

# City of Seven Hills

Record of Minutes of

*PUBLIC HEARING* HELD July 14, 2014

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This *PUBLIC HEARING* was called to order by Council President Michael C. Barth at 7:32 p.m.

## **ROLL CALL**

Present and accounted for were Mayor Dell'Aquila, Assistant Director of Law Tobin, Director of Finance Johnson, Councilman-at-Large Barth, Councilwoman-at-Large Lecznar, Councilman-at-Large Trafis, Ward 1 Councilman Bryda, Ward 2 Councilman Fraundorf, Ward 3 Councilman Snitzky, Ward 4 Councilwoman Ernst, and Director of Public Service and Properties and Acting City Engineer Lovece. Absentee was Building Commissioner Moro.

## **STATEMENT OF PRESIDENT OF COUNCIL**

**Council President Barth** made the following statement:

“This Public Hearing is being held concerning three matters. The first, Ordinance No. 75-2014, concerns an ordinance before Council to amend one of our existing ordinances to extend the installation time for temporary snow fences so that the same will be permitted from October 1<sup>st</sup> through May 1<sup>st</sup>. The existing Ordinance, Section 997.04, currently permits temporary snow fences from November 1<sup>st</sup> through April 1<sup>st</sup>.

The second ordinance, Amended Ordinance No. 111-2014, concerns an ordinance before Council to enact a new Chapter 966(C) to our zoning code to establish a new zoning district which will be entitled ‘Elderly Care District’.

The third ordinance, Amended Ordinance No. 112-2014, concerns an ordinance before Council to submit to the voters a proposed revision to the City zoning map which would change the zoning of what we have commonly referred to as John Glenn Elementary School property from First Residential to the proposed Elderly Care District.

This Public Hearing is being held in accordance with our City Charter which provides for a public hearing to be held before Council which may pass an amendment to a zoning ordinance or adopt a new zoning ordinance.

In addition, with regard to the proposed change of zoning of the John Glenn property to the Elderly Care District, our City Charter provides for submission to the voters of any proposed change in the zoning classification or district of any property and approval by a majority of the electors voting in the election is required in order to approve the change in zoning. It is proposed that this issue be on the ballot at the next general election in November of 2014.

Also our City Planning Commission, pursuant to ordinances and the City Charter, is required to review proposed changes to the City Zoning Map and zoning districts and classifications, and Amended Ordinances Nos. 111-2014 and 112-2014 were submitted to the Planning Commission for its report and recommendations, which is included in the packet.”

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## **Statement of President of Council** (continued):

“The Planning Commission has submitted its report and recommendations **in favor** of the Elderly Care District and **in favor** of changing the zoning of the John Glenn property to the Elderly Care District. At the Planning Commission public meeting held July 9, 2014 the vote was unanimous in favor of both, 4 yea – 0 nay, with one member absent. The Planning Commission noted that a developer would need to submit an application, plan, and proposal for construction for housing for the elderly on any parcel of land in the proposed Elderly Care District in accordance with Chapter 966(C), proposed Elderly Care District, Chapter 941, Site and Design Plans, and other applicable parts of the City of Seven Hills Zoning Code.

The process from this point is as follows. Council will have two more readings of the ordinances, for a total of three -- at this evening’s Council Meeting following this Public Hearing and at the July 28, 2014 Regular Council Meeting -- at which time the vote will be taken thereon. Upon passage of the ordinances, the issue of the rezoning of the John Glenn property will appear on the November 4, 2014 general election ballot. If approved by a majority of the electors voting in the election, Amended Ordinance No. 112-2014 will become effective and the City Zoning Map will be revised to reflect the change in zoning of the John Glenn property to the Elderly Care District.

Submission of such applications, plans, and proposals for construction for such housing for the elderly will not occur until after passage of Amended Ordinance Nos. 111-2014 and 112-2014, as well as approval of the zoning change of the John Glenn property by the voters at the general election in November.

A Public Hearing is governed by who speaks and for how long and is overseen by a Hearing Official. So, as that Hearing Official, I will state those rules now. Everyone must be recognized by the Chair before speaking. You must come to the podium and state your name and address. You have three minutes to speak. If you near the three-minute mark, I will ask you to wrap up your comments rather than abruptly cut you off. If someone has made a point similar to yours, you do not have to repeat it.

