

south euclid

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NOTICE OF MEETING

CITY COUNCIL

Dennis Fiorelli
President
Sara Continenza
Joe Frank
Marty Gelfand
Jane Goodman
Ruth Gray
Jason Russell

MEETING OF: **ZONING & PLANNING
COMMITTEE**

CALLED BY: JASON RUSSELL, CHAIRMAN

DATE: **FEBRUARY 19, 2018**

LOCATION: COMMITTEE/JURY ROOM

TIME: 7:00 P.M.

RE: **RES. 41-17** SEL SCHOOLS
PROPOSED TRANSPORTATION
FACILITY
ORD. 15-16 DEMOLITION OR
REMOVAL OF STRUCTURES ON
COMMERCIAL/INDUSTRIAL
PROPERTIES
ORD. 16-16 DEMOLITION OR
REMOVAL OF RESIDENTIAL
STRUCTURES

COMMITTEE MEMBERS:

MARTY GELFAND
JANE GOODMAN

COUNCIL MEMBERS:

SARA CONTINENZA
DENNIS FIORELLI
JOE FRANK
RUTH GRAY

ADMINISTRATION:

ERIC TUCK-MACALLA, BUILDING COMMISSIONER

CITY OF SOUTH EUCLID, OHIO

RESOLUTION NO.: 41-17
INTRODUCED BY: Goodman
REQUESTED BY: Planning Commission

October 23, 2017
As Amended on Council Floor:
January 22, 2018
As Amended in Committee:
January 29, 2018

A RESOLUTION

GRANTING A CONDITIONAL USE PERMIT TO THE SOUTH EUCLID LYNDHURST CITY SCHOOL DISTRICT TO CONSTRUCT AND OPERATE A TRANSPORTATION FACILITY ON DISTRICT OWNED PROPERTY AT 4759 MAYFIELD ROAD IN THE CITY OF SOUTH EUCLID, OHIO.

WHEREAS, the South Euclid Lyndhurst School District submitted an application to the City of South Euclid to construct a transportation facility on district owned property located at 4759 Mayfield Road; and

WHEREAS, the zoning designation of this property is such that a conditional use permit is required in order for the South Euclid Lyndhurst School District to construct such a facility; and

WHEREAS, the City of South Euclid recognizes that various public and private institutions and facilities are essential to the community in accordance with Chapter 722 of the codified ordinances, as such the application was referred to the Planning Commission; and

WHEREAS, notice of a public hearing on the aforesaid requested Conditional Use Permit has been duly given, and a full public hearing has been held thereon by the Planning Commission pursuant to such notice and as prescribed by law; and

WHEREAS, the Planning Commission made a motion to recommend to City Council that such a conditional use permit be issued; and

WHEREAS, in a vote of 0-3-0 (two members absent), the motion failed; and

WHEREAS, after careful consideration and study, a majority of the Council of the City of South Euclid deems that the aforesaid Conditional Use Permit should be given in that the standards set forth in Chapter 722 of the South Euclid Zoning Code have been achieved provided the South Euclid Lyndhurst School District follow conditions as defined below.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of South Euclid, Ohio:

Section 1: That a Conditional Use Permit is hereby granted to the South Euclid Lyndhurst School District to construct a transportation facility on district owned property located at 4759 Mayfield Road in the City of South Euclid, Ohio, per the following conditions:

- Condition 1:** All requirements for school facility conditional use, as defined in Chapter 722 of the South Euclid Zoning Code, shall be followed at all times.
- Condition 2:** ~~Setback from Dorsh Road should be no less than 105 feet. No structure or improvement shall be located west of the rear property line of Parcel Number: 703-07-017 as it continues south to Mayfield Road.~~
- Condition 3: Setback from Mayfield Road should be no less than 75 feet.
- Condition 4: No fencing shall be permitted within setbacks.
- Condition 5: Fencing shall be provided along Mayfield, Dorsh, and portions of the property immediately adjacent to a parcel containing a residential structure.
- Condition 6: Fencing shall be made of a durable material in a color that is harmonious with the residential character of the area.

- Condition 7: Natural screening shall be provided along Mayfield and Dorsh frontages utilizing existing grades and vegetation. Additional trees and shrubs should be provided to soften the visual impact of required fencing.
- Condition 8: Existing trees and shrubs should be maintained to the greatest extent possible.
- Condition 9: Any structure built should be designed in a manner to be compatible with the residential character of the community, by including or mimicking traditional residential architectural features and materials.
- Condition 10: Any structure built should not have any walls that are devoid of windows or other openings to simulate windows.
- Condition 11: No pedestrian or vehicular traffic shall be permitted from the site onto Dorsh Road.
- Condition 12: Services bay(s) for the proposed transportation facility must face east.
- Condition 13: Lighting on the proposed building and parking areas should be properly shielded to prevent light bleed onto adjacent parcels containing a residential structure.

