

**NORTH RIDGEVILLE BOARD OF ZONING & BUILDING APPEALS
MINUTES FOR THE REGULAR MEETING HELD MAY 26, 2016**

TO ORDER: The meeting was called to order at 7:00 P.M. with the Pledge of Allegiance.

ROLL CALL: Present were members Mario Cipriano, Martin DeVries, Tim Anderson, Vice Chairman Linda Masterson and Chairman Shawn Kimble.
Also present were Chief Building Official Guy Fursdon, Assistant Law Director Cincy Adams, Mayor David Gillock, Safety-Service Director Jeffry Armbruster and Deputy Clerk Donna Tjotjos.

MINUTES:

Chairman Kimble asked if there were any corrections to the regular meeting minutes dated March 24, 2016. Hearing none, he entertained a motion.

It was moved by DeVries and seconded by Cipriano to approve the minutes of the regular meeting dated March 24, 2016.

Chairman Kimble asked the Clerk to call the roll.

Yes, 5 No, 0

Motion was approved by a vote of five yes, zero no.

REPORTS:

Chairman Kimble asked if there were any reports from Planning Commission.

Member Anderson responded that both applicants and their respective projects that are on the docket this evening were approved unanimously by Planning Commission.

Chairman Kimble asked if there were any reports from Board of Flood and Drainage.

Member Cipriano responded no.

OTHER REPORTS AND CORRESPONDENCE:

Chairman Kimble noted receipt of a letter received by the Board from Jill and Wayne Zuk, adjacent property owners of the applicant before us tonight located on Cook Road. Seeing no other reports or correspondence, he asked the Clerk to read the first application under public hearings.

PUBLIC HEARING:

APPLICANT: Avison Young Ohio, LLC, 600 Superior Avenue, #910, Cleveland, OH 44114
OWNER: Hazem Nouraldin, North Ridgeville Shopping Center, LLC, 30875 Dorale Lane, Westlake, OH 44145

REQUEST: The following variances to construct a proposed street and an office/manufacturing/warehouse facility:
1) A 35 foot front yard variance on the west side of the proposed street
2) A parking space variance to allow 66 less parking spaces

LOCATION: 38889 Center Ridge Road in a B-3 District. (Request to rezone to I-2 is formerly in process)
Permanent Parcel Nos. 07-00-046-108-034, 07-00-046-108-047, 07-00-046-108-048

Application was read along with Chief Building Official Fursdon's comments.

Chairman Kimble asked if there was a representative and if they could step to the podium and state their name and address for the record.

Chris Livingston, Avison Young, LLC, 600 Superior Avenue, Cleveland, Ohio was sworn in.

Chairman Kimble asked if he could explain the application.

Chris Livingston stated that they are advising construction of a new warehouse for a client of theirs referred to as TDQ. They hope to break ground in 30 days; give or take. He introduced Mike Sullivan their construction partner with Peak Construction, whom has been leading the charge on some of the nuances with the application process.

Mike Sullivan of Peak Construction, 1011 E. Touhy, Des Plaines, IL was sworn in. He explained that they are planning to construct a manufacturing assembly, warehouse and office facility. On the drawing; off of Center Ridge Road, where it was previously a retail site and the access that was required to be able to provide parking adequate enough for the bowling alley to function in a similar capacity as to how it functions today as well as to provide parking that would be automobile traffic segregated from truck traffic resulted in a cul-de-sac being installed down the west side of the property. That will become a westerly public dedicated cul-de-sac back to North Ridgeville and when they did that, the nonconforming bowling alley site ends up closer as it relates to the setback and that was driven off a number of constraints. The most critical of which, if you look along the eastern portion of the property, there is about nine acres of existing wetland and tree area that is controlled by the Army Corp of Engineers and so it really precluded them from being able to adequately move to the east side of the site. He showed the wetland area on the drawing. As a result of this area not being able to be touched, their project had to move slightly to the west to the point where they could still get public access and maintain ample parking; 400 spaces, for that facility. He explained that there is also egress along the west side but the truck traffic will be coming in and regulated from that existing traffic signal.

Chairman Kimble asked if the location of that road would impact the bowling alley's portion of parking in anyway.

