

**NORTH RIDGEVILLE PLANNING COMMISSION
MINUTES OF
REGULAR MEETING SEPTEMBER 10, 2015**

To Order: Vice Chairman Jim Rothgery called the meeting to order at 7:00 P.M. with the pledge to the flag.

Roll Call: Present were Planning Commission Members Tim Anderson, Larry Pierce, Council Liaison Bob Olesen and Vice Chairman Jim Rothgery.
Absent and excused was Chairman Larry Mollenkamp.
Also present were Chief Building Official Guy Fursdon, Law Director Andrew Crites, City Engineer Scott Wangler, Safety-Service Director Jeffrey Armbruster and Deputy Clerk Donna Tjotjos.

Minutes: Vice Chairman Rothgery stated that all members of the Commission should have had a chance to review the minutes dated August 11, 2015. He asked if there were any corrections and if not, the minutes will be placed on file as written.

Correspondence: None

Old Business: None

NEW BUSINESS:

Vice Chairman Rothgery asked the Secretary to read the application.

APPLICANT: Robert Reese, Aventis Development, 2251 Front Street, Suite 105, Cuyahoga Falls, Ohio 44221

OWNER: Bagley Lorain Properties, LLC, 9095 Gatestone Road

REQUEST: Final plan approval for an assisted living facility in a Special Development District

LOCATION: 33734 Bagley Road in a Special Development District

Permanent Parcel Nos. 07-00-011-102-149 and 07-00-011-102-150

Application was read along with Administrative Officer's comments received from Chief Building Official Guy Fursdon, City Engineer Scott Wangler, Police Chief Mike Freeman, Safety-Service Director Jeffry Armbruster and Fire Chief John Reese.

Vice Chairman Rothgery explained the process of the meeting noting that the Commission will provide their comments and questions and then he will open the floor to the Administration for comments and questions and he will then open the floor to the audience for comments. He asked that if the members of the audience wish to speak, they will need to step to the podium and give their name and address and direct any questions or comments to the Commission. He asked the representative to step forward.

Robert Reese of 2251 Front Street, Suite 105, Cuyahoga Falls, Ohio 44221.

Vice Chairman Rothgery asked if he was requesting final approval.

Robert Reese stated that he is asking for final approval.

Vice Chairman Rothgery asked if there were any major changes.

Robert Reese stated there have been tweaks from the last presentation. They took the staff recommendations and implemented all of them. They modified the site plan per the city's requirements and resubmitted for final.

Vice Chairman Rothgery opened the floor to the Commission for questions and comments. Hearing none, he asked if anyone from the Administration had any comments or questions. Hearing no comments, he opened the floor to the audience for questions and comments.

John Nisky of 8304 Chesapeake Drive stated there was something mentioned in the comments about the swale being extended to avoid any of the flooding and that was an issue he brought up at the last meeting. He had concerns about the eastern side and asked if they would explain in detail what the plans were to impact that swale along the property line.

Mike Wohlwend of Wohlwend Engineering, 4216 Karg Industrial Parkway, Kent, Ohio explained that they have submitted full construction drawings to the staff departments for review. As part of those construction drawings, they included a full storm sewer on the back side of that mound versus just a swale that would tend to get plugged up and the fact that it is harder to maintain a swale. So, they put a full storm sewer system in with 12 inch pipes and three or four inlets. He believes that will address all the drainage concerns of the water leaving the property in that location.

John Nisky asked if that was on the resident's property side and if the mound would be five feet high with the trees on top of that.

Mike Wohlwend stated yes. He explained the drainage.

Vice Chairman Rothgery asked if there was anyone else that would like to speak. Hearing none, he asked the Commission if they had any final questions or comments. Hearing none, he entertained a motion.

It was moved by Anderson and seconded by Pierce to approve the final plan for the assisted living facility in a Special Development District.

Vice Chairman Rothgery asked the Secretary to call the roll.

Yes, 4 No, 0

Motion was approved by a vote of four to zero.

Vice Chairman Rothgery asked the Secretary to read the next application.

APPLICANT: A.M. Valore, HCAV Investments, LLC, 23550 Center Ridge Road, Westlake, Ohio 44145
OWNER: Same
REQUEST: Preliminary plan approval for CrossCreek Subdivision to include 63 Single Family and Cluster lots
LOCATION: South of Center Ridge Road and West of Aurensen an R-1 District
Permanent Parcel Nos. 07-00-027-101-105, 07-00-028-103-132 and 07-00-028-103-099

Application was read along with Administrative Officer's comments received from Chief Building Official Guy Fursdon.

Vice Chairman Rothgery asked the representative to give his name and address for the record and to explain his request.

