

CITY OF CHARDON COUNCIL & PLANNING COMMISSION

SPECIAL SESSION

January 19, 2009

The Council of the City of Chardon met in Special Session, Thursday, January 8, 2009 at 6:30 P.M. in Council Chambers of the Chardon Municipal Center.

Karen Simpson, President of Council presiding.

The meeting opened with the pledge of allegiance and roll call.

Members of Council present: Mary. Bramstedt, Jefferey Campbell Jr., Robert Cromwell, Debbie Reiter and Karen Simpson

Members of Council absent: Philip King

Members of the Planning Commission Present: Leslie Bednar, Andrew Blackley, Gary Hanlon, Ken Miller, Nancy McArthur and William Niehus

Members of the Planning Commission Absent: Philip King

Others present: City Manager Dave Lelko, Assistant Manager Randy Sharpe, Law Director James Gillette, Clerk Pro Tem Kim Foley, Planning and Zoning Administrator John Sheehan (7:00 P.M.), City Engineer Doug Courtney, Rachel Webb of Chagrin River Balanced Growth Program and Rebecca Lelko

APPROVAL OF MINUTES

Minutes of the December 15, 2008 Planning Commission meeting were approved by voice vote.

CHAGRIN RIVER BALANCED GROWTH PROGRAM PRESENTATION

Mr. Miller reported that in a prior meeting that was attended by the Mayor, Mr. Lelko and other members of the staff, an interesting presentation was given by the Chagrin River Balanced Growth Program of our area. Following that it was decided that it would be advantageous to have a presentation before the Planning Commission suggested that it would be advisable to have staff begin to look at this particular program and perhaps begin the process of defining exactly what it would mean for the City of Chardon. In discussions with Mr. Sheehan and other members of the staff, since the Planning Commission has no authority to enter into any binding agreements, that being the prerogative of Council it was thought that before staff went ahead and did further examination it should be heard by City Council, and he thought it would be a good idea to do at this meeting so that members of the Planning Commission, Council and so forth can give their input and general decision can be made, particularly on the part of Council, that they would support going forward as the Planning Commission has suggested.

Mr. Miller introduced Ms. Webb of the Chagrin River Balanced Growth Program.

Ms. Webb covered the following topics via a power point presentation:

- Overall summary of the Balanced Growth Program
- The benefits to local government
- Status of the Chagrin River Watershed Pilot Project
- Chagrin River Balanced Growth Plan

Ms. Webb opened for questions.

Mr. Miller stated that the important thing that needs to be emphasized is that joining this partnership no way restricts how the City might wish to do its development, maps, zoning or anything else. This is simply a partnership to define area that may be better conserved or at least developed with a conservation motive in mind.

Mr. Cromwell asked how the City would benefit from signing up.

Ms. Webb responded that having access to additional grants and funding for economic development is one way the City would benefit.

Mr. Miller stated that he sees this as the State trying to encourage something rather than mandating it. The State EPA and the State natural Resources Department have goals for streams, watersheds and so forth, and it would be very difficult almost revolutionary to come in and say this is how your going to do it. Mr. Miller said that he sees it as an opportunity to do it in a more positive way.

Ms. Webb said that their goal is to maintain our natural resources, but at the same time encourage economic development.

Mr. Campbell moved and Mrs. Bednar seconded the motion to move forward and get the staff to draw up the maps. Upon roll call vote the motion was approved.

DISCUSSION OF VARIOUS ORGANIZATION AND ADMINISTRATIVE PROCESS CHANGES RECOMMENDED BY D.B. HARTT INC. AS PART OF THE PROPOSED NEW PLANNING AND ZONING CODE

Mr. Sheehan stated that there are a number of things that need to be discussed, and that there are two main issues: our zone code dates back to 1972, and another major thing is to try to simplify and reduce the bureaucracy in the land planning and development regulations.

