

**NORTH RIDGEVILLE PLANNING COMMISSION
MINUTES OF
SPECIAL MEETING MARCH 26, 2018**

To Order: Vice Chairman Smolik called the Planning Commission meeting to order at 7:00p.m. with the pledge to the flag.

Roll Call:

Present were members Steve Ali, Jim Maleski, Council Liaison Bruce Abens, Vice Chairman Jim Smolik.

Absent and excused was Chairperson Jennifer Swallow.

Also present was Law Director Brian Moriarty, Assistant Law Director Toni Morgan, Chief Building Official Guy Fursdon, Mayor David Gillock, Safety-Service Director Jeffrey Armbruster and Deputy Clerk of Council Donna Tjotjos.

Minutes:

Vice Chairman Smolik asked if there were any corrections or comments to the minutes of the regular meeting dated February 13, 2018. Hearing none, he stated those minutes will stand approved as presented and will be placed on file.

Correspondence:

Vice Chairman Smolik noted that Planning Commission members received correspondence via email regarding the Council Referral on tonight's agenda for the third item. Those comments came from Kristen Bury and Albert Volak.

Old Business: None

NEW BUSINESS:

Vice Chairman Smolik asked the Clerk to read the first application and any comments received from the Administration.

APPLICANT: Tami Thompson, MS Consultants, Inc., 2221 Shrock Road, Columbus, OH 43229

OWNER: Ridgear Company, LLC, 27500 Detroit Road, Westlake, OH 44145

REQUEST: Approval to construct a 2,900 square foot addition to existing Aldi's Grocery Store.

LOCATION: 35111 Center Ridge Road in a B-3 District.
Permanent Parcel No. 07-00-021-119-151

Application was read along with comments received from Administrative Officers Building and Zoning Inspector Paul Blanchette, Police Chief Mike Freeman, Safety-Service Director Jeffrey

Armbruster, Fire Chief John Reese, and Engineer Daniel Rodriquez.

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

Adam Tychewicz of MS Consultants, 2221 Shrock Road, Columbus, Ohio.

Vice Chairman Smolik asked the applicant to provide a brief explanation of their request.

Adam Tychewicz explained that the addition is an expansion to the rear of the space. The building is rectangular but has kind of a notch in the back. They are going to infill that notch. That is about a 105 foot by twenty foot addition and roughly 2,100 square feet that primarily will be used for storage and a new break room and will be going in the back room. As you can see, he stated, on the exterior elevations shown on the drawing, they aren't doing anything as far as the parapet heights or anything like that. They will be adding new materials to the existing façade and kind of replacing some of the exiting eaves there and putting in a more prototypical Aldi standards on the front. They aren't doing anything to the CMU or anything like that. He stated that parking was mentioned in the comments. He stated that there are 193 spaces dedicated for Aldi. With the bump-out, they will lose about nine spaces and those spaces will decrease to 184, which is still compliant with the code based on the square footage.

Vice Chairman Smolik asked if there were any comments from the Commission.

Member Maleski addressed the applicant and asked if the space will be used for a break room and if there were going to be any new products or any new shopping space.

Adam Tychewicz stated that the interior remodel will include upgrading the entire sales floor with new gondola and new products. The expansion itself will include storage, pallets; things like that and a break room. It allows the sales floor to expand a little bit by pushing it into that new space.

Member Maleski stated that he was out there and expressed how nice the employees were.

Vice Chairman Smolik stated regarding the bump-out that will take some of the parking spaces, he asked if it was moving out into the isle way and reducing the fire lane going around the building.

Adam Tychewicz stated no, he showed the expansion area on the drawing. He stated that the building currently has the notch built out. He showed that they will be filling in that notch. It is not encroaching on the drive access isle or anything like that. The only thing that was there were a few parking spaces along that area he showed on the drawing. They were mainly used for staff members.

Vice Chairman Smolik asked if there were any additional comments from the Commission.

Hearing none he addressed the Administration and asked if there were any comments. Hearing none, he opened the floor to the audience for comments regarding this application. He explained if any audience member wishes to speak, they will need to step to the podium and give their name and address for the record. He further explained that they would be given five minutes to speak regarding this topic and asked that all questions or comments be directed to the Vice Chairman.

