

**THE CITY OF MAYFIELD HEIGHTS  
PLANNING COMMISSION  
MINUTES**

**May 2, 2016**

Mayor DiCicco, Chairman called the meeting to order at 7:02 p.m.

ROLL CALL: PRESENT: Councilman Bob DeJohn, Mayor Anthony DiCicco, Mr. Sam Friesema, Mr. Jack Gallucci, Mr. Chris Schmidt  
ABSENT: None

Also present were Tom Jamieson, Director of Building, Anne Weiland, Secretary, President of Council Gayle Teresi, Councilman Don Manno, Councilwoman Susan Sabetta and Mark Majewski, Northstar Planning & Design.

The Pledge of Allegiance was said.

Mr. Schmidt, seconded by Mr. Gallucci moved to suspend reading the minutes of the April 4, 2016 meeting and approve as written. All in favor, motion carried.

**CORRESPONDENCE:**

**OLD BUSINESS:**

***Report of Director of Building:*** No report.

***Report of Council Representative:*** Mr. DeJohn brought up, at the April 4, 2016 meeting, the possibility of making some parking spaces behind Walmart (6594 Mayfield Road) into a fire lane to prevent trucks from parking in that area. He asked Mr. Jamieson if he spoke to the Fire Chief regarding this. Mr. Jamieson explained that this is a matter that should be handled between the Fire Department and the Police Department.

Mr. DeJohn asked Mr. Jamieson if there is an ordinance covering temporary tents. Mr. Jamieson explained that it falls under the fire code and the building code. They need to get a permit and submit a certificate of flammability. He will send the ordinances to Mr. DeJohn.

Mr. DeJohn stated that he has been informed that there are three or four houses on Hidden Woods Trail (Phase II) that do not have water meters and asked who is responsible for that. Mr. Jamieson explained that water meters are obtained through the Cleveland Water Department. He will look into it.

Mr. DeJohn mentioned that Council has recently passed ORD 2016-13 which requires most retail business to install video cameras at entrances and exits. This will help assist the Police Department. He added that he is currently working on legislation which defines accessory use of businesses in the U-4; *Local Retail/Wholesale District*, legislation to register vacant commercial buildings and clandestine drug legislation for buildings where drugs were found.

**TABLED ITEMS:** None

**NEW BUSINESS:**

**PC-15-15 Cosmo-Eastgate, Ltd.  
Winking Lizard  
1355 SOM Center Road  
Requests approval of a revised final site plan for a new restaurant building.**

Present was Andy Hoffman, Cosmo-Eastgate, Ltd. Mr. Hoffman explained that they discovered a 5,000 volt underground electric conduit which is 30" under the ground. He presented an aerial photo showing the building, which was previously approved, and the location of the electric conduit which runs underneath it. It was discovered when the civil engineer was in the process of laying out the utilities for the building.

He has been in contact with First Energy to investigate the possibly of moving it. They informed him that it may take at least four months. That would delay the opening quite a bit. It makes more sense to flip the building to avoid the conduit. The main entrance will now face west. The patio will be on the north side of the building which is farther away from the neighbors, and, in that location, will be shielded by the building. There is less potential for disruption.

He visited with a representative of Gates Mills Club (6759 Mayfield Road) and notified PK Management, Owner of Gates Mills Villa (6755 Mayfield Road) of the change. There was no objection from either.

A fire lane, a Fire Department connection, a hydrant and an additional access for the east side parking lot have all been added which was all requested by the Fire Department. The landscaping that was proposed along the south side will remain and will continue down to the east end of the dumpster enclosure. The required 30' setback will also remain.

Mayor DiCicco pointed out that landscaping has been added to the new parking lot on the east side of the building. He also mentioned that reports were received from the Police and Fire Departments which were acceptable.

Mr. Schmidt asked if they are still planning to move the salt bin located at the west property line. Mr. Hoffmann stated that it will be moved.

As there was no further discussion, Mr. Gallucci, seconded by Mr. Friesema moved to approve the revised final site plan.