Mr. Sheehan explained that Zoning Ordinances deals with use regulations, what you can do in a certain part of town. It also deals with set backs (you have to build so far back from the street). We want to create a visual environment of relative openness, we don't want to see things jammed together five feet apart, building to building. We want to leave room were necessary for public roads to be widened over time. We would like the set backs to be a substantial distance from the street.

Mr. Sheehan stated that the land development regulations deal primarily with the process by which someone wants to come in and develop the land, building a house, or building a CVS or some big shopping center are handled by the Planning Commission.

The new planning and zoning code by D.B. Hartt brings both those codes together, and the first thing we want to address is who's going to be responsible for what.

Board Of Zoning Appeals And Planning Commission

Mr. Sheehan stated that first, he'd like to address how to divide the responsibilities between the Board of Zoning Appeals and Planning Commission.

Mr. Sheehan suggested the Board of Zoning Appeals maintain it's historic role, except for where there are specific provisions in codes for special reasons. They will continue to hear appeals regarding variances from the use regulations, one and two family home area variances, how close can you build to your garage, decks and property lines. Everything else should fall under the jurisdiction of the Planning Commission.

Discussion was held regarding whether or not it would make sense to consider the elimination of both groups in favor of a single perhaps renamed group that would not have to worry about the delineation of responsibilities and thereby could address zoning issues or other issues at a single meeting.

Mr. Sheehan said that this idea was discussed and that there are many communities that have Planning and Zoning Boards. By Charter we have one of each. There are great deficiencies from an administrative and cost standpoint.

Mrs. Bramstedt stated she believes in the wisdom of the founding fathers and sometimes when you consolidate you may lose that wisdom process and it should go through different steps before finalization of decisions, and that she had some reservations when D.B. Hartt talked about this.

Mr. Campbell said that he believes if you put the two together, it will get very difficult.

Mr. Miller stated that his observation after long discussions he's had with Mr. Hart, is that revolutionary things such as the elimination of one entire board are not things to be entered into quickly and without due thought, so while he thinks the average person may say, I don't have to appear before two boards that's great with me. He said he thinks what we need to do now is go back and look at the historical role of each of the boards, and then move ahead with the question of overlap and delineation of responsibilities, he doesn't think the time is right for any additional streamlining.

Assignment of Other Responsibilities To The Board

One of the responsibilities assigned in the proposed code is a responsibility to hear and decide disputes regarding the location of zoning districts. Now that's the responsibility of the Board of Zoning Appeals. The Board of Zoning Appeals isn't nor ever has been involved in the creation of the districts or the determination of the boundary lines where these districts change from one thing to another.

Mr. Sheehan stated that if the Planning Commission is the one that's responsible for creating these boundaries in the first place, doesn't it make since that at whatever point a question arises, that issue come back before the Planning Commission for them to go over what ever they did first time, and they would solve that problem. As opposed to handing it off to any other board who hasn't been involved at all.

Mr. Sheehan suggested Planning Commission be responsible for this.

Council agreed that any zoning district questions will be resolved by the Planning Commission, whoever doesn't like it goes to Board of Zoning Appeals and from there it would go to Council.

Assignment of Responsibilities to Planning Commission

Mr. Sheehan stated the Mr. Hartt suggested sign permits be the jurisdiction of the Planning Commission. Modifications be the jurisdiction of the Planning Commission.

Mr. Sheehan suggested reconsidering this. Currently the Zoning Inspector reviews the sign permits for very specific criteria, if it meets the criteria, it's a go, and if it doesn't it gets kicked to someone else. He doesn't think folks with signs that comply with standard should be delayed until the next Planning Commission meeting before they can get approval. He suggests everybody would be better off to keep this under the jurisdiction of the Zoning Inspector. As long as it meets the criteria the Zoning Inspector can approve. If someone doesn't like the decision made by the Zoning Inspector, they can always appeal with the Planning Commission.

