

**RECORD OF PROCEEDINGS
PUBLIC HEARING
MONDAY, JANUARY 13, 2014 – 7:00 P.M.
MAYOR MATTHEW E. BRETT PRESIDING**

MEMBERS PRESENT: Binder, Dishong, Koons, Kostura, and Porter

OFFICIALS PRESENT: Fiscal Officer Romanowski, Building Commissioner Hocevar, Solicitor Ondrey, Engineer Haibach

VISITORS: Kathy Kohler, Sheerbrook Drive; Jean Makesh, developer; Tim Muelle, architect; Bill Stone, Fairview Road; Blake & Mindy Qua, Sheerbrook Drive; Bill Joyce, County Lane; Emilie Unkrich, Fairview Road; Deborah Stephen, Hazelwood Drive; Nina Lalich, Royal Oak Drive; Dyanne Thomas, Maple Springs; Bill Munday, Sheerbrook Drive; Joe Mulloy, Maple Springs; Mary Sparger, Parkland Drive; Tom & Sandra Meyer, Sheerbrook Drive; Jill Cunnington, Sheerbrook Drive

Fiscal Officer and Solicitor Ondrey confirmed the hearing had been property advertised.

Building Commissioner explained the rezoning to be considered tonight is currently zoned R-1-A, residential one acre. It has been asked to be rezoned to R-3 which is for assisted living. He explained the setbacks are different, the maximum height is slightly different. It is all one parcel but the front 5 acres are zoned residential. Solicitor stated that the Planning Commission (PC) has already recommended this zoning change to Council. If Council were to turn down the proposal or to modify it, Council would need a super majority of 4 of the 5 members. The proposed legislation is currently on the third reading.

Building Commissioner explained the setbacks on residential properties are 25 ft. side yards, 75 ft. front setback and 50 ft. rear yard. The property in question has a 300 ft. minimum front yard setback and a 100 ft. minimum side yard with 100 ft. rear yard setback. The height maximum in that area is a 32-33 ft. height restriction in R-1-A and under the proposed zoning it would go to 25 ft. Koons clarified that the height maximum would decrease with the proposed zoning, Building Commissioner confirmed.

Mayor explained there are specific steps the project would have to go through with this step being only one of them. Separate from that the developer needs to go to Planning Commission to which the developer has gone, but there is a process for all different components to be approved. Mayor estimates this process would take about 3-4 month due to the size and scope of the project.

Kostura reported that when the plan was proposed there were some basic drawings and layout of the property reviewed. On the original draft, the parking lot was up front, and it had condensed the size of the buildings into separate pods in somewhat of a square shape. Kostura explained as the layout was reviewed, it seemed to infringe on the rear yard and didn't give a good flow for the entire project. The Planning Commission talked about rezoning the front which would allow them to bring the property forward but not to the point that it was going to be so dramatic as to impinge on the 300 ft. setback. It would allow for narrowing the scope of the property so there

would be greater side yards and rear yards and still have a 300 ft. setback from the road to keep in kind with a lot of other properties on Route 306 and it didn't look institutional. The Planning Commission liked that the historical farmhouse stays on that part of property and because it is grandfathered in, no new construction can go in that area because they would still have to abide by the 300 ft. setback. Kostura explained this would allow for greater barriers on both sides for vegetation and landscaping. He also explained if the property is rezoned, the height maximum decreased from 32 ft. to 25 ft.. The new design allowed for a more concealed view of the parking lot.

Sandra Meyer asked where the hearing was publicized. Solicitor stated it was publicized in the News Herald. Ms. Meyer referred to a letter she wrote to Mayor and Council regarding her concern for the changes in the aesthetics to the property. She asked if a decrease in height maximum would increase the size of footprint to accommodate for everything going up. Mayor replied that the plans submitted to the village didn't change at all. Tim Muelle, the architect for the project, stated that even with change of zoning that is being proposed, there is still a 300 ft. setback requirement from front property line. The new construction is still going to be on the part of property currently zoned commercial for assisted living. He stated the new buildings being proposed are all single-story construction. He said they could make use of the house on the property as a welcome center and have some activities relative to the project.

Dyanne Thomas asked about the proposed greeting center. Jean Makesh, the developer of the property, replied that the house would be used as a club house as a way to educate people about Alzheimer's. Makesh referred the residents to his website which is www.lanternofmadison.com for information on his other facility and the type of program he offers. He invited the residents to come see the house and visit the property.

Nina Lalich wanted it clarified that the reason they were changing the zoning was to be able to use the house to which the answer was yes. Lalich questioned whether studies as to how the water runs off would be impacted by the project. Mayor replied that the Village would have to approve that. She does not want to have to worry about that five years down the road that the lakes will be backing into their yards. The Mayor said the Village will stay in tuned to that topic.

Blake Qua stated it was apparent that many of the people's concerns were more on the realm of the actual project itself and asked where they could go to get that information because tonight's meeting was for the zoning. Mayor said the project has to go through PC for consideration of the footprint, the use, different configurations, where driveways are located, etc. and that will take several months to get through for that process. He said that during the planning stage, any variances requested would have to go through Zoning Board of Appeals (ZBA) and the exterior of the buildings would go through Architectural Board of Review (ABR). The Solicitor stated that all that has been presented to the Village so far are sketch plans and the formal plan has not yet been submitted. The developer and architect went before PC and got some feedback and there was a question about whether or not the zoning change was being driven by the need to use the front house. He stated that is not entirely true because PC perceived that by rezoning the front parcels they would be able to shift the entire facility further away from the rear of the property. Solicitor stated the buildings would come further to the west if they follow through with the same plans as they proposed so far. However, he restated there is a 300 foot setback.

Sandra Meyer asked what the setback is on the current farmhouse located on the property to which Muelle replied is currently less than 100 feet. Muelle stated the 300 foot setback is behind the current barn and fence line, and that is basically where the 300 ft. setback is.

Mindy Qua stated she was trying to get a scope of the project and asked how many beds the facility will hold. Muelle replied that the maximum is 110 residents. He said there is a code requirement that restricts the size of the development on the property to a percentage of the overall size of the property.

Tom Meyer asked the location of the vehicle entrance to property. The architect replied that is still in concept but they are currently looking to use the same driveway that is currently there and then behind the farmhouse behind the shed. The Mayor said the location of the driveway would not be a zoning issue, but rather a topic for the PC to discuss and review.

Mary Sparger questioned that if the property is rezoned, at any time could they come back and ask for a variance to move closer to Route 306. The Mayor replied that they would have the right to request a variance.

Blake Qua asked when the property was zoned for assisted living. Solicitor replied that he believes it occurred in the 1980s.

There was brief discussion about notifying residents about the project and meetings as well as possibly running ads in the Chagrin Valley Times rather than the News Herald so more area residents would see the notices. The Village website and e-blast were also discussed as possible ways to get the news out to the residents.

Kathy Kohler said she is familiar with the lantern in Madison and stated it is very impressive and is anything but sterile inside and out. Dishong stated he believes there is a need for this type of facility and the property was zoned that way 40 years ago. He said the Village's job is to make sure what goes in there is the best possible solution not only for the residents but for potential facility residents. Dishong stated from the Village's perspective, this developer has shown the best intent to do what is in the best interest of the Village and the residents of the facility

Mayor stated from a process perspective, the PC made a recommendation to go to Council for consideration. The rezoning process includes a public hearing so Council can hear and consider resident feedback. Mayor stated that Council could move on it at the Council meeting.

ADJOURNMENT: Mayor closed meeting at 7:45 pm

Matthew E. Brett, Mayor

Danielle Romanowski, Fiscal Officer