**Roll call on motion: AYES: Friesema, DeJohn, Gallucci, Schmidt, DiCicco**

**NAYES: None**

**MOTION CARRIED**

- **Review amendments to Chapter 1183; Fences.**

All members were given the amendments attached to the April 20, 2016 memo prepared by Mark Majewski, AICP, Northstar Planning & Design and Council's Ad Hoc Committee minutes from all previous meetings to review prior to the meeting.

Mr. Majewski gave a quick overview of the ordinance to better understand how it is structured and noted the key issues. The Committee wanted an ordinance that was easier to read. Related items were put together. A table and a diagram have been created. They will not be a part of the ordinance text but will be used for reference. They wanted to address fences on corner lots, fences close to the house, garden fences, fences on the same property line, maintenance, fence types, and to update standards and requirements for permit submittals.

Mr. Gallucci wondered, in reference to privacy fences, what the "25% open" translates to. Mr. Majewski said that it is the part you can see through; the accumulative open space. Mr. Jamieson pointed out that a board-on-board fence falls in that category.

Mr. Gallucci asked for clarification on the type of solid fence permitted. Mr. Majewski stated that a solid fence must be vinyl.

Mr. Schmidt wanted to properly understand that the ordinance prohibits fences in the front yard. Mr. Majewski confirmed that that is the case.

Mr. Schmidt, referring to the permitted colors, questioned the color dark green. He asked who is going to gauge that. Mr. Majewski explained that a judgment would have to be made.

Mayor DiCicco asked if a picket fence would be permitted along the private walkway in front of the home. He wondered if that was considered. Mr. Majewski was not sure if the Committee discussed that. There are so few. Mr. Gallucci asked if those that currently exist are grandfathered. Mr. Majewski stated that they would be grandfathered. Mr. Friesema asked if hedges will also be grandfathered.

Mr. Manno explained that they want some conformity and aesthetic pleasantness. You cannot have that if there are no rules. They want people to understand that what they do on their property may cause adjacent property values to decline. They do not want situations that will devalue properties. If someone does not want to conform, they have the right to ask for a variance.

Mr. Manno, in response to Mr. Friesema's question, said that hedges are grandfathered provided they do not impair vision.

Mr. Friesema, referring to the elimination of fences in the front yard, asked why a fence could not follow the same front yard rules as shrubs. Mr. Manno stated that nothing can be in the visual path. And, it doesn't look right aesthetically like shrubbery does.

Mr. Schmidt has observed many fences in front yards that look nice. Mr. Manno explained that people that currently have nice fences can keep them. There are many people that do not care to keep their property nice. Rules need to be set and enforced. Mr. Schmidt agreed that the codes need to be enforced but wants to be careful that the laws that are made will not push people away.

Mayor DiCicco asked if there is a reason that solid fences cannot be wood. Mr. Manno explained that wood is not maintained. Vinyl is clean, neat and will last for a long time.

Mayor DiCicco asked if the portion of a fence facing the street in a side yard that returns to the house must be the same as an adjacent neighbor's fence in their side yard that returns to their house. (running perpendicular to each house). Mr. Majewski said a fence must be the same, only if it is on the same property line.

Mr. Jamieson asked, for clarification, if someone already has a chain link fence along part of the property line, will the neighbor only be able to continue with chain link? Mr. Majewski said yes. Mr. DeJohn added that the neighbor can put their own fence all the way down on their own side. Mr. Jamieson confirmed that it can be done, but someone has to commit to maintaining the in-between.

Mrs. Teresi responded to Mr. Schmidt's comment about the dark green color. When it was determined, she was envisioning a green or brown fence that she has seen around a garden.

Mrs. Teresi also mentioned that she has hedges along her driveway that had to be cut down to meet the ordinance.

Mr. Friesema thought the language was a little bit over restrictive. Decorative fences should be permitted in a front yard. Mr. DeJohn said the Committee can take another look at that.

Mr. DeJohn asked if a fence must stop at the rear of the house if there is no man door on the side of an attached garage. Mr. Manno stated that a fence can go up to eight feet from the front of the house regardless.