No one spoke from the audience.

Vice Chairman Smolik asked if the Commission had any other comments. Hearing none, he closed comments and entertained a motion.

It was moved by Maleski and seconded by Abens to approve the application.

Vice Chairman Smolik asked the Clerk to call the roll on the motion.

Yes, 4 No, 0

Deputy Clerk announced the motion was approved by a vote of four yes and zero no.

Vice Chairman Smolik asked the Clerk to read the next application and any comments received from the Administration.

APPLICANT: Andrejs Smiltars, Architectural Vision Group, 23850 Sperry Drive, Westlake, OH 44145

OWNER: West Cleveland Muslim Association, 31023 Center Ridge Road, Westlake, OH 44145

REQUEST: Approval to construct a community center for the West Cleveland Muslim Association in a B -3 District

LOCATION: South side of Center Ridge Road, east of Lear Nagle and west of Mills Creek Lane in a B-3 District.

Permanent Parcel Nos. 07-00-008-115-085, 07-00-008-115-086, 07-00-008-115-087, 07-00-008-115-088, 07-00-008-115-095

Application was read along with comments received from Administrative Officers Building and Zoning Inspector Paul Blanchette, Police Chief Mike Freeman, Safety-Service Director Jeffrey Armbruster, Fire Chief John Reese, and Engineer Daniel Rodriguez.

Vice Chairman Smolik asked if there was a representative and if they could give their name and address for the record.

Andrejs Smiltars of Architectural Vision Group, 23850 Sperry Drive, Westlake, OH.

Vice Chairman Smolik asked the applicant to provide a brief explanation of their request.

Andrejs Smiltars explained that this is for a community center for the West Cleveland Muslim Association. It is going on the property that is on the south side of Center Ridge Road; a little ways east of Lear Nagle Road. He showed the survey of the property. It shows property lines for five properties. Since that time, they combined and so it is back to one property which is the way that it was originally intended to be. He showed the site plan of the project. The building will be set back toward the rear of the property line and the parking will be in front of the building. Shown are 203 parking spots, which for a religious building would permit capacity of 1,206 people. He showed the existing mall to the east and the old burger king and the storage facility that sits west of it. There will be a drop off and delivery area at the back of the building. He showed the creek and the wooded area to the rear of the property. They are about ten feet above the flood plain. They are out of the flood plain so that is not a concern. The building consists of the main space being the prayer hall. The entrance to the building includes a two story lobby with an elevator and a mechanical room. It also includes a fellowship hall with a kitchen, class rooms and various mechanical and janitorial and storage spaces. On the second floor there is a mezzanine, balcony in the prayer hall. He explained the roof plan. The green portion indicates a sloped roof. They are going to have pvc roofing with fins that look like metal roofing but it is even better than metal roofing. The gray area is over the fellowship hall and the lobby area they are showing a couple of condensing units for the air conditioning system. They will be well screened behind these walls and you will not see them. He showed the elevations from looking from Center Ridge Road. There will be burnished block at the base and tan brick at the upper part of the building. He showed the renderings of how it will look from each angle they showed on the plans. He stated that they are complying with all the zoning code requirements. This building is located in a B-3 District, which permits religious buildings and they will comply with any of the regulations that the c may impose on them as part of the approval process. He stated that this is Planning Commission and these are not final drawings. The final drawings will be submitted to both the Building Department and the Engineering Department. He stated that the building area is 18,031 square feet total. He stated it is youth group, A3 and 2B type construction. It will include sprinklers, which accommodates a building of 38,000 square feet and they are well below the OVC regulations.

Member Maleski addressed the City Engineer's comments number two and three regarding the water service line that is not shown on the plan. He asked if that has been addressed yet.

Andrejs Smiltars stated that it will be. The Civil Engineer is working on it.

David Lewis of 8691 Wadsworth Road, Wadsworth, Ohio, Lewis Land Professionals, Civil Engineers and Surveyors stated that they are showing a storm water retention basin on the plans that were submitted. All the water from the parking lot and roof top will be collected through storm sewers and drains and taken to the storm water detention basin. That detention basin will be designed in accordance with the City and will meet the City Engineer's approval.