Tony Valore, HCAV Investments explained they were here in March and submitted a plan that was very acceptable and they thought it was a good addition to the community and it was approved. He stated he wanted everyone to recognize that plan was approved and that plan is in place. He continued to explain with the persistence of the Mayor and his desire to see if he would accommodate the residents within that area that for a lot of reasons didn't like what the plan showed. So, out of respect for the Mayor and the City of North Ridgeville, he and his staff looked at different ways they could make this work and to also make it safe without connecting that street to Aurensen. He stated that they lost six months and of course, this season to do anything with this property other than hopefully get this approved. In the end, he believes that they are proud of this preliminary and comfortable with it. He does believe that he has satisfied his own safety concerns, although he respects everyone's concerns, he still has to make sure that this could be safe. God forbid that he is not here and something happens back there because this plan wasn't thought through. He explained that the street itself is 2100 feet long. They shortened the cul-de-sac as much as possible in order to keep it safe if there was ever a need for any safety issues, health or fire. In the center of the street, approximately half way down, they created a roundabout in the center. In theory with the roundabout was to have two ways to get into the back. If something should be happening on the right side, the left side could be used or vice versa. The second thing they did is where Aurensen was to be connected on the approved plan, they elected to do something they did in Westlake and that is to create under the surface what is called a grasscrete block that you plant grass on top and it looks like a grassy field but effectively, you could drive a car through it or emergency vehicle over it. To add to that concept, they put a six foot walking trail between there. The drawing was shown regarding the grasscrete and he explained how it would be installed. He stated that an emergency vehicle can fit through there. He explained that Behm was to be connected also according to the Master Plan and they removed the trees from the back of Bogner's Funeral home and planted them at the end of Behm and Aurensen. They did that for the residents on Behm, Aurensen and the new home owners in the subdivision. In the process of doing this, there has been expense added to this and

time lost because of a lot of things that took place, but was necessary and that is part of the reason why he is asking for the 50/50 in terms of cluster lots, instead of 65/35. This would allow them to pick up about three lots. The cost to do the things that have been changed is probably upward in the \$90,000 range. That is why he is asking for the variance in the number of cluster lots. He stated that has to be approved because if he can't get that approved, then the plan will change back to the original plan. It is necessary to cover this expense. He explained that in this plan they put in a cul-de-sac with the properties that were purchased from Janice Noll and the City of North Ridgeville. It adds dimension to the property and certainly removes that long street concept, which he was uncomfortable with in the beginning. Effectively, it is something that is good for the community and adds another nine houses. He showed the area that belonged to the City that is just less than one acre. He explained that there is a 20 foot driveway there that connected it to Aurensen. They went to both neighbors on each side of the driveway and they agreed to share in the cost of surveying that property and they will end up with half of that drive between the two adjacent property owners. The neighbor to the east and the neighbor to the west will end up with driveways that are now deeded to their property. They have been using them as driveways but they have never been deeded. It will clean up that issue with that property. The city-owned land went up for public bid and apparently nobody was interested except for them. It went through the process and it was confirmed on August 31, that they won the bid, which was why the resubmittal was in late. The resubmittal included two additional lots. They wanted it to be included in this plan. He believes this plan is safe and a bit more challenging. He stated that the Mayor and everyone here has been very patient with him as he believes he wasn't too patient when going through this. He stated that there is one thing on the plan that they are still not clear on. He showed the area on the drawing and explained that as you come into the subdivision from Center Ridge Road, Bogner's Funeral home is to the west and there is an office building owned by Dave Bogner to the east. On the plan, there is a sign by itself in front of Bogner Funeral home. They do expect to put a sign up front there but they are still working together to figure out what is best. He does expect that the sign is approved as part of this but understanding that they will still work together to make it work for both of them. Part of this subdivision also, as you pass Bogner Funeral Home and pass the office building; instead of just having a street, they plan to install an island. He showed the location of where the island would be on the drawing. East to west they moved trees in which created a separation from what is commercial to residential and they are also putting in fencing that will go across the front.

Sam Suhail of 18405 May Court, Chagrin Falls added that the last time this was approved back in March, Engineering had made comments regarding the flood plain. They took all of those comments into account for this plan. Some of those comments were made after the plan was approved and did affect some of the lots at that time. All of those concerns regarding the flood plain were taken into account and moved the lots sufficiently out so that there aren't any issues. He showed the location of all 31 cluster lots and where the single family lots would be located. He showed Watson Ditch that runs east and west through the property.

Tony Valore added that in what they are doing with Aurensen and what they are doing with the grasscrete, the City committed to him that the City will put in sidewalks down Aurensen all the

way up to the traffic light on Route 83. The City has a grant out apparently now. That is important to note also because the other side of the safety concern he had from day one was the children that will be going to the park, going to school, and going to the library. He stated going out onto Center Ridge; he recalled where there was a 12 year old that was killed on Center Ridge. He knew the family and they haven't been the same since. On Center Ridge Road there is eminent domain taking place and they are stopping about two properties short of the Bogner property. There will be a bike path installed there. He asked the Mayor and the City to participate or put in that connecting piece from there also just in case some child is encouraged to ride out onto Center Ridge. God forbid that something should happen to somebody else's child there. To make this work, there are some things that will come before they start work that the City is working closely with them on.

Vice Chairman Rothgery asked if the Commission members had any questions.

Member Anderson asked what type of fence will be used on the walkway.

Tony Valore stated that it will be vinyl fencing with less maintenance. Right now they are looking at putting in a split rail fence similar to the one placed at Hampton Place. The pine trees will sit behind the fence and so the first thing that you will see coming in off Center Ridge is the fence and then the pine trees as well as Aurensen. There will be an opening on Aurensen but there will also be pine trees that kind of wing the fence.

Vice Chairman Rothgery addressed the Administration and asked if this resubmittal is considered a de minimis change.

Law Director Crites stated he had a comment, but the Vice Chair beat him to it with a question. He asked if Vice Chair Rothgery could be more specific.

Vice Chairman Rothgery stated that the Commission is constantly told that required items don't need to go before the Commission because a change is de minimis. He asked if this plan was considered de minimis.