Mayor DiCicco asked for clarification on a corner lot where there is a house with a side door. It looks like a fence is not permitted to go into the side yard past the side door. Mr. Majewski confirmed that. Mr. Manno does not think that would look right.

Mr. Friesema asked if there is any provision for masonry walls. Mayor DiCicco stated that they are not permitted.

Mr. Schmidt asked how professional an elevation drawing must be. Mrs. Sabetta, first pointed out that the Planning Commission can approve a different type of fence which is similar in character and design to those permitted. She then explained that her neighbor put two different types of fences down one property line. The grade of the land is not level so the fence steps down all along the property line. She had to plant trees, at quite an expense, to block the fence. It devalues her property. The changes are being made for beautification. Mayor DiCicco, referring to Mr. Schmidt's question, asked if the elevation drawing is a survey. Mrs. Sabetta said no. There should be a way to inform the Building Department that your grade goes down. Mr. Schmidt wondered if a picture of the elevation is sufficient. Mrs. Sabetta said that is acceptable. Mr. Manno stated that it should be checked that the elevation is adhered to when the posts are put in.

Mayor DiCicco asked if the fence will have to adjust to the grade at the bottom. Mr. Jamieson pointed out that a fence can only be a maximum of six feet. The height of a fence starts at the grade. As the grade goes down, the fence is never any higher than six feet.

Mr. Friesema pointed out that there is confusion with the description of the word elevation. A topographical survey and an elevation are two different things. An elevation is usually a side drawing showing the basic construction and the height opposed to a civil engineer's survey drawing that shows how much a property slopes. Mayor DiCicco asked Mr. Majewski what he thought a vinyl fence along a property line that dropped down two feet would look like and if it is permitted. Mr. Majewski thought that it would be six feet from the grade of the land. If using panels, it would be stepped. If building the fence, the height could be adjusted to the grade. Mayor DiCicco thought that this needs to be clarified.

Mayor DiCicco noted that the fee section, 1183.08(b), should be moved to Section 1335.17; *Fees for Miscellaneous Permits*. This would make changing the fee more manageable.

Mr. Majewski addressed a comment that was made by Mr. Schmidt in an email. Mr. Schmidt indicated that corner lot illustration was confusing. Mr. Majewski will take another look at it. Mr. Jamieson's understanding was that there are no fences permitted in a side yard on a corner lot.

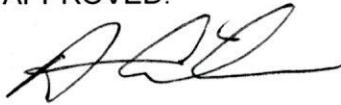
Mrs. Teresi asked if the Building Department inspects fences and if the permit holder must call for the inspection. Mr. Jamieson explained that the permit holder must call for a post hole and a final inspection. If they do not, the Building Department will go out.

It was agreed by all that the Ad Hoc Committee will meet again to discuss the Planning Commission's concerns.

- Mr. DeJohn stated that he noticed Danny Vegh's (6505 Mayfield Road) has playground equipment displayed in their parking lot. Mr. Jamieson was aware of that and informed him that Danny Vegh's has been given a notice to remove it by May 3, 2016.
- Mr. DeJohn mentioned that there is a resident on Hidden Woods Trail (6614) who built on deed restricted land. He is aware that the Director of Law is looking into it. The resident asked him if there are fines for doing work without a permit. Mr. Jamieson stated that the Building Department tries to work with everybody. The homeowner has submitted applications for fence and patio permits. He added that the City Engineer has determined that there has been no grade change and the land has not been affected. He is now waiting for a determination from the Director of Law relating to the deed and covenant restrictions that may have violated before the permits are issued.
- Mayor DiCicco distributed the Mayfield Heights Commercial Corridor Design Manual for all to review. This was prepared as part of the strategic plan initiative. It will be on the agenda for discussion at the next meeting.

As there was no further discussion or business, Mayor DiCicco adjourned the meeting at 8:35 p.m.

APPROVED:



Mayor Anthony DiCicco  
Chairman

Respectfully submitted,



Anne Weiland  
Secretary