Mike Sullivan stated that the bowling alley has an easement for parking onto what was the retail center. There are approximately 150 spaces there for the bowling alley and their intention is to provide new parking for the bowling alley and showed that area on the drawing. He explained the issue with the existing sewer is that it is all pumped. It would have been better had it had been fed by gravity. He stated that they could reconfigure that which will be a positive for that area.

Chairman Kimble assumed that they knew that their clients may be using less than what they are asking for on the 400 parking spaces.

Mike Sullivan stated that 400 is the appropriate number in the amount of parking spaces for this client to operate. However, within the last week, they were able to show on this plan 466 parking spaces.

Chairman Kimble stated as long as the client doesn't foresee the employees having to park along side of that road.

Mike Sullivan stated no, not at all and he explained how conscientious the client is when it comes to the employees and where they park.

Chairman Kimble stated he believed it was a very well thought out plan and they seem to be very accommodating to the new neighbor being the bowling alley. He stated he was very excited for this project and felt it was going to be a great addition to the community.

Mike Sullivan stated that some of the credit needs to go to the existing land owners. They have been very cooperative with what is really a complicated real estate redevelopment. There were a number of issues that were chopped down one at a time to move forward.

Chairman Kimble asked if there were any other comments or questions from the Board Members.

Member Cipriano asked what a detention lot was as it was stated on their drawing.

Mike Sullivan explained that it is water. All the water will drain to the north and be contained so that it doesn't release any more than what it releases now.

Member Cipriano stated he just wanted to make sure that it was something like a surface or parking area.

Mike Sullivan explained detention by its very name means to temporary detain water and slowly releases it.

Member Masterson stated that the Chairman had some very good statements. She asked if the street would be dedicated back to the City.

Mike Sullivan stated yes.

Member Masterson stated that the site itself is very interesting. She stated that the variances being requested are minimal with this lot and extremely large wetland conditions. The applicant is doing a really great job in working with the existing businesses and the city is looking forward to having this business as well.

Member Cipriano asked if the rezoning is pending.

Deputy Clerk Tjotjos stated that the rezoning will have its third and final reading Monday.

Member Cipriano asked if the variances would be different if it remained B-3.

Chief Building Official Fursdon stated no. The parking is based on the use and not the zoning. The setback variance for the bowling alley is correct because the bowling alley is sitting in an I-2 district. You would think the bowling alley would be in a B-3 but it is not.

Member Cipriano stated that for correspondence it is in an I-2.

Chief Building Official Fursdon stated that the bowling alley is in an I-2 and that is what this variance is based on. The parking has no bearing what district it is in, it is what is required for each use.

Chairman Kimble asked if there was anyone in the audience that wanted to speak on behalf of this matter. Hearing none, he asked if the Administration had any comments.

Mayor Gillock stated they are very much in favor of this project with the variances. They have done a great job in fitting this facility in this area to redevelop and the city is getting rid of an eyesore. They could have mitigated some of the wetlands but then they would have to remove trees and so, by doing it this way, we are saving the wetlands and the project works. He recommends that these be approved as this is a great addition to the city.

It was moved by Masterson and seconded by DeVries to approve the 35 foot front yard variance on the west side of the proposed street and a parking space variance to allow 66 less parking spaces.

Chairman Kimble asked the Clerk to call the roll.

Yes, 5 No, 0

Motion was approved by a vote of five yes, zero no.

APPLICANT: Robert J. Rice, ARC Terra LLC, 17138 Lorain Avenue, Cleveland, OH 44111
OWNER: Lake Bella Investments, LLC, 132 Heather Hedge Drive, Chippewa Lake, OH 44215
REQUEST: The following variances to construct an office facility
1) A 48.4 side yard setback variance
2) An 8.4 foot variance on the required size of buffer strip
3) A parking space variance to allow 30 less parking spaces
LOCATION: 31975 Cook Road in an I-2 District
Permanent Parcel No. 07-00-003-102-058

Application was read along with Chief Building Official Fursdon's comments.

Chairman Kimble asked if there was a representative and if they could step to the podium and state their name and address for the record.

Jim Yorks, consulting architect, 7525 Leavitt Road, Amherst, Ohio; Greg Alber, Alber and Rice, 3264 Hardwood Hollow, Medina, Ohio; Bob Rice, Alber and Rice, 17138 Lorain Road, Cleveland, Ohio were all sworn in.