Law Director Crites stated that if he gave him a week and 50 volumes, he could fill it with an answer to that question. That is a really broad term. It is a black's law dictionary term that is very much subject to interpretation. The best way to narrow it down and the only way to respond to that would be de minimis in what circumstances or as applied to what standard. It would be that if our ordinances say that any change to a previously approved plan must be resubmitted as if it was a new plan to the Commission unless such change is de minimis. That be the case, in his legal opinion, it would be the finding of the Commission should make then the city's attorney and because of the fact that the density is remaining the same and because of the fact that you can't ignore the fact that the change is being made in accommodation by the developer at the request of the municipality, he would believe that would be a proper categorization.

Vice Chairman Rothgery stated that he realizes that de minimis is a rather nebulous term.

Law Director Crites stated that as Mr. Valore noted in his presentation and as the Chief Building Official noted in his comments, there are two aspects where a variance will be required. That being our ordinance allows for clusters in R-1 and this resubmittal is at 50% instead of the allowable 35%, which makes it 15% higher as well as one lot only has 78 feet of frontage. He asked if that was correct.

Chief Building Official noted that he was looking at the wrong notes. He submitted revised notes based on the revised submittal.

Law Director Crites corrected and stated that there is only one variance required and that being the case, it is important to note that the density still stays well within the required density. He stated any motion to approve this revised plan should simply be to move to approve condition on receipt of the variance in cluster percentage.

Vice Chairman Rothgery asked if there were any other comments from the Administration.

Safety-Service Director Armbruster stated there have been many meetings externally and internally with the residents and there have been many people who have weighed in on this development. Through the efforts of the Mayor, Mr. Valore, residents, Law Director, and all the staff have addressed the through road on Aurensen. They have addressed the flood plain lots. They have addressed the piece of land that is landlocked, which no one would have even been able to develop. There is a piece of property that could have had a road put in there from Aurensen to get back there, but it certainly does enhance the environment of that neighborhood by allowing those two property owners to pick up the land on either side to split that 20 foot road. They have certainly addressed as Mr. Valore pointed out, the safety concerns in using the grasscrete. There has been a lot of effort by all parties. Everyone listened and it appears to the Administration to be a fair way to bring this forward. He apologized to Mr. Valore for taking six months to get to this point. He believes that there is now a plan that hopefully is moved forward this evening to get to the next level.

Vice Chairman Rothgery opened the floor to the audience and asked if they would give their name and address.

David Bogner of 3499 Shawn Drive stated that he does want this development to happen and believes that it will be a nice addition to our City. He stated that his concerns have been discussed with the developer but they haven't come to total agreement on and so he wanted to address them. He asked if the drawing could be zoomed in at the intersection of Center Ridge and Greenlawn. He pointed to the area on the drawing where it states to install a decorative fence with subdivision sign with minimal landscaping in front. He stated that is property that he owns. He owns the corner lots on both sides of Greenlawn drive and he doesn't want a sign there. He

has offered to allow Mr. Valore to put signage on his professional building sign on the monument that is already there. He didn't want permanent signs in his front yards and so, he would encourage Planning Commission to request that they be removed from the plans prior to approval.

Tony Valore stated that he understands what Mr. Bogner is asking for, but he still has to have the ability to market. He stated that he would like the sign to stay on as it is submitted with the commitment to work with Mr. Bogner in putting their sign on his sign because his sign still is his sign. Subdivisions are big commitments between time and energy that it takes to make them go. He has to have the ability to sell the properties. He stated that the signs that are on the plan are in the right-of-way and not on his property. The intention was only to put a three foot high by four foot wide with low landscaping around it. There are many throughout the City and he can site a minimum of ten. He stated that he is not in agreement of removing them completely. He is willing to talk his way through it. He believes that should never be part of the decision as to whether or not it is a good plan because then it becomes part of, effectively, one person's interest over hopefully 63 new residents.

Vice Chairman Rothgery understood that and hopefully the two can work something out. He addressed the Law Director.

Law Director Crites stated that a suggestion from the Planning Commission that they work it out is their only alternative because no action will be required to revise the plan because as long as Mr. Bogner still has title to those properties, regardless of what this Commission does tonight, Mr. Valore still wouldn't have the legal right to put the sign on his land. Continuing, if the signs Mr. Valore wants to put in the right-of-way don't conform to our ordinances, regardless of what this approved plan says, that still wouldn't happen. Approving the plan with that language on there now won't give Mr. Valore the right to hinge on Mr. Bogner's fee interest or the City's ordinances. So, it will be something that he will be able to work out down the road.

David Bogner addressed Chief Building Official and asked if those signs are allowed in the right-of-way.

Chief Building Official Fursdon stated that it says in landscaped islands, but it doesn't say only in landscaped islands. So, they would have to be a minimum of ten feet back from the Center Ridge Road right-of-way or get a variance otherwise.

David Bogner asked if there was enough room to put the signs in the right-of-way.

Chief Building Official Fursdon stated without seeing a detailed drawing at this point, he couldn't say for sure.

David Bogner stated that they will work out any issues with him adding that to his sign, but he doesn't want this to get approved with it showing those signs in the right-of-way or on his

property. He would adamantly object to that. He doesn't think that it should be there. He paid the premium price for those corner lots and he feels that he should have the right to put any signage there and he doesn't think that it is proper for a different property owner to have rights to put signs on property that they don't own and also, if he does remember in the City ordinances that it does state that all development signs must be on properties contingent with the development and so you can't put a sign at the end of a street that doesn't have anything to do with it. He asked if he was correct.

