. She also discussed her concerns with the headlights from the cars and the proposed sanitary system.

Refer to audio record for additional detail.

No Action Taken

4. A review and discussion of proposed changes to the Villages codified ordinance Section 1157.01(9) "Classification of Uses" was held.

Mr. Hunt reviewed the proposed change for the Board. He indicated the prohibition of gas wells in the Village is in conflict with the State regulation allowing gas wells and should be removed. The revised ordinance would follow the State regulation and eliminate any future confusion.

Refer to audio record for additional detail.

After further discussion, a motion was made to approve the proposed revision to Section 1157.01(9) as submitted and refer to Council for final consideration and approval.

Motion by: S. Broome 2nd: S. Turner

Roll Call: Ayes: All
 Nays: None

Motion Approved

There being no further business the meeting was adjourned at **6:16 P.M.**

Nancy Sogg, Chair

David Biggert, Secretary