

ORDINANCE NO. 19-46

BY: Rob Zimmerman

Approving the recommendation of the City Planning Commission to amend the Zoning Map and the rezoning a portion of property owned by the Shaker Heights Country Club, Permanent Parcel No. 733-26-001, with conditions.

WHEREAS, the applicant has requested that a portion of Permanent Parcel No. 733-26-001 be rezoned from PR, Parks and Recreation to SF-1, Single-Family residential; and

WHEREAS, pursuant to Section 1213.07 of the Shaker Heights Zoning Code, the City Planning Commission, at its meeting of May 7, 2019, and after holding a public hearing, recommended approval of the rezoning, with a number of conditions; and

WHEREAS, this Council has held three meetings together with a public hearing as required by Section 1213.07 of the Zoning Code to consider the request to amend the Zoning Map; and

WHEREAS, this Council has reviewed and approved certain conditions, deed restrictions and easements on the subject property to insure compliance with the City's Storm Water Pollution Prevention Plan and the City's ordinances, and maintenance of green space and the design quality of the neighborhood; and

WHEREAS, this Council has determined that rezoning a portion of this parcel, with the conditions, deed restrictions, and easements stated herein is consistent with the language and spirit of the factors set forth in Section 1213.07(I) of the Zoning Code.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Shaker Heights, State of Ohio:

Section 1. This Council approves the amendment of the City's Zoning Map as recommended by the Planning Commission and as shown on the attached preliminary site plan, which zoning amendment approval is conditioned on the following:

1. All dredge fill material must be removed from the property to be rezoned, and proof of such removal shall be provided to the City.
2. After the dredge fill material is removed, further environmental testing must be conducted by a qualified environmental expert on the perimeter around and below the former fill material area, as recommended by such expert, to ensure that all soil that is contaminated above residential standards has been removed. A report must be provided by said expert to the City certifying that the dredge fill material has been removed, and that all soil that is contaminated above residential standards has been removed. When the City has reviewed and approved such expert report, the City shall provide such results to City Council.
3. If the terms of condition #2 above are not met within seven (7) years after the effective date of this ordinance, then the Mayor, Council and/or the Planning Commission may initiate an application for rezoning to return the zoning to the current zoning of Parks and Recreation, which request shall proceed as set forth in Section 1213.07 of the Zoning Code as it may exist on the date of such application.
4. The final subdivision plat shall be approved by the City Planning Commission, and then submitted to the City for sign-

- off, and filed with the County.
5. A maintenance access easement agreement shall be created between the Country Club and the City that includes access to both banks of the Doan Brook and shall be recorded with the plats of each new lot.
 6. A permanent conservation easement approved by the City shall be recorded with each parcel that includes the boundaries of the 75 foot riparian setback and the 100 year flood plain, whenever it exceeds the riparian setback. The property owner submitting the easement for approval shall provide a legal description and map of the easement.
 - a. The conservation easement may be assigned by the City to an appropriate third party as described in the City's Storm Water Pollution Prevention Plan, Riparian and Wetland Setback Regulations.
 - b. The conservation easement shall comply with the City's Storm Water Pollution Prevention Plan, Riparian and Wetland Setback Regulations, and shall also specify that the easement area shall remain in a natural state, with no structures or man-made features, including, without limitation, play structures, storage or "get-away" sheds, game areas, pools, fountains, man-made water features, gazebos, walls, patios, grilling areas, formal or other planted gardens, lawns, pavement, paved walkways, artificial lighting, art-work, animal shelters, chicken coops, or similar items. No vegetation may be removed except invasive species that are replaced with native species, the removal of vegetation which blocks the natural running of Doan Brook and may cause flooding, or that otherwise poses a public nuisance or threat to the health or safety of any persons or of the spread of disease among trees or other plants.
 7. A deed restriction shall apply to preserve the trees and other natural vegetation that exists on the effective date of this ordinance on that portion of the rezoned property that is a 50-foot wide strip adjacent to the right-of-way beginning at the boundary of the conservation easement at the northwest corner of the property, to a line 150 feet southeast of that starting point. The deed restriction shall be included in the deed for that parcel created within the rezoned property, and shall be submitted to the City for approval.
 8. Riparian setbacks and the conservation easement shall be clearly delineated on site before any land disturbing activity.
 9. The Club shall not at any time in the future use any site on its property for the storage or processing of organic or inorganic waste material, except for temporary storage for up to 2 weeks in an agreed upon fenced or enclosed area. This restriction shall not apply to the storage of organic or inorganic materials necessary for the maintenance and operation of a golf course.
 10. Prior to the issuance of a building permit for or the start of construction on either parcel, except a building permit necessary for the removal of the dredge fill material and any of the stored organic or inorganic material to be removed from the area, all of the following shall have been completed:
 - a. The removal of all dredge fill material and proof of such removal has been provided to the City.
 - b. The gas well, storage tanks and pipeline have been decommissioned as required by Ohio law and regulations, including:
 - i. the gas well near Attleboro Road, behind the 14th green, shall be filled with concrete and the steel

- casing cut off 3 feet below surface, a steel plate shall be placed on top with identification in case of excavation in the future, and soil shall be placed on top and the surface restored;
- ii. all pipelines shall be physically disconnected from the gas well and decommissioned as required by Ohio law and regulations; and
 - iii. the tank storage battery and fencing near Parkland Drive shall be removed and reclaimed under direction of the State.

Section 2. This ordinance shall take effect from and after the earliest time allowed by law.

Enacted October 28, 2019.

Approved this ____ day of _____, 2019.

DAVID E. WEISS, Mayor

Attest:

JERI E. CHAIKIN
Clerk of Council
coun19/0522zoningamendment-shakerheightscountryclub

Conservation easement protected by deed restrictions



Additional area protected by deed restrictions



PRELIMINARY SITE PLAN.
ESTATE HOUSES - SHAKER COUNTRY CLUB.