

**NORTH RIDGEVILLE MUNICIPAL COUNCIL
MINUTES OF
SPECIAL MEETING JULY 8, 2002**

CALL TO ORDER 5:00 P.M.

President of Council David Gillock: I'd like to call this Special Meeting of the North Ridgeville City Council to order. Would the Clerk please read the notice.

READING OF NOTICE

Council Clerk Norris: Members of Council and Mayor, City of North Ridgeville, 7307 Avon Belden Road, North Ridgeville, Ohio, 44039. Regarding Special Council meeting. Dear Members of Council and Mayor: Notice is hereby given, in accordance with Section 3.9(c) of the Charter of the City of North Ridgeville, that a Special Council meeting will be held Monday, July 8, 2002 at 7:30 P.M. This meeting will be held in City Council Chambers, North Ridgeville City Hall, 7307 Avon Belden Road, North Ridgeville, Ohio.

The purpose of this meeting is to consider and take any action relating to T 43-2002, an ordinance amending Section 1240.01 of the Codified Ordinances of the City of North Ridgeville, Ohio known as the Zoning Code Ordinance, to re-zone the following land: property located at 31684 Cook Road, approximately 1,560 feet east of the Cook and Lorain Roads intersection, on the north side of Cook Road at the North Ridgeville/Olmsted Township border; Permanent Parcel Number 07-00-004-110-037 (As Shown by Legal Description Below); from R-2 Multiple Residence District and B-3 Commercial Highway District to B-3 Highway Commercial District, and owned by the Estate of Frank A. Gutauckas, Deceased; Roseann H. Dean, Executrix. Signed by G. David Gillock, President of Council and Council Members Josanne Pagel, Bob Olesen and Allen Swindig. Carbon copies to the Clerk of Council, Engineer, Auditor, News Media, Safety-Service Director, Law Director and Treasurer.

President Gillock: Thank you. Would the Clerk please take the roll.

ROLL CALL

Present were Council Members Nancy Buescher, Allen Swindig, Josanne Pagel, Bob Olesen, Bernadine Butkowski, Denny Johnson and David Gillock.

Also, present were Safety-Service Director Jim Johnson, and Clerk of Council Charles Norris.

Absent were Mayor Deanna Hill, Law Director Eric Zagrans, Engineer Tom Beutler and Auditor Chris Costin.

SPECIAL MEETING

President Gillock: We have three items of correspondence directly relating to the matter at hand. Would the Clerk please read the correspondence.

Clerk of Council Norris: This is a memo from the Office of the Clerk of Council dated July 3,

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2002, to Members of Council from Paula D. Cope, CMC, Assistant Clerk of Council, regarding public notification in regard to T 43-2002.

In response to inquiries relating to the notification process of the above, Planning Commission generated a mailing list utilized for notification of the May 14, 2002 meeting in which this case was heard. The same list was utilized for the notification of Council's Public Hearing on July 1, 2002. For a resident to receive one notice and not the other is beyond explanation by this office. As to residents claims in regard to lack of notification, I have attached a map with names of the property owners listed who are within the 500 feet radius. Any property outside of this 500 feet would not be notified.

If you have any other concerns or questions, please call.

Second item of correspondence:

We, David G. Gray and Eleanor L. Gray of 31819 Cook Road, North Ridgeville, Ohio, do hereby attest to our support for the rezoning of the property located at 31684 Cook Road, North Ridgeville, Ohio, from R-2 Multiple Residence District to B-3 Highway Commercial District.

We feel that since the rest of Cook Road is primarily some type of business district, this area should also be zoned that way. The precedence has been set for businesses in this area with the currently existing lawn care company and the previous existence of first lawn mower repair shop and then the garage sale business in the area where BP is now partially located. Because of this, we believe that a business area is much more desirable than a multiple residence district. A zoning change would keep this area intact for same-kind development in the future. Thank you.

Signed, David G. Gray, Eleanor L. Gray, witnessed by Allen Diederich.

The third item of correspondence:

We, the undersigned residents of Cook Road, North Ridgeville, wish to preserve and maintain the residential quality and appearance of our neighborhood. Therefore, we oppose the rezoning, T 43-2002, of the property located at 31684 Cook Road. Please consider this majority opinion in this democratic process. If the intent, 1268.01, is indeed to meet the needs of the motoring public, we feel these needs are adequately served by the nine existing automotive facilities located less than 2 miles from 31684 Cook Road. 31684 Cook Road is located at the county line.