Vice Chairman Smolik stated that as far as the water line comments, they will be addressed as well.

David Lewis stated that in fact, they have submitted drawings to the Fire Chief and are working with him in getting approval on the fire hydrant locations.

Member Maleski asked how far is the back of the building to that drop. He asked if there will be a fence there as it is a pretty steep drop.

David Lewis stated that the building is right at the top of the slope. There will be enough flat area to get lawn equipment there to mow, but they don't intend to mow the slope.

Member Maleski asked if there will be a fence there.

David Lewis stated that it isn't proposed as of yet.

Andrejs Smiltars stated that right now they don't, but if it is something that the Planning Commission feels is necessary, they will provide that.

Vice Chairman Smolik stated that the building code states one is required if it is a 30 inch drop and addressed the Chief Building Official and asked if that was correct.

Chief Building Official Fursdon stated yes, if there is a walking surface; not a yard, from the building to get to the public way and there is a drop of more than 30 inches, they would need some kind of a guard rail or something to protect the walk so that no one would fall off of it.

Andrejs Smiltars stated that at this point there isn't a drop like that.

Member Maleski stated that the quality of the actual land will be discussed during the building permit stage as he believes it may have been wetlands there or the quality of land there possibly not being able to hold the structure.

Chief Building Official Fursdon stated it will be taken care of during that phase and that has never been wetlands as far as he was aware of. He stated that it is no different than the property next door to Kiddie College. The former property owner chose to fill that property in. He happened to use large blocks of concrete, which makes it a challenge for them to design their footers but there is no problem under the building code and they have many ways to do that.

Vice Chairman Smolik asked if there were any other questions from the Commission.

Member Abens stated his question was soil related as well. He asked if they have already taken into account that there may be some sort of pylons or things like that going into the soil to support the building.

Andrejs Smiltars stated that there is actually a foundation system called the rammed rock and stated if the members wanted to see that in operation, they would need to go down to the new Westlake School that is being built on Center Ridge by Dover Center. The structural engineer is

dealing with lousy soil but this rammed rock foundation goes down even before you put down your concrete foundation, so then that mitigates the poor soil conditions. He stated that if they have to use piles, it would be prohibitive for this project. This rammed rock type of foundation made this project possible. This is only 18,000 square feet as compared to the 250,000 square foot school, which is a public project that wouldn't be done if it is risky.

Vice Chairman Smolik addressed the dumpster enclosure and asked if it was going to be the same typical construction as the building.

Andrejs Smiltars stated yes.

Vice Chairman Smolik stated that the back of house parking, there is no curb. He asked if they will be using parking blocks.

Andrejs Smiltars stated they will, yes.

Vice Chairman Smolik asked the applicant to elaborate on the pvc roofing. He asked if it was a standing seam material.

Andrejs Smiltars stated that it is Sika Sarnafil. They do buildings around the world. It is a single ply membrane that has a felt back. It is about a quarter of an inch thick. It comes in a variety of colors. One of the colors is that patina copper green. It comes in light tan and it comes in red. It has a 30 year warranty. It performs better than a metal roof because a lot of times metal roofs leak where you have all the joints and in the eaves and valleys. This is a glued down system. The ribs are applied to it and from the ground you would never tell that it is not a metal roof.

Vice Chairman Smolik asked if it was constructed over a plywood substrate. He asked if there is parking lot lighting.

Andrejs Smiltars stated there is and is shown on the island from the site plan.

Vice Chairman Smolik asked if there were cut off fixtures so they aren't broadcasting everywhere.

Andrejs Smiltars stated that is the only kind of fixtures they use. It is now the night sky approach. They don't believe in glare bombs.

Vice Chairman Smolik addressed the Civil Engineer and stated on the site improvement plan, it shows the western handicapped ramps were a little further away from the front door. He asked if there was any way to redo that pitch to allow those parking spots to be closer to the door.

