

- Medical Marijuana legislation-discussion
- Noncompliance legislation, Ordinance 02-17,– discussion
- Demolition legislation, Ordinances 15-16 and 16-16, discussion

Acting Chairperson Ramon Adams called meeting to order at 7:04 pm in the South Euclid Community Center, 1370 Victory, South Euclid, Ohio.

Members present: Carlean Alford, Dan Ivins. Absent: Earl Stovall.

Also present, Eric Tuck-Macalla, Building Commissioner, Councilman Jason Russell, Councilman Joe Frank.

#### Medical Marijuana legislation- Ordinance 04-17 – discussion

Mr. Adams would like to see more specifics from Council and what City plans to do at the municipal level. State legislation will regulate mainly.

Ms. Alford asked: What has each council person done as far as research? What are the pros and cons of the legislation? Is the City mainly looking to this for the revenue? Ms. Alford would like to see discussion from each council member on their views. Has Council considered possibility of break-ins? Planning Commission members want to be sure the community is protected. Ms. Alford has been reading that slower is safer as far as enacting the medical marijuana legislation.

Councilman Russell explained that it is the role of commission is to make recommendations to Council for the legislation; whether for the legislation or against. It was not Council's intent to rush the situation. The moratorium should be used for time to stop and think about the legislation. Councilman Russell gave commissioners a hand out from last council meeting. A zoning map highlights where cultivation, dispensaries, and research would be allowed.

Councilman Frank suggested that the commission study Michigan as a state who has enacted the legalization for medical marijuana.

Ms. Alford asked if anyone from City Council has been in communication with a city who has said no to medical marijuana.

Mr. Ivins stated that they should hear from both sides, cities that have and have not chosen to pass legislation.

Planning Commission will draft recommendations for Council. Public hearing has been scheduled for May 8 at 6:00 pm with City Council.

#### Non-complying Buildings legislation Ordinance 02-17, discussion

Councilman Russell gave Planning Commission members an introduction as to how this legislation came about. These are modifications to Chapter 752, noncomplying buildings.

Mark Sanderson, resident of South Euclid, spoke to the board. Mr. Sanderson owns 2 duplexes in City, one is owner occupied and half rented, other is a rental. He was shopping to refinance and through the process of refinancing and the appraisal process he discovered his property is considered a legal non-conforming property. If the building were destroyed, he could not be rebuilt as a duplex due to zoning issues. These regulations were put in place long ago. University Hts. and Cleveland Hts. have readdressed their legislation to allow for the rebuild of duplexes.

New language in this ordinance would allow for the rebuild as 2 family, with a specific timeline defined. Property owner will need to notify the City within 30 days of destruction. This will provide homeowners a safeguard to rebuild or refinance. The same footprint would need to be used. The key to this ordinance being effective is to have a plan of

action in writing within 30 days. Also, property owners would have to submit for permits to rebuild within 90 days and rebuild within a year; if project is not completed within a year; substantial progress must be shown. There is also a change of language in the ordinance from building commissioner "may issue permit to shall issue."

Mr. Adams made motion to recommend approval of Ordinance 02-17 with condition that ordinance states that any requests for extension of deadline must be submitted in writing to building commissioner. Mr. Ivins seconded. All ayes. (3-0-0).

#### Demolition legislation – Ordinances 15-16 and 16-16, discussion

Councilman Russell gave the Planning Commission background on the demolition legislation. The S/E Lyndhurst school board had purchased homes on Mayfield and Dorsh for demolition with intention of building a bus garage; at this point no garage has been built; just vacant lots there now.

It does not do community any good to demolish homes without a specific plan for the property.

This legislation will give city a chance to check on demolitions; will enforce accountability for what will be rebuilt on the property; plans must go before the City's Architectural Review Board before demolition permit can be issued. The new plan does not necessarily have to be re-build of a home; it may be another development plan. This will give the city an opportunity to see if new plan will be the best use of the property.

This legislation will give the City opportunity to say "is this the best use of the property?" A plan is necessary to repurpose the property.

There will also be safeguards in play for the property owners. If property owner submits for permit and no action is taken by the City within 180 days, the permit has to be issued. The City wants to insure that what is being built fits the neighborhood.

Mr. Ivins asked: "How do you keep them on plan?" Permits are good for a year; the approval is good for a year. The City cannot compel a property owner to finish a plan if circumstances change. If someone has gone through the proper procedures, the City cannot infringe on their rights as property owner.

Mr. Adams would like to see more detail as to how any oversights would be handled. How would applications be weighed for new plan; detail the process to be sure the City is not infringing on civil rights.

Councilman Russell stated that becoming too prescriptive can be a deterrent and the City cannot weigh projects against each other; each project has to be assessed on a case by case basis. The City has other boards in play to review plans such as Architectural Review Board. Mr. Adams would like to see a timeline for plan and expressed concern that projects may be started and then not completed. Councilman Russell discussed the possibility of increasing fees to keep owners accountable for finishing work.

Ms. Alford has concerns about making legislation too restrictive.

Councilman Russell went over process as legislation states; if property owner wants to demolish property, they submit to building department the application for demolition permit, along with a plan as to what will be done with property after demolition; those plans are submitted to ARB; any use change would need to go to Planning Commission; any variances required would go to Board of Zoning Appeals. These steps must be taken in order to get demo permit. If all necessary procedures are completed, then the building department can issue permit. Permits are good for one year. Building Commissioner Tuck-Macalla stated that the legislation puts hurdles in play for demolition; it gives the City more say in plans for properties. Councilman Russell discussed similar legislation in Lakewood and gave an example of a Church who wanted to demo a structure and only wanted to put grass in place; need to assure beautification of the city with new plan. This legislation gives the City a chance to say yay or nay to plans for the property. There are other legislations in play for zoning and housing that can come into play to deal with issues of not finishing a project. There are conditions of permit that need to be fulfilled to keep checks and balances on projects; the building commissioner can go back and see if conditions are being met. Nuisance homes are being demolished for other reasons, would not have to

submit plans. Councilman Frank stated that he does see the building department following up on projects going on in the City.

There is a Committee meeting on April 12 to discuss the legislation.

Mr. Adams made motion to recommend approval of Ordinances 15-16 and 16-16 with no changes. Mr. Ivins seconded. All ayes. (3-0-0).

Mr. Adams made motion to approve minutes from Planning Commission meeting on March 9, 2017. Ms. Alford seconded. All ayes. (3-0-0). March 9, 2017, minutes approved.

Mr. Adams made motion to adjourn March 23, 2017, Planning Commission meeting. Mr. Ivins seconded. All ayes. (3-0-0).

Meeting adjourned, 8:40 pm.

Ramon Adams      4/27/17  
Acting Chairman Ramon Adams      Date

Monica Ferrante  
Monica Ferrante, Recording Secretary