Section 2: That it is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Resolution were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees on or after November 25, 1975, that resulted in such formal action were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 3: This Resolution shall take effect and be in full force from and after the earliest period allowed by law and upon signature of the Mayor.

Passed this _____ day of _____, 2017 2018.

Dennis Fiorelli, President of Council

Attest:

Approved:

Keith A. Benjamin, Clerk of Council

Georgine Welo, Mayor

Approved as to form:

Michael P. Lograsso, Director of Law

CITY OF SOUTH EUCLID, OHIO

ORDINANCE NO.: 15-16
INTRODUCED BY: Goodman
REQUESTED BY: Russell

September 26, 2016
Second Reading: March 13, 2017
As Recommended by the Planning Commission:
March 23, 2017

AN ORDINANCE

AN ORDINANCE CREATING NEW CHAPTER 1333 "DEMOLITION OR REMOVAL OF PRINCIPAL STRUCTURES ON COMMERCIAL OR INDUSTRIAL PROPERTIES" OF PART THIRTEEN "BUILDING CODE" OF THE CODIFIED ORDINANCES OF THE CITY OF SOUTH EUCLID, OHIO.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of South Euclid, Ohio:

Section 1: That Chapter 1333 "Demolition or Removal of Principal Structures on Commercial or Industrial Properties" of Part Thirteen "Building Code" of the Codified Ordinances of the City of South Euclid, Ohio be hereby created to read as follows:

CHAPTER 1333 - DEMOLITION OR REMOVAL OF PRINCIPAL STRUCTURES ON COMMERCIAL OR INDUSTRIAL PROPERTIES.

(a) Requirements Before Demolition or Removal of Principal Structures on Commercial or Industrial Properties.

No demolition or removal of a principal structure in a C1 Limited Commercial, C2 General Commercial, C3 Special Commercial, C-C Cedar District, M-G Mayfield-Green District, M-1 Limited Manufacturing and M-2 General Manufacturing shall be permitted unless and until one (1) of the following conditions is satisfied:

(1) The Safety Director of the City authorizes the Building Commissioner to grant a demolition or removal permit, based on causes such as fire or other source of property damage or loss, in order to remedy conditions immediately dangerous to life, health or property, or to remedy a nuisance, as jointly determined and recommended by the Building Commissioner, the Fire Chief, and the City Engineer; or

(2) The passage of 180 days following application to the Commissioner for a demolition permit or permit to move a principal structure, during which time the applicant has further made good faith application to all required boards and commissions of the City for approval of new development plans at the location of such property; or

(3) The proposed new building(s) and/or structure(s) at the location of such property conforms to the design requirements set forth in Title Three and Title Four of the Planning and Zoning Code and has been approved by the Architectural Board of Review, and by any other required boards and commissions of the City, in order to proceed with new development plans. In addition, notwithstanding any other requirements, all approvals for such new development plans shall be based on the following factors:

- A. The new development plans are consistent with the code, and
- B. The new development plans are consistent with any historic or aesthetic features of the commercial or industrial property being replaced and/or the nature and appearance of the surrounding neighborhood.
- C. The Secretary of all such required boards and commissions of the City shall immediately notify the Building Commissioner of compliance with the provisions of this sub-section by any applicant that would allow and provide for the issuance of a demolition permit or a removal permit by the Building Commissioner.

(b) Demolition or Removal Delay Period.

The time period before a demolition or removal permit can be issued in a C1, C2, C3, C-C, M-G, M-1 and M-2 is provided in order to permit the City, public agencies, civic groups and other interested parties a reasonable opportunity to study, comment and propose potential alternatives or modifications to the proposed new development plans. During such time period, if the City and other interested parties deem preservation appropriate, the applicant shall undertake meaningful and continuing discussions with the City and other interested parties for the purpose of preserving such principal structure.

(c) A demolition or removal permit shall comply with the regulations set forth within this Chapter and those in Section 1301.09.

(d) Fees. A fee, established pursuant to Chapter 1305, shall be included with the application.

Section 2: That is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees on or after November 25, 1975, that resulted in such formal action were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 3: That this Ordinance shall take effect and be in force from and after the earliest period allowed by law and upon signature of the Mayor.

Passed this _____ day of _____, 2016 2017.