Chief Building Official Fursdon stated that he would have to research that one.

Tony Valore stated that certainly he doesn't want this event to come before the Bogner's because he said he loves his father and he thinks they are a great family. He stated that they did plan for a little island that is located at the end of Greenlawn. He asked if it would be possible to move the island up to Center Ridge and then it becomes a split entrance.

Chief Building Official Fursdon asked for clarification.

Tony Valore explained his question.

Chief Building Official Fursdon stated that it wouldn't be in any violation with any ordinance. The Engineer would have to approve the design and plan of it. It would be similar to Meadow Lakes Subdivision, Ridgefield, etc. where they have an island and a split entrance.

Tony Valore asked if it was possible, he is fine with removing the sign from that property if that is his property, but with the understanding of being able to process this through in how that could work.

Vice Chairman Rothgery addressed the Law Director and asked if Planning Commission can just let this issue go for now.

Law Director Crites stated that the approval of this plan won't allow the position of a sign against ordinance or someone's private ownership rights and so, the concept being stated is a brilliant concept, but he is not the Engineer. Although the Engineer stated that if it is wide enough, it shouldn't be a problem. Sam could speak to that better.

Chief Building Official Fursdon stated that this is only preliminary approval. They would still have to come before Planning with their final. They would show you that at the final plan.

Sam Suhail stated the only problem is that there is no additional right-of-way there. If they were required to widen everything giving eight feet or so for the island and put in four feet or so to widen the pavement accordingly, they will still be constrained within the existing right-of-way. That would be the only constraint. If it is a possibility that it could be done, then he felt that would be a good solution.

Vice Chairman Rothgery stated that would have to be worked out with the Engineer and Mr. Bogner. He asked if anyone else had anything to add.

Pat Wysocki of 7480 Noll Drive spoke regarding the sanitary sewer and the fact that the map that she received is not the map that is being shown tonight. Obviously, there were changes. She asked if the sanitary pumping station was still going to be installed as the plan indicated and will it still be going to Center Ridge.

Vice Chairman Rothgery stated yes.

Pat Wysocki asked if there was going to be a loop with water lines.

Vice Chairman Rothgery stated yes.

Pat Wysocki asked about gas.

Vice Chairman Rothgery stated that is not in our control.

Pat Wysocki expressed her concern regarding the riparian setback where it is all x'd up on the plan. She expressed her concern with the flooding that comes off the turnpike. She asked if that was going to be homeowner's association land where if a detention needs to be put in that they do that.

Sam Suhail stated that there is going to be a homeowner's association, but a detention basin can't be put in as an afterthought.

Pat Wysocki asked if that portion of the land will be built up higher than what it stands right now. Water right now runs into it. She asked where the water will go if that is improved or elevated.

Sam Suhail stated that they haven't gotten into final engineering on it, but the ultimate plan is to get everything to the ditches through the sewers and into the detention pond. He showed the detention ponds on the plan.

Pat Wysocki stated she thought that was the water runoff from their roof tops and new sidewalks and new streets. She was talking about the water that is already coming there now from the turnpike as it comes from the property south and runs through there.

Sam Suhail stated that the water will be facilitated to the ditches. If it is water that is from their property, they will make sure it gets to the ditches. The property will not be elevated. If anything it will be graded down.

Pat Wysocki stated that her concern is that the ditch is about fourteen feet deep and wide to a four foot deep and wide ditch.

Sam Suhail asked where.

Pat Wysocki showed the ditch on the plan.

Sam Suhail explained that they will not do anything outside of their property. The only responsibility they have is water that is created from their own property. He stated whatever is happening on the other property will continue to happen. They will only take care of the water that is shed from their own property. Unless the City wants to go in and do some sort of ditch cleaning, that is fine, but as part of the development, they don't have to do anything to make sure that anything south of them is being channeled. If it is not getting to the property that is something they can't help.

Pat Wysocki stated that when the ditch overflows it is getting on to the developer's property. It will continue.

Sam Suhail stated that whatever gets to their property, they will make sure leaves the property.

Pat Wysocki asked the size of the detention basins and because they are adding homes, will the need for the detention ponds increase as well.

Sam Suhail stated that is already being taken into consideration as to what is required. The land mass obviously increased, the detention size will obviously be sufficient.

Vice Chairman Rothgery asked if there were any other questions from the audience.

Mary Kenney of 36440 Behm Drive stated her concern is when the water comes from the turnpike and goes into that four foot ditch, many times it is at the top and has overflowed. She asked what will happen and her concern is that it won't be able to hold all the water.

Vice Chairman Rothgery stated that it has been stated that the water that is a concern is not coming from their property.

Sam Suhail stated that what she is talking about is that the ditch is probably not big enough to handle the water that is coming off site and that is an issue that is a City issue. If they want to widen the ditches and make them bigger that could happen and maybe this is by design. If you made every conduit that goes all the way to Lake Erie the right size, there could be more problems further downstream that we don't know about. This is probably acting as a detention system even though it is flooding the area and that is the reason why flood plains happen because the water cannot go through the channel and spreads out. If everything is made bigger, then further downstream it creates a bigger problem. Either it will need to be looked at in the Master

Drainage Plan or something else needs to be done, but they can't commit to just make it bigger there, because they could be opening up a can of worms further down.

Vice Chairman Rothgery addressed the Engineer and asked if this was considered a minor ditch.

City Engineer Wangler stated that despite his best efforts, he has not yet memorized the ditch map yet and he doesn't know off the top of his head.