Chairman Kimble asked if they could explain the application.

Jim Yorks indicated that they were here in front of Planning Commission over a month ago and they went through the project with them and they seemed to be very receptive. Their concern was based on the condition of BZA's approval. They have 1.2 acres right in front of a lake. It is a natural site. The clients are into sporting on the lake and are moving their business to the City of North Ridgeville. In doing so, they are proposing to build a professional office building not only for their staff but also some future tenant space. One of their partners in the project also has a need for additional space and may happen in the near future. They plan to occupy the 1.2 acre parcel and the conditions were such that they looked at the adjacent zoning. The adjacent zoning particularly to the east is actually zoned I-2, it is just being used as residential. The residential use overrides and so the setback of 75 feet comes into effect because it is a residential use and not an I-2 use. The other variance was for the amount of parking that was proposed. They explained that in phase one, 26 parking spaces would be constructed accessible off of Cook.

They felt that was more than enough parking for the current staff. There are approximately 12 employees and may add another 5 or 6. They will get maybe two visitors within a week. They don't want to have to have a bunch of asphalt out there that they don't need. They were trying to be conservative. It is their intent as being good landlords and at their own investment to have land-banked parking available as they develop and lease out the other space, there will be an additional 36 spaces available in phase 2. That would bring the total to 52 spaces. When they calculated it, they did not include the square footage for the center of the building because it only includes a lobby and restrooms. It is a non-occupied area. He stated that the question is, is whether there is adequate parking and they believe that there is absolutely adequate parking for this type of facility. The other items discussed were regarding appropriate buffers and screening to the adjacent parcels on both sides. The spirit and intent of the code is well written, but he feels that they will well meet it. The residential use, even though it is in an I-2 district to the east, they are 26 and a half feet off the property line. If they had to meet the residential use code, they would only have to be ten feet away and where that house sits it is 35 feet away. It is all natural green space and so they feel that with the natural conditions of the site, it creates the buffer and the screening. They did meet with the adjoining property owner and they have nothing in writing but it seemed that if we assure him that we won't disturb his trees, and be good neighbor, he wouldn't have a problem with the development and they hope that continues to be his attitude. The neighbor to the west, she voiced some concerns within the letter that was sent. She seemed like a really nice lady. Her only concern was what this development will do to her parcel. They have assured her that it is their intention to leave that green space to the west of their entrance drive and then in the future they may make that drive an accessible drive for ingress and egress for fire apparatus, etc. Her concern was that buffering was concerned and they would have no problem as a good neighbor providing a landscaped bermed buffer strip along the westerly side of their access drive as to provide her with privacy and visual acuity to their development. They are down to two issues being is it appropriate screening and buffering. They feel it is and do they have adequate parking or land-banked parking in phase 2 to satisfy the needs of this building and tenants and they feel that it does. They ask that the Board will feel the same.

Chairman Kimble stated that he has been by the property and it is probably one of the most unique properties in North Ridgeville. The size of the lake in the back is fantastic. He loves the idea for the property and it would be a great fit considering what is across the street. It is building and going away from the residential side. At first there was confusion as to why this was so far off the eastern property line, but then after the review of the specified districts surrounding that parcel so it makes sense to move closer to the I-2 side than the residential. It is a very well thought out plan. He asked if they could go into a little more detail about the buffer strip as the plan doesn't show all of the detail you are showing the Board this evening.

Jim Yorks explained the existing natural trees and what they plan to provide as a buffer.

Greg Alber spoke from the audience however it was inaudible. He explained the drainage of the water of the lake as the lake does rise.

Jim Yorks mentioned again that they will put in a landscaped berm to the west of the access drive.

Chairman Kimble stated again that it was a real thought out plan. If he was building this building, he would do the same thing as it seems to make sense. He asked if there were any questions or comments from the Board Members.

Member DeVries stated he had the same concerns on the western side and if the applicant is willing to put that landscaped buffer there than great. This is going to be a professional building and so it isn't going to be a lot of traffic in the evening. He asked if there was any plans for the lighting on the building or signage that would face the westerly direction.