David Lewis stated that they do have eight handicapped spaces shown. They also have an entrance on the side of the building to the class room.

Vice Chairman Smolik noticed the secondary entrance.

David Lewis stated that they wanted to spread the eight handicapped parking out in order to be close to the entrances. He showed the secondary entrance on the drawing. He stated that they have more handicapped spaces than what is required for the 203 spaces. They are exceeding that handicapped space requirement. As far as the parking lot lights, they are in each of the tree islands. There is a light pole in each tree island. There is also a painted island located on the opposite side of the parking lot and there are light poles in each of those painted islands as well.

Vice Chairman Smolik addressed the paper street that was mentioned in the comments. He asked where that is located on the plan. He read the comment from the City Engineer noting that the eastern access needs to be aligned with the paper street Pleasant Avenue.

Chief Building Official Fursdon stated that Pleasant Street is down near Century Tavern.

David Lewis found the location on the plan and stated that they can accommodate so that is lined up. He asked if that street exists.

Vice Chairman Smolik stated that it just exists as far as an easement right now. There is no actual developed street.

City Engineer Rodriquez addressed the Chair and stated that this is a paper street right now, but it could possibly be developed in the future and with that, they are looking to have that driveway access line up with it or offset from it so that there isn't a traffic conflict in the future.

David Lewis stated that they could offset it more to the west to meet the minimum intersection separation distance or they could line it up with the paper street.

Vice Chairman Smolik stated that they could work that out with the City Engineer.

David Lewis stated that they would probably choose to move the entrance west and provide the minimum 150 foot separation between the opposing intersections. That would be the easiest and it wouldn't significantly change the site plan other than that driveway that attaches to the driveway would move west about 75 to 100 feet.

Vice Chairman Smolik asked if there were any other comments from the Commission. Hearing none, he addressed the Administration and asked if there were any questions or comments from the Administration.

Mayor Gillock addressed the Chair and stated that he would recommend that Planning Commission approve this application. He has a number of reasons why. First, he asked does it meet all our codified ordinances in regards to zoning and setbacks; issues such as that. Secondly, he has received a lot of correspondence. Some of it has been very ignorant and vile. Those are usually the anonymous ones. Others have been very supportive, but the point he wanted to make is that the Supreme Court says that you can't discriminate on the basis of religion, which is what

a lot of these negative comments refer to. He stated that has to be taken into consideration, but thirdly and probably the most important thing is that it is just the right thing to do. America was founded on religious freedom. Unless you are a Native American in here, you or your ancestors were all immigrants. Maybe, some of those people who have negative comments might meet them and learn something and learn to be a little more tolerant and accepting. He specifically noted that if you look at the Cleveland Clinic and their rosters, there are about 80 percent of Muslim doctors. Based on that, he feels we should welcome them and the application should be approved.

Vice Chairman Smolik asked if there were any additional comments from the Administration. Hearing none, he opened the floor to the audience for comments regarding this application explaining if any audience member who wishes to speak, they will need to step to the podium and give their name and address for the record. He stated that they will be given five minutes to speak regarding this topic and asked that all questions or comments be directed to him. If he feels that some of these questions or comments are getting away from what the agenda is for this development plan, he will ask that you get back on point.

Kriss Coventry of 36221 Westwood Drive stated that she has lived here for 30 years. She stated her concern is that we took out the historical district because of the widening of Center Ridge Road. She stated the City was doing this to get revenue. She asked where the revenue is coming from with this development. She asked if the City is going to have to have more law enforcement in place to do the traffic. She stated her concern is also with traffic because she feels they are already congested with traffic on Center Ridge Road. She restated that the historical district was removed and now the City wants to crowd it with 400 families coming in. She stated it concerns her with the traffic and worries her on whether or not there will be enough Police Officers to handle the traffic situations and whatever else might come up.

Vice Chairman Smolik stated that section of Center Ridge Road is not being widened and addressed the Administration and asked if that was correct.

Mayor Gillock stated that is correct. The widening actually goes to Lear Nagle and from Lear Nagle it goes to about Broad and tapers down to the current road. The widening was actually based on a study that was done before he was Mayor and it relates to congestion and safety. He stated that it is their hope that economic development will be a byproduct of that widening. That wasn't a driver as to why it was widened.