Vice Chairman Rothgery addressed the Chief Building Official and asked the same question.

Chief Building Official Fursdon stated that a four foot ditch, he would suspect not. The Planning Commission would have to refer to the ditch map.

Mary Kenney asked if there was going to be a walk path.

Tony Valore stated near Aurensen.

Mary Kenney asked if it was going to go into the development.

Tony Valore stated it will just be located there and it will be connected to the new City sidewalk.

Brian Todd of 36460 Behm showed where his house is located stating that it was approximately 12 feet from the ditch being spoke about. He stated that when they first moved into the house, the water would rise to the top constantly, but the City cleaned out that ditch and over the last year and a half during the hardest rains, that four foot ditch only gets about less than a foot deep in water. Ever since they cleared it out, it has flowed a lot better. When they first moved in, it would get to the top and that was mostly because the farm field was completely overgrown with a lot of down trees, but ever since it has been cleaned out, he doesn't see a problem with the flow any more.

Elaine Schroeder of 7416 Avon Belden stated that she lives right on the corner of Aurensen and Route 83. This has been a project for herself and everyone in the neighborhood. She has had quite a few meetings with Mayor Gillock where a lot of the neighbors have not been involved in and from what she understands as far as the flooding concern goes, the Turnpike Commission has made plans to put a secondary retention off of one of their off ramps to take that overflow out of the back part of the area. With this in mind, they should not have any more flooding problems as far as that neighborhood. They are still in the planning stages of it, but the turnpike has also known, for a long time, that they did not do enough to alleviate that problem. So, now they are starting to step up and take responsibility for that. She thinks this is a great plan. They have worked very hard. She apologized to the applicant for it taking six months, but the resident's in that area are very happy and that is what matters. They didn't give up their peace and quiet. She explained that the Turnpike Commission has some pending issues that are going to alleviate some of that flooding in that area. They are also going to come in where that hook is

and increase the size of it and it is a major flood plain. They did have the topography map out and reviewed it.

Kenneth Padley of 36450 Aurensen asked where the drain for the sanitary sewer will be for the new road north of Aurensen and east.

Tony Valore stated that the sanitary sewer will be run down the cul-de-sac to Greenlawn and out to Center Ridge.

Kenneth Padley asked about the storm sewer.

Tony Valore stated the same thing but being drained to the ditch.

Kenneth Padley stated that when the City had that 50 year storm a few years ago, the ditch overflowed down Aurensen.

Tony Valore stated that the City came out and cleaned it actually without their permission.

Kenneth Padley thanked the developer for his driveway.

Sam Suhail added that their retention will be exiting the property at the west end. They will collect the water, channel it into those two basins and it will exit at that point so, it will actually take a whole lot of load off that ditch.

Safety-Service Director Armbruster added that they plan to take that ditch up through Maddock as they go through. There will actually be more drainage. It is on the plan and it is something they are working on and is something on the drainage plan. They wanted to get the first portion done, which runs across Valore's property.

Someone from the audience spoke, but it was inaudible.

Safety-Service Director asked them to remember that they have garages, they have trees and they have all those things that have to be dealt with. There were many discussions and they don't really want to go there tonight.

Tony Valore stated that anytime you have land that has been lying there naturally; the water shed develops over time. When someone goes in to improve it, you start improving it essentially and a lot of things that are being spoken of here will be taken care of and will work itself into a better situation than it is now. That is what they are confident about.

Member Olesen asked Mr. Valore to stay at the podium as he addressed him. He stated that he deserved a vote of thanks. He stated that this developer came in here with an improved plan. He listened to the folks out there and he worked with the Administration and he came up with a plan

that he hopes is acceptable to all the people and this is democracy in action and he believes this is a great day for the City and a great day for him.

Audience applauded.

Vice Chairman Rothgery asked if there was any more discussion from the Planning Commission members. Hearing none, he asked for a motion.

It was moved by Pierce and seconded by Anderson to approve the preliminary plan for CrossCreek Subdivision to include 63 Single Family and Cluster lots.

Vice Chairman Rothgery asked the Secretary to call the roll.

Yes, 4 No, 0

Motion was approved by a vote of four to zero.

REFERRAL

T 129-2015 An ordinance amending Section 1240.01 of the Codified Ordinances of the City of North Ridgeville, Ohio, known as the Zoning Code Ordinance to rezone the following land: Located at the intersection of Meadow Lakes Blvd. and Center Ridge Road; permanent parcel numbers 07-00-040-000-005, 07-00-040-000-015, 07-00-040-000-018, 07-00-033-102-024 and 07-00-033-102-025 (As shown by legal description attached); from B-2 Central Business District and R-1 Residence District to R-2 Multiple Residence district and owned by Ridge Minerals LLC.

Referral was read along with comments from City Engineer Scott Wangler, Police Chief Mike Freeman, Safety-Service Director Jeffry Armbruster, Fire Chief John Reese and Mayor David Gillock.

Vice Chairman Rothgery addressed Member Olesen and asked if he could provide additional information.

Member Olesen stated that it was heard in Building and Lands and they did approve it unanimously. One of the members of that Board is Ward 1 Councilman, which is where this property is located. Overall it was thought that this is a very fitting use for that area. It is a good transition between the business part and the residential part. They believed it was a good fit for the City. They did find out some interesting information. They have already built something similar on Bagley Road and half of the people who are living there actually came from North Ridgeville. Years ago, discussion was held where there wasn't a place for the children to stay in this City.