Greg Alber stated that there won't be any lighting in the westerly direction.

Member DeVries asked if they would be getting any kind of light.

Jim Yorks stated that if there is lighting it will be only on one pole and the signage will be on the building not creating that much light. Any concerns about the lighting will be unfounded. The big concern would be that they just won't want to look at a parking lot and they can defeat that with a buffer.

Member Masterson stated that she used to swim in that lake when she was a little girl and she is glad that they are addressing the fact of the lake getting to high. She believes that the applicant has done a beautiful job of setting the building and alieving everyone's concerns. She stated that they wouldn't need any of those variances if that was a building next door in the I-2.

Chairman Kimble asked if the parking issue would create people having to walk across the street because there is not enough parking.

Jim Yorks stated that it would be a bad move on their part.

Chairman Kimble stated he believes that it seems to be more than adequate. He asked if there were any other questions or comments from the Board Members.

Member Cipriano asked if the neighbor to the west, the one who submitted correspondence was in attendance. They were very concerned about sufficient buffering. He asked if there is enough and who considers if there is enough.

Jim Yorks stated that they will go on record stating that they will put appropriate buffering and screening in.

Chairman Kimble stated that the variance in front of the Board this evening is for the buffer strip on the other side of the building. There is really no requirement to put buffering on the west side.

Chief Building Official Fursdon stated that the east side buffer is not required by ordinance because there is going to be a lot with that driveway that is I-2. They have agreed to accommodate that neighbor for something that isn't required by our zoning code.

Chairman Kimble asked if there were any questions or comments from the audience. Hearing none he asked if there were any questions or comments from the Administration.

Mayor Gillock stated that they highly recommend this project as it is a good addition to the City. He stated that there needs to be a Planner to take a look at the parking space ordinances because obviously if you have twelve employees and a couple of visitors, you don't need all that substantial parking and having to put all that asphalt down. At Planning Commission, both neighbors were in attendance and asked questions. As long as they do what they said they will do, they were okay with it. They highly recommend approval and we are glad to have them in the community.

Safety-Service Director Armbruster addressed the lake coming down six inches and he looks at that six inches over that surface of the 40 acres is being huge and they have been working with the City in regards to the ditch and the drainage. He asked if they knew the calculations of that water.

Greg Alber spoke from the audience explaining the drainage amounts.

Safety-Service Director Armbruster stated that is a subject matter that has been discussed over the years with regards to reducing the depths of that lake as the water sinks down and comes back up and acts as a detention in that area and is just fabulous for the city. It helps the overall detention of water within the city of North Ridgeville.

Member Cipriano asked if they were taking water out of the lake or are they going to permit it to remain lower.

Greg Alber spoke from the audience and explained how the water would remain at that lower level.

Member Cipriano asked if they were going to pump the water out and take it away or are they going to pump it into a sewer.

Jim Yorks stated in layman's terms they are going to put a straw out there and the straw will be at a controlled depth so that when the lake reaches that level it will release that water and be six inches lower than what it is right now. They will have a larger beach area which will allow for more water. It will still go out the straw, but it will be controlled.

Chairman Kimble asked if there were any other comments from the Board Members. Hearing none, he entertained a motion.

It was moved by Masterson and seconded by Cipriano to approve the 48.4 side yard setback variance, the 8.4 foot variance on the required size of buffer strip and a parking space variance to allow 30 less parking spaces.

Chairman Kimble asked the Clerk to call the roll.

Yes, 5 No, 0

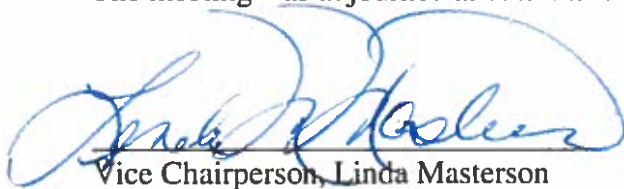
Motion was approved by a vote of five yes, zero no.

ADJOURNMENT:

Chairman Kimble moved to adjourn the meeting. He asked all those in favor of adjourning the meeting signify by aye.

MOTION CARRIED

The meeting was adjourned at 7:42 P.M.


Vice Chairperson, Linda Masterson


Secretary Donna Tjotjos

June 23, 2016