Even though not required at this time, I have asked the developers of the proposed assisted living to reveal what their plans are if the initiative to rezone John Glenn is approved. I ask everyone to keep in mind this is not a public hearing on the physical plan. As I stated earlier, the City Planning Commission will review the plans in work sessions and conduct its own public hearings, all to be held in open meetings.”

## **READING OF NOTICE OF PUBLIC HEARING**

The Clerk of Council read into the record the Legal Notice of Public Hearing, as follows:

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## CITY OF SEVEN HILLS

### LEGAL NOTICE

Pursuant to Article V, Section 7(c)(4) of the Charter of the City of Seven Hills, Ohio, public notice is hereby given that there shall be a *Public Hearing* on the following Ordinances:

**Ordinance 75-2014 – Extending Installation Time For Temporary Snow Fences**  
AN ORDINANCE TO AMEND SECTION 997.04(f), PROHIBITED FENCES, AS CONTAINED IN CHAPTER 997, FENCES, OF TITLE ELEVEN, PROVISIONS AFFECTING USE, STRUCTURE AND AREA, OF PART NINE, PLANNING AND ZONING CODE, OF THE CODIFIED ORDINANCES OF THE CITY OF SEVEN HILLS, OHIO, FOR THE PURPOSE OF EXTENDING INSTALLATION TIME FOR TEMPORARY SNOW FENCES.

**Amended Ordinance No. 111-2014 – Elderly Care District**  
AN ORDINANCE ENACTING NEW CHAPTER 966(C), ENTITLED “ELDERLY CARE DISTRICT”, AS CONTAINED IN TITLE NINE, ZONING USE DISTRICTS, OF PART NINE, PLANNING AND ZONING CODE, OF THE CODIFIED ORDINANCES OF THE CITY OF SEVEN HILLS, OHIO.

**Amended Ordinance No. 112-2014 -- Rezoning of John Glenn Elementary School Property**  
AN ORDINANCE TO PROVIDE FOR THE SUBMISSION TO THE ELECTORS OF THE CITY OF SEVEN HILLS A PROPOSED REVISION TO THE ZONING MAP OF THE CITY OF SEVEN HILLS BY CHANGING THE ZONING IN CERTAIN AREAS WEST OF EAST DARTMOOR AVENUE, NORTH OF JOHN GLENN DRIVE, EAST OF WINCHESTER OVAL, AND SOUTH OF MEADVIEW DRIVE (PERMANENT PARCEL NUMBER 551-18-002) FROM FIRST RESIDENTIAL IN PART TO ELDERLY CARE DISTRICT IN PART WITH GUIDELINES FOR USE FOUND IN CHAPTER 966(C) OF THE CODIFIED ORDINANCES OF THE CITY OF SEVEN HILLS.

Said Public Hearing on the above Ordinances shall be held on **Monday, July 14, 2014**, at 7:30 p.m., in the Seven Hills Council Chambers, City Administration Building, 7325 Summitview Drive, Seven Hills, Ohio, as follows: Ordinance No. 75-2014 at 7:30 p.m., followed by Amended Ordinance No. 111-2014, and Amended Ordinance No. 112-2014. Copies of Ordinance No. 75-2014, Amended Ordinance No. 111-2014, and Amended Ordinance No. 112-2014, are on file in the Office of the Clerk of Council of the City of Seven Hills, Ohio, for inspection by any person interested therein.

By the Order of the Council of the City of Seven Hills, Ohio.

Carol L. Sekerak  
Clerk of Council

**EDITOR'S NOTE:** To be published in the Parma Sun Newspaper, just once, on Thursday, June 26, 2014.

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## **ORDINANCES AND RESOLUTIONS** -- Open to the Audience

**Ordinance No. 75-2014** – AN ORDINANCE TO AMEND SECTION 997.04(f), PROHIBITED FENCES, AS CONTAINED IN CHAPTER 997, FENCES, OF TITLE ELEVEN, PROVISIONS AFFECTING USE, STRUCTURE AND AREA, OF PART NINE, PLANNING AND ZONING CODE, OF THE CODIFIED ORDINANCES OF THE CITY OF SEVEN HILLS, OHIO, FOR THE PURPOSE OF EXTENDING INSTALLATION TIME FOR TEMPORARY SNOW FENCES.

There were no questions or comments from the audience.

There were no questions or comments from Council or the Administration.