Law Director Crites asked the Planning Commission to be aware of the fact that the Building and Lands Committee approved this unanimously also made a recommendation that the ordinance be amended in response to his advice to do so. That amendment is simply to reflect in the ordinance if approved by Council that it will be sent to the electorate next March. That amendment would simply be a finding by Council that the Charter provision in 9.7 that before an

rezoning gets sent to the electorate which is required do by our Charter that a condition must be met in which it is shown or established that of all the multifamily zones in the City, that 15 percent of the units existing in those zones are multifamily. At the request of Council, our Chief Building Official did a diligent survey of that situation in the City and actually came to the conclusion that not only does the existing units above 15 percent it is actually 80 percent. That Charter precondition has been considered satisfied by the Chief Building Official and was reviewed by our Building and Lands Committee. Not a problem with the fact that, the amendment will be made on the floor of Council when the ordinance goes back to Council. It will not be a problem for Planning Commission to consider the ordinance that has been originally submitted tonight.

Vice Chairman Rothgery addressed Chief Building Official and asked if he wanted to make a comment.

Chief Building Official asked if the Commission wanted him to run through the presentation that he did for Building and Lands.

Vice Chairman Rothgery asked if he would proceed.

Chief Building Official Fursdon stated that they went through the whole City and determined where all the multifamily are located. In the packet, there is a definition of the multiple family dwellings and it simply means more than two-family. Two family and single family homes are not considered multiple-family. When they determined all the areas in the City where there were multiple-family or whatever zoning was left that would accommodate multiple family, that is how they calculated the numbers. If you follow it line by line and look at item two, you will see down there at condos at Mills Creek, there are 133 total units. Not one of those units is considered multiple-family. They are all single family and duplex dwellings. Likewise, if you look at number 12, you will see a zero but there are 29 living units in single family homes in that area but none of them count into the multiple family column. The other item that may be questionable is North Ridge on Mills Road. That is an Assisted Living and by our definition, is not considered multiple-family, but it is in a multiple family zoning district. When they calculated it, there were 1223 Multiple-Family units. The total units in those areas were 1529. When you divide that out, it is 80 percent, which is well above the 15 percent requirement.

Vice Chairman Rothgery stated that Frank Dettore has tried to tell Planning Commission for some time now that we needed to do something along Center Ridge because there is so much that is zoned business and there is no way to possibly fill it with business. It is five to six miles long. He believes that from looking at this that it is a good fit for this City. He asked if the representative would like to provide their presentation.

Gary Werner Attorney with Berns, Ockner and Greenberger; representing the applicant introduced himself. He acknowledged Pat Rakoci from Redwood Communities, Mark Majeski from Northstar Planning and Design, the Planner who is advising them on the zoning issues.

Travis Crain who is the Engineer from TGC Engineering and Chris Teater representing the land owners. He continued on to explain they are here on behalf of the rezoning of approximately 20 acres from B-2 and R-1 zoning to R-2 District. They will provide the history of this parcel and for that presentation, Chris Teater will explain.

Chris Teater of 37000 Center Ridge Road representing Ridge Minerals the owner. He showed the parcel on the map, which is the west side of Meadow Lakes Blvd., is 1500 deep and fronts on Center Ridge Road. This project will not front on Center Ridge Road. It does however go all the way back to the beginning of Meadow Lakes PCD. In 2003, three years after the PCD was approved, they came in and received a conditional use approval of R-2 in a B-2 District on about 45 acres of property that they owned at the time. Their intent was that when Meadow Lakes Blvd. came out to Center Ridge Road, it would not yet be ready for commercial development and they felt that multi-family would be a good fill and would help front the money to build that 1500 feet of roadway. They began development of 11 acres on the east side of Meadow Lakes, which was then sold to Redwood and was then developed into what is currently 50 some units at the Reserve at Stafford. The land on the west side of Meadow Lakes, all of the frontage that we are speaking of today, a little over seven acres was included in that property that was approved for the conditional use of R-2, but they did not own the other acreage to the west of it that they later acquired, which is part of this property now. Two years ago in 2013, they came in and asked that the land be rezoned to B-2 and there is one contiguous piece of B-2 that again goes up and splits one of the parcels but goes up 1500 feet. There is a portion there now about four and a half acres that is zoned R-1 and part of the request tonight is that be rezoned to B-2 as well. It was their intention all along that this be developed because of changes in the process of getting the R-2 approved, it will now have to go to the Charter condition asking for it all to be rezoned by vote of the people.

Vice Chairman Rothgery stated that he may be jumping the gun a little bit and asked what is being done about the water line that Avon Lake is part of right now.

Chris Teater stated that the plan will account for that.

Gary Werner stated next Pat Rakoci will speak on the projected use of the property if the rezoning is successful.

Pat Rakoci of 387 Medina Road, Medina, Ohio explained in the submittal package, the members received marketing material about their project. A little history from Redwood's perspective, they came before the Planning in 2010 for phase one and phase two of Ridgecrest. That was built out quicker than they anticipated. The demand was so high. Then they bought the campground area and that became Lakes at Ridgecrest and currently phase three is 100 percent completed in building and now they are into phase four which two or three more buildings are left, which are being built now. After that they started in Retreat of Stafford, which is across the street from where the location is being requested to rezone and again, the demand doesn't seem to stop. North Ridgeville has been great and the demand is excellent. They are between 92 and

100 percent leased out in each one of those. That is why they are here tonight to request to move forward with the rezoning. About 50 percent were local North Ridgeville residents and also from Avon, North Olmsted and Olmsted Township. They have grown dramatically since she has been with Redwood. They are building in southern and central Ohio, Michigan, Iowa, North Carolina and South Carolina. They are really proud of what they are doing and the niche they are fulfilling particularly here in North Ridgeville. Currently they have 309 units. If this gets rezoned, the density would allow for 157 units. The plan that they have includes 110, but the target would be 125. Once this is rezoned they will be back to get approval on the site plan. She just wanted to say that they are really happy to be in North Ridgeville and they like the history and the relationship that they have with everyone and they are very thankful to be here. They are very hopeful the zoning will get through referendum.