These signatures are from eight home owners out of ten. Thank you for your consideration.

Signed, Richard E. Kennedy, Susan Kennedy, Paul Wichman, Wayne Zuk, Richard Sullinger, Georgia Sullinger, Tracy Lovasz, Patrick Ryan, George James and Ray Luczak

President Gillock: Thank you. This came before Council. It's been through Planning and approved. It's been through Buildings and Lands. It's had all three readings. We had a hearing and we postponed adopting because there was a question relating to whether proper notification had been sent. I checked the next day and proper notification was sent. Whether it was received or not, I don't know but, I know it was properly mailed through U.S. mail using the same list we used for the hearing. Having confirmed that proper notification was sent, we need a motion to adopt and we will open for discussion as soon as we have a motion and a second. Is there a motion to adopt T 43-2002.

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motion to adopt by Johnson, 2nd by Swindig

President Gillock: Is there any discussion? Mrs. Butkowski?

Council Member Butkowski: I believe, but I want to be sure, when they were discussing it at the Public Hearing or some other discussion, that the home that is in front of this property is going to be maintained as a residence.

President Gillock: That is my understanding. The home is going to stay.

Council Member Butkowski: Okay, that is the way it's going to happen then. So that we maintain some affect that it's still residential area with a business being built in the back.

President Gillock: Correct, that's my understanding. Is there any other discussion? Mr. Johnson?

Council Member Johnson: I've given this issue a lot of thought, especially with all the people who have been petitioning Council and speaking. For me to decide an issue was the zoning on the rest of Cook Road which is almost all B-3 or industrial. There are two parcels of land, and this is one of them, that does not meet those specifications and I think the issue of spot zoning was brought up that that's where we stand right now and rezoning this land to business use would correct that. It is mostly residential homes right now but, each one of those could support a business without a zoning change. I don't see why it should be stopped here. That's all.

President Gillock: Anyone else?

Council Member Olesen: Just one comment, Mr. President. This is almost reverse spot zoning because you have a situation where you have I-2 and we have B-3 and we have a little tiny segment of R-2 and I think it's in our best interest to make this conform with the rest of the zoning in the area.

Council Member Butkowski: Since you had said that he is going to maintain that for at least a year, I would hope that he would maintain it as long as possible, just as long as the other residents are in the area just to keep the whole area still looking residential, if possible, and have a business in the back. I don't know what he's going to do with it but, just keep the residence so that people driving by will think it's more residential.

President Gillock: Anyone else? I agree with the comments that essentially been made. I color coded the map and drew it out and other than this particular section and a small parcel on the other side of the road where Dick Sullinger lives, the zoning is consistent with the exception of these and this is a partial lot, this isn't even a whole lot. The back is B-3 and the front is R-2 so, you have mixed zoning within the parcel itself which seems to be rectified. So, to me, it should all be either R-1 or all B-3. It would not make sense to make it all R-2 which would be spot zoning so, I do support making this all B-3. Are there any other comments? If not, would the Clerk please call the roll on the motion to adopt.

Yes, 7 No, 0

Clerk of Council Norris: T 43 is adopted by a vote of seven to zero.

Permanent Ordinance No. 3824-2002

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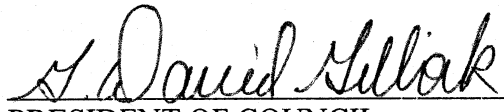
ADJOURNMENT

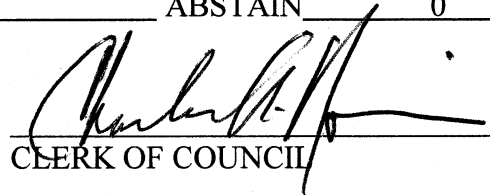
President Gillock: There being no other business allowed before the Special Council meeting, this meeting is adjourned.

Meeting adjourned at 7:42 P.M.

MOTION Pagel 2ND Johnson DATE July 15, 2002

YES 6 NO 0 ABSTAIN 0


PRESIDENT OF COUNCIL


CLERK OF COUNCIL