Jane Goodman, President of Council

Attest:

Approve:

Keith A. Benjamin, Clerk of Council

Georgine Welo, Mayor

Approved as to form:

Michael P. Lograsso, Director of Law

CITY OF SOUTH EUCLID, OHIO

ORDINANCE NO.: 16-16
INTRODUCED BY: Goodman
REQUESTED BY: Russell

September 26, 2016
Second Reading: March 13, 2017
As Recommended by the Planning Commission:
March 23, 2017

AN ORDINANCE

AN ORDINANCE CREATING NEW CHAPTER 1334 "DEMOLITION OR REMOVAL OF RESIDENTIAL STRUCTURES" OF PART THIRTEEN "BUILDING CODE" OF THE CODIFIED ORDINANCES OF THE CITY OF SOUTH EUCLID, OHIO.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of South Euclid, Ohio:

Section 1: That Chapter 1334 "Demolition or Removal of Residential Structures" of Part Thirteen "Building Code" of the Codified Ordinances of the City of South Euclid, Ohio be hereby created to read as follows:

CHAPTER 1334 - DEMOLITION OR REMOVAL OF RESIDENTIAL STRUCTURES.

(a) South Euclid consists of very distinctive neighborhoods that were settled at different times during its development each with its own distinctive housing patterns, which are reflective of the time period during which these neighborhoods were nurtured during the growth of the City. Many of these residential neighborhoods are easily recognizable by their consistency of characteristics such as height, setbacks and side yards as well as their distinctive exterior façade design elements which over the years created a neighborhood environment and streetscape that brought neighbors together.

As a result, the City encourages conservation, preservation, redevelopment, and revitalization of residential neighborhoods to preserve their unique environments and for the public welfare of the City. The City acknowledges as a matter of public policy that the preservation and protection of residential neighborhoods is required for the health, safety and welfare of the people.

(b) Requirements Before Demolition or Removal of Principal Structures on Residential Properties.

No demolition or removal of a principal structure in an R-75, R-60, R-50, R-40 Single Family Districts, R-O Residential Office District and M-F Multi-Family District shall be permitted unless and until one (1) of the following conditions is satisfied:

(1) The Safety Director of the City authorizes the Building Commissioner to grant a demolition or removal permit, based on causes such as fire or other source of property damage or loss, in order to remedy conditions immediately dangerous to life, health or property, or to remedy a nuisance, as jointly determined and recommended by the Commissioner, the Fire Chief, and the City Engineer; or

(2) The passage of 180 days following application to the Commissioner for a demolition permit or permit to move a principal structure, during which time the applicant has further made good faith application to all required boards and commissions of the City for approval of new development plans at the location of such property; or

(3) The proposed new building(s) and/or structure(s) at the location of such property conforms to the design requirements set forth in Title Two of the Planning and Zoning Code and has been approved by the Architectural Board of Review, and by any other required boards and commissions of the City, in order to proceed with new development plans. In addition, notwithstanding any other requirements, all approvals for such new development plans shall be based on the following factors:

A. The new development plans are consistent with the code, and

B. The new development plans are consistent with any historic or aesthetic features of the commercial or industrial property being replaced and/or the nature and appearance of the surrounding neighborhood.

C. The Secretary of all such required boards and commissions of the City shall immediately notify the Building Commissioner of compliance with the provisions of this sub-section by any applicant that would allow and provide for the issuance of a demolition permit or a removal permit by the Building Commissioner.

(c) Demolition or Removal Delay Period.

The time period before a demolition or removal permit can be issued in an R-75, R-60, R-50, R-40, R-O and M-F district is provided in order to permit the City, public agencies, civic groups and other interested parties a reasonable opportunity to study, comment and propose potential alternatives or modifications to the proposed new principal structure. During such time period, if the City and other interested parties deem preservation appropriate, the applicant shall undertake meaningful and continuing discussions with the City and other interested parties for the purpose of preserving such principal structure.

(d) A demolition or removal permit shall comply with the regulations set forth within this Chapter and those in Section 1301.09.

(e) Fees. A fee, established pursuant to Chapter 1305, shall be included with the application

Section 2: That is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees on or after November 25, 1975, that resulted in such formal action were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 3: That this Ordinance shall take effect and be in force from and after the earliest period allowed by law and upon signature of the Mayor.

Passed this _____ day of _____, 2016 2017.

Jane Goodman, President of Council

Approve:

Georgine Welo, Mayor

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Keith A. Benjamin, Clerk of Council

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Michael P. Lograsso, Director of Law