City Engineer addressed the Chair and stated as far as traffic concerns are, they have to have a licensed engineer provide the City with a traffic report that there will not be more than 100 trips generated through the peak hour; whatever that timeframe. He hasn't received that report yet because we haven't really got to that point yet. If it is a concern, they have to follow our codified ordinance 1210.06.

Mayor Gillock stated that one of the things if people don't know; their present meeting place is just a mile and a half east of here and just into Westlake. They haven't had issues with traffic or

anything like that.

Vice Chairman Smolik stated the place Mayor Gillock is referring to is the Wagner's Country Inn Plaza and asked if that was correct.

Mayor Gillock stated yes, the building sits west of Wagner's.

Vice Chairman Smolik added that is near Bradley and Center Ridge. He then asked the applicant to explain the how the traffic will relate to this structure.

Andrejs Smiltars stated that most days there would be very little traffic. The peak day and peak time that it would have traffic would be the noon hour on Fridays and again, that may vary depending on the time of year and if there are any holidays. He asked Syed to speak.

Syed Abbas, Architectural Vision Group, 23850 Sperry Drive stated that the traffic as Andrejs said is on Fridays between 12:00 noon and 2:00 p.m. That is the main prayer period and on Sundays it is just Sunday School in the morning from 10:00a.m. – 12:00p.m. On regular days there are no regular classes and things like that. There are, sometimes on the weekends, parties scheduled or other things happening in the fellowship hall.

Kriss Coventry stated that didn't answer her question regarding the revenue.

Vice Chairperson Smolik stated that the Mayor's comment was that the widening was a capacity issue and economic development would follow after that. He stated he is not a tax law expert and asked if the Law Department would like to respond.

Law Director Brian Moriarty stated that there are property taxes that have to be paid but other than that, it would generate like any other business or church that would be in the area. He provided St. Petes as an example.

Patricia Wysocki of 7484 Noll Drive spoke her concerns is the property itself. She really didn't care what was going to be built on it. That property was artificially filled in years ago. It sits at least six feet and that is all she could tell by standing down in the parking lot. She asked the members to look at Serrat Enterprises which takes care of the property of the shopping complex below. It is at least six feet in the parking lot below this property here. There is a partial retaining wall in the front from Center Ridge Road, but the side is just sloped land and when it was backfilled it never went completely to the property line. She provided Burger King as an example of the elevation and All Secure Storage as well. This property sits very, very high all by itself up there. Her concern is with flooding issues in the City. The back of this property, the Mills Creek Lateral runs right behind it. The Mills Creek Lateral goes into Mills Creek itself and that was the creek that flooded those homes and it was all the way up to the roof tops and people were taken out in boats. Her concern is what kind of water is coming off of this and if there will be a retention basin. She asked if it would be stable enough to hold the water back. She continued to speak on the flooding of specific creeks in other areas of the City. She spoke about

the French Creek, Mills Creek and Robinson Creek Regional Flood study recommendations and in that the City owns property behind the All Secure Storage. A flood control weir was supposed to be built and the Mills Creek Flood Conveyance pond was to be put around Boulder Point. It is a regional storage basin of ten acres. To her knowledge those things don't exist. These ponds were to retain or detain some water to keep the people in the two neighborhoods from being flooded out and their homes damaged.

Vice Chairman Smolik interrupted and asked that we get back on plan as the subject matter is this development plan.

Patricia Wysocki stated that this plan is going to be pouring water into that creek. She asked where the water is going to go with the size of this roof and impervious concrete that is planned there. She asked if the retention pond will be large enough to hold that water back so it doesn't add to the woes of the City's flooding. She wanted to make sure this is considered.

Vice Chairman Smolik stated that the architect of record mentioned that the City of Westlake is building a new school. It is almost the same situation where it was a five to six inch fill on that site. The City actually did it. What happened was they ended up using the modified aggregate foundations and when these are designed a licensed professional calculates the load and designs all that. It is done by a certified licensed professional. He addressed the Engineer and asked if he could explain how a land gets developed to address the water concerns. He asked if the intent is that no additional water can run off that property.