**Amended Ordinance No. 111-2014** – AN ORDINANCE ENACTING NEW CHAPTER 966(C), ENTITLED “ELDERLY CARE DISTRICT”, AS CONTAINED IN TITLE NINE, ZONING USE DISTRICTS, OF PART NINE, PLANNING AND ZONING CODE, OF THE CODIFIED ORDINANCES OF THE CITY OF SEVEN HILLS, OHIO.

**Amended Ordinance No. 112-2014** – AN ORDINANCE TO PROVIDE FOR THE SUBMISSION TO THE ELECTORS OF THE CITY OF SEVEN HILLS A PROPOSED REVISION TO THE ZONING MAP OF THE CITY OF SEVEN HILLS BY CHANGING THE ZONING IN A CERTAIN AREA WEST OF EAST DARTMOOR AVENUE, NORTH OF JOHN GLENN DRIVE, EAST OF WINCHESTER OVAL, AND SOUTH OF MEADVIEW DRIVE (PERMANENT PARCEL NUMBER 551-18-002) FROM FIRST RESIDENTIAL TO ELDERLY CARE DISTRICT WITH GUIDELINES FOR USE FOUND IN CHAPTER 966(C) OF THE CODIFIED ORDINANCES OF THE CITY OF SEVEN HILLS.

**Council President Barth** stated:

“Before we get into Amended Ordinance Nos. 111-2014 and 112-2014, I would like to recognize the potential developer, Mr. Tom Simich from Landsong Development. I want to thank you for coming here, Tom – I know you didn’t have to, but you are extending that courtesy to us. You may come up and talk a little bit about what you hope to see at the John Glenn property.”

**Tom Simich, 952 East Parkhaven Drive, Landsong Limited:**

“Thank you, Mr. Barth. I’m the managing member of Landsong Limited, the owner of the property. The property consists of about 6.7 acres – formerly the John Glenn Elementary School – frontage all on East Dartmoor Avenue, close to Crossview, perpendicular with John Glenn Drive.”

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**Tom Simich** (continued):

“Just for everyone’s viewing pleasure, here’s a picture of the proposed property outline in blue. Our goal is to get zoned this property – 6.7 acres – for a future assisted living site. Our intent is to work with the City in buffering the residential neighborhood. It’s already buffered by a City park to the West, and residential housing and East Dartmoor Avenue to all other sides.”

*Mr. Simich presented drawings of the proposed lot consolidation plat that created the existing property, formerly three individual parcels.*

Council President Barth commented, “And you haven’t completed any plans. You will – depending on the outcome of November?”

Mr. Simich replied, “After November’s vote, if we are fortunate to get the zoning change we’re requesting, we will begin our development plans and engineering, and present that to the City through Planning Commission.”

Council President Barth added, “I also know in the lot consolidation there is no access to the back part. We did get a letter from your attorneys that you will provide access. You don’t know where it is going to be yet because you don’t know what the footprint of the building is exactly going to be yet.”

Mr. Simich answered, “The property was formerly owned, obviously, by the Parma City School Board. The access to the park generally came from the Elementary School parking and drive. Our intent is to provide an easement after we determine the footprint and layout of our assisted living facility to the City for future access to the park permanently. So it’s difficult to say exactly where that easement will be right now until we further our plans.”

**Council President Barth** asked if there were any questions or comments from the audience on creating and/or establishing an elderly care district.

*There were no questions or comments from the audience.*

**Council President Barth** asked if Council or the Administration had any questions or comments.

*There were no questions or comments from Council Members or members of the Administration.*

**Council President Barth** indicated they were in receipt of the Report and Recommendations from the Seven Hills Planning Commission in reference to Amended Ordinance No. 112-2014.

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**Council President Barth** stated:

“At this time I will open up to the audience any comments in reference to Amended Ordinance No. 112-2014. The stated ordinance is basically changing the zoning at John Glenn to the subject elderly care district that we are trying to create.”

*There were no questions or comments from the audience.*

**Council President Barth** asked if Council or the Administration had any questions or comments.

*There were no questions or comments from Council Members or members of the Administration.*

## **OTHER BUSINESS**

Council President Barth asked if there was any further business before Council.

There was no further business brought forward before Council.

**MOTION** by Mrs. Lecznar, seconded by Mrs. Ernst, to adjourn the meeting.

Roll Call: all yea

**MOTION CARRIED**

**The July 21, 2014 Public Hearing was adjourned at 7:48 p.m.**

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Michael C. Barth, President of Council

Attest: \_\_\_\_\_  
Carol L. Sekerak, Clerk of Council

Date: \_\_\_\_\_