Gary Werner asked Mr. Majeski to come up and give the zoning perspective and rationale behind changing this land use.

Mark Majeski, Planning and Zoning Professional with Northstar Planning and Design of 2895 Edgehill Road, Cleveland Heights provided his background in Planning and advising in communities and property owners and land use and zoning matters. He stated that he has seen some complicated rezoning in the past and feels that this request is pretty straight forward. There are some interesting twists, but he still feels it is straight forward. In general this proposal just contributes to the pattern that you have already begun to establish in this area, which is to have the heavier commercial corridor along Center Ridge, stepping back into multi-family housing and then stepping back further into the single family neighborhood to the north, which is Meadow Lakes Blvd. The City has already started that pattern over to the east and this proposes to finish the infill for the neighborhood. That pattern is repeated in a lot of different places and he believes it makes a lot of sense here. The proposed rezoning would fit well with its neighbors for a lot of the reasons that this fits. It would not affect the frontage of commercial development and in fact it is seen as a benefit because it provides for some customers right next door for future commercial development. To the west is the property to the metro parks and they will not be affected by this development. The biggest issue would be to manage the drainage, which of course will be worked on by the Engineer. The drainage will not affect the preserved part of the metro park. It also creates a residential to residential relationship between this property and the existing single family. Frankly, if he were the first couple of people with single family homes on the end of Meadow Lakes, he would want to know what is going on and what will happen next door. He would be more concerned if it were a commercial development. Hopefully those folks will see it that way with the knowledge that it will be a higher density, but at least it is residential with residential traffic and people living in their homes. There is something that is similar in residential right across the street, so there should be no question of variance in impact. If this plan does not go forward, he shared some of what could go in there. There is B-2 zoning right in there and it really doesn't make a whole lot of sense. It is a marginal piece of commercial zoning in his eyes. There is a long corridor that is much more accessible and visible to the by passing traffic. This property really would be secondary and located back on a side street. It could be developed as a shopping center on a side street, which really should be a residential street. He

stated that he didn't see it being a good piece of B-2 zoning. He did look at the uses in the B-2 in the zoning code. In this case this location doesn't work so well. There are things in those uses that he didn't think anyone would want next door to them. Again, he is hopeful that these neighbors see it that way too. He spoke in terms of having it rezoned to R-1 with single family homes and felt it would be difficult to lay out a single family development. The frontage part has its limitations. There are more limitations on that long piece to the north. This piece is 210 feet wide, 913 feet long which is about four and half acres of R-1 zoning. If you tried to develop as R-1 there are a few alternatives. If you go R-1 without a utility, which requires large lots, you would end up with a single sided street with maybe seven or eight sublots. The requirement in the zoning code actually wouldn't allow those lots without utilities based on the depth. You would need a 60 foot right of way and to get the lots in, it wouldn't work, even if you squeezed them in with a variance, it still would not be efficient platting. If you go R-1 with utilities you might get another lot in there, but it would be the same problems with a long one sided cul-de-sac and not very efficient platting. Another alternative in R-1 zoning is Senior Housing, which gives a little more flexibility in terms of layout. You can move the units around a little bit. Again, it would incur the same problems with the long street and not a lot of benefit or yield from having made that improvement. It is isolated between a brand new subdivision and its retention pond and then the preserve. The proposed R-2 zoning pattern, may look a little odd on the zoning map, but in reality the way it functions makes an awful lot of sense. They would show the density that they would be permitted on this part of the property and put it up there where it belongs with the rest of the multi-family neighborhood. It makes a lot of sense for them not to use that part of the property or to use it at most for storm water purposes. It would also preserve the nice view of the back yards of those single family residents who already exist and would be a value for those properties.

Gary Werner then referred to the City's Master Plan which they have gone through. One of the goals of the plan is to promote the efficient movement of traffic. As you see, there would be a two lane essentially residential street flowing with the R-2 uses which makes more sense and to keep it residential respecting its use for those purposes versus develop the property for commercial reasons. The Plan also refers to considering alternative housing types and as Pat pointed it out as well as Councilman Olesen mentioned this is a type of unit that they know for a fact has a lot of demand here in this City. How do they know, because of the occupancy rates at the two existing projects that Redwood has already built. They would like to think that this makes sense from a land use perspective, thoroughfare perspective, but it also coincides with the City's Master Plan to the extent to find hooks inside the plan. He asked if there were any questions.

Vice Chairman Rothgery asked what the price range would be on these units.

Pat Rakoci stated currently, the lease rates range between \$1,145 to \$1,470 a month. Those are Lakes at Ridgecrest and then at the Retreat. It will vary.

Vice Chairman Rothgery asked if any of their units have been up for several years.

Pat Rakoci stated that they started about 20 years ago and so, they do have some that have been up for a long time.

Vice Chairman Rothgery asked how they were aging.

Pat Rakoci stated very well and in fact, she can't remember when, but Dave Conwill President of Redwood just renovated an older community where they were putting in about \$300,000 in capital to update it inside and out. Even though Ridgecrest is only five years old, she can say that if you go to any of their communities, no matter the age, they are as clean, and kept up like that one is. They have to keep the communities looking spotless so that they can get the lease rates that they want and to keep people in. It is very important to them.

Vice Chairman Rothgery asked who owns that property that is 210 feet by 900 feet.

Gary Werner stated that the property is currently owned by Ridge Minerals, LLC. There are five parcels involved. All five parcels are subject to the rezoning application. They will be rezoned and will be owned by Redwood and managed. That includes the long extended parcel. He showed those parcels on the drawing.

Vice Chairman Rothgery asked what will be the game plan for that area. He asked if it would be an open area for residents to enjoy.

Pat Rakoci stated they would plan on having that as open space unless a portion of it was needed for any type of storm water management.

Vice Chairman Rothgery asked if there were any other questions.

Member Anderson asked how this will be maintained.

Pat Rakoci explained that Redwood Management maintains them.

Member Anderson asked if they were onsite.

Pat Rakoci stated yes there is a leasing agent that lives on site and a management person that lives on site. With this being right across the street from Stafford, there might not need to be another maintenance person or leasing agent. She is not sure yet. However, all of their properties have leasing and management on site because they have to have 24/7 maintenance.

Vice Chairman Rothgery asked if there were any other questions from the Commission. Hearing none, he opened the floor to the Administration.

Safety-Service Director Armbruster added that the survey that was done by Guy and Paul was not done table top. It was physically done in the field. They actually went out to count the

apartments and condos that were out there. They made sure that the count was correct knowing that there would probably be somebody that would consider doing that. They took it upon themselves to actually do and it is done the way it should be done on a physical count and not a table to count or something that was taken out of a book. Administration certainly supports the right of this entity to come in and ask for the rezoning and look forward to the positive support of the residents not only in the precinct but also in the rest of the community to support this. The City is 80 percent full and not 15 percent full when it comes to these properties. He doesn't believe that there is any property left that is zoned or very little that is still zoned R-2 and so, what is really nice about it is that the buildings we have that are apartments are really kept up very well in the whole City. What we are seeing now is the upscale apartments maybe some other communities don't have and that the newer residents that don't want to have a home but want to be more fluid, the City can then offer that fluid look and nice apartment style units if this is approved by the residents.

Vice Chairman Rothgery opened the floor to the audience.

John McGonegal of 37579 Soaring Court stated these are in his backyard. When they were building their home two years ago, they were lied to by their builder stating that they would be condos and not rentals. He stated he would have never moved there if he knew they were going to be all rentals and the feeling in his development is the same and nobody wants any more of these in their development. They have people coming through their yards, looking through their windows, taking their dogs for walks and crapping in their yards. Today, he brought pictures that show that Redwood cares about their residents but they don't care about the residents that live behind them. The picture shows his view from his living room windows - stacks of wood, crap all the time, straw, etc. Two years he has lived there and he is very disgusted. He is ashamed of North Ridgeville for allowing this. Enough is enough. He built a house thinking it was going to be a nice area and he is not happy. He asked if they could put some type of barrier between them and the single family homes. They pay an HOA fee and they are coming onto their property. It's not fair to them and he is really ashamed that two of them out of thousands of houses are only here.

Nate Joles of 6944 Meadow Lakes Blvd asked what guarantees them from not building on that property that is the R-1 currently. Will they cut the grass and once it is approved would that mean that they couldn't develop in there.

Chief Building Official Fursdon stated that it is not necessarily a guarantee but they are held to a density standard.

Nate Joles asked what that meant.

Chief Building Official Fursdon stated so many units per acre.

Nate Joles asked if this would limit them to what they can do.

Chief Building Official Fursdon stated that according to their presentation they are focusing most of their units on the end that is not narrow and if they are putting the concentration down there then that would limit them in what they could do with the remaining portion other than maybe detention and maybe a few units, but they have to have access to those units.

Nate Joles asked if this was common place and asked if they usually leave sections undeveloped.

Chief Building Official Fursdon stated much like his subdivision, there will be open space left and detention areas.

Vice Chairman Rothgery asked if there was anything they can do such as fencing for the neighboring communities.

Pat Rakoci stated that she is sure there is something they can do. She stated a lot of times they will buffer with evergreen trees and maybe eight foot long of white fencing. Maybe they can look at doing something like that. She sees that there are grills there from the photos and she will talk to maintenance about that.

Vice Chairman Rothgery stated that it has no impact on this rezoning. He then asked for a motion to recommend that Council adopt T129-2015.

It was moved by Anderson and seconded by Rothgery to recommend that Council adopt T 129-2015 as written.

Vice Chairman Rothgery asked the Secretary to call the roll.

Yes, 4 No, 0

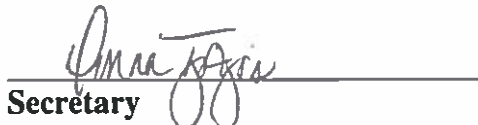
Motion was approved by a vote of four to zero.

ADJOURNMENT:

Vice Chairman Rothgery stated that the next meeting is scheduled for October 13 and adjourned the meeting

Meeting adjourned at 8:48 p.m.


Chairman


Secretary

10/13/15
Date Approved