Council Agreed

Assignment of Responsibilities to City Council

Today City Council is involved deeply in development approvals at every level. Concept plan, preliminary plan, construction drawings, etc. Council is involved in regular subdivisions only to the extent of acceptance of public improvements (streets, water lines, sewers).

What is proposed in the new ordinance is that Council becomes involved in all single building site development (commercial and industrial), as well as subdivisions. Both of these are now, both by Charter and by ordinance the sole jurisdiction of the Planning Commission.

Mr. Sheehan asked Mrs. Bramstedt why she thinks it's necessary to move this into Council's arena.

Mrs. Bramstedt stated that her understanding was that it was primarily a change from the existing time frames and steps where Council address the issue of development. She said she thought what D.BHartt said was that it will go to Council first, and then all the other steps would go to Planning. Her concern is that as qualified as the Planning Commissions are, they're appointed and not elected, and Council is elected by the public to make decisions, and she feels that if we make the changes, maybe more Council members should be part of the Planning Commission because of the Responsibility shift.

Mr. Sheehan said he just wanted to point out that it's not just concept plans, it's concept and preliminary. Now the only thing we do concept plan construction drawings for are subdivisions, we don't get into concept plans for things like the new CVS or gas stations, primarily because those projects aren't that complex, they're not that big. Although, there is always our encouragement to the developer to come into Planning Commission to talk about their concept, there's no formal approval. Mr. Sheehan's only concern in involving Council that it will add to the length of time for getting an approval.

Mr. Hanlon asked why we have two members of Council on Planning commission if it's going to Council first. Mr. Hanlon stated that he thought the purpose of two members of Council being on the Planning Commission was to view what was taking place from the Councils position on Planning Commission.

After further discussion Council agreed that when it's a major subdivision where there involves a conventional subdivision or a PUD, it should go through the three step process.

Mr. Miller referenced the development at the corner of Wilson Mills and Thwing Road, Windmere came to the Planning Commission, Planning Commission said no, go back and do it over again because we don't like it. Would it go to Council then, or when we could live with it. At what point does this take place.

Mr. Sheehan said currently, Planning Commission regardless of its determination makes a recommendation to Council, good or bad. In either case it goes on to Council.

Mr. Gillette stated that the approval process for the statutory subdivision doesn't really involve any discretion on the part of the staff, Council or Planning Commission. It's just a matter of going through the plan that's submitted and making sure it complies with the Municipal requirements. He then asked if Council wanted to see something like that.

Council agreed that conventional sub divisions and planning developments will both be subject to a two tier process: First it goes to Planning Commission, Planning Commission makes a recommendation and Council is the one with the final authority.

Assignment of Responsibilities to Code Administration

Mr. Sheehan stated that a so called Zoning Administrator, which David Hartt suggests is a label to be hung around the neck of whoever you like. Currently, issues regarding the administration of most of our codes for zoning or for planning sit with Boards and Commissions. The land planning development regulations belong to Planning Commission. The Board of Zoning Appeals has some involvement in the administration, most particularly they are identified as the agency to interpret if there is a question on what does this mean.

There was some discussion on fences and walls.

Council then agreed to leave as is for now.

EXECUTIVE SESSION

A motion was made to adjourn into executive session for the purpose of discussing the sale of 206 South Hambden Street. Upon voice vote the meeting adjourned to Executive Session at 8:55 P.M. Mr. Sharpe was invited to participate.

The meeting convened to open session at 9:07 P.M.

ANY OTHER BUSINESS TO COME BEFORE COUNCIL

Donation of the Christmas display by a City Resident

Mrs. Bednar moved and Mr. Campbell seconded to authorize the City Manager to accept the generous donation. Upon roll call vote the motion was approved.

Mrs. Bramstedt moved and Mr. Cromwell seconded the motion to adjourn. Upon voice vote meeting adjourned at 9:19 P.M.

Attest:

KAREN S. SIMPSON, Mayor
President of Council

Kim Foley
Clerk Pro Tem