City Engineer Rodriquez addressed the Chair and stated that per 1056.07, which is our codified ordinance for storm water management, any commercial and or residential development is not to allow any additional water than what was coming off of it previously from the site is to be exiting the site during a critical storm event.

Vice Chairman Smolik state right now it is a grass meadow. That grass meadow is contributing water to the ditch. When it is developed, whatever that amount of water that was originally contributing, that same amount is going to be contributed and the giant bathtub, if you will, which is the retention basin will hold that water back and slowly release it into the system.

Patricia Wysocki stated that her biggest concern is whether or not that retention basin will be built on solid enough ground to hold it so that it doesn't collapse. She can't tell if the retention basin is on the landfill section or not.

City Engineer Rodriquez stated that those details have not been given to the department yet. That is the engineer's process of going through the detailed improvement plans. They aren't discussing that tonight; they are solely discussing the zoning. He knows it is a concern, but the City has not been submitted the plans yet, so he can't answer that in detail.

Patricia Wysocki asked if there is a possibility of the rest of the detention systems coming in.

Vice Chairman Smolik stated that is not up to the Commission. He stated the Commission is here for the development plan only.

Mohamed Diam stated that he felt it was important to be here today as a Muslim. He wanted to make sure everyone knows what a Muslim person is. He knows there are a lot of views that people sometimes have. He recently took a position with the State of Ohio Law Enforcement and was sworn in two weeks ago. He stated that he is putting his life in danger, here in Lorain County, every day that he goes to work. It is definitely not for the pay, it is for his love of humanity. He would really like a place to be able to go to this beautiful mosque that is being proposed to be built to be able to worship, just like anybody else would be able to. He loves his rights, his freedom and he was born and raised in Northeast Ohio. The media often depicts a certain view of Muslims, but he was there to show the people that there are plenty of good and the greater majority of Muslims are peace loving people who are protecting your streets, keeping criminals away, doctors, lawyers, professionals who are going to work every day and contributing greatly; not only to this community but to the entire state and the United States. He hopes that whenever you have a certain view or idea of Muslims, you think of the greater majority just like with any religion, you have a few that are not so good; but you have many that are great and contributing very positively in every aspect of our society. He would love to see this go forward. He has seen the plans and believes it will be a very beautiful mosque and hopes that the Commission will go ahead and approve this. He asked if there was a way to let some of the Board members join the room in order that they get a chance to speak. He stated there are about 70 or 80 Board Members from the mosque that want to come in and say a few words. He stated he would step out if that would allow at least one member in.

Vice Chairman Smolik stated that unfortunately, we have a certain occupancy limit.

Mohamed Diam stated that he would be willing to step out to let one in.

Vice Chairman Smolik asked if there was anyone else that would like to speak.

Masroor Milak of 7538 Stockwood Drive, Solon, Ohio; Board member for Chagrin Valley Islamic Center stated that he was amazed by the support of the Mayor and thanked him for using those words of support. He expressed his gratitude that the Planning Commission is considering this in part to religious freedom and considering this as part of society. They are building a mosque in Solon and they went through this whole process about a year and a half ago and they were amazed by the welcoming they received from the City of Solon, Solon City Council and Solon Planning Commission. Just seeing this type of support from any City is amazing. He recommends that the Planning Commission approve the project. They also went through the similar things with taxes, traffic, and ponds and they worked it out with the City. They dotted every "I" and crossed every "T" to make sure that the plan met the requirements of the City and that is what the Planning Commission here is looking for and he highly recommends the approval of this project.

Imam Majed Sabke, Priest of the community. He agrees with all of the people peacefully and he is just bringing glad tiding to them. The center that is going to be located here is a group of professional physicians. All the people standing outside are physicians except two of them. He asked if the City would like this quality to be in this community or not. He asked if they would welcome this quality to this community. He asked that everyone imagine Jesus standing over here and observing those people. He asked if they expected him to welcome them or kick them out. He proceeded to quote chapters from the Bible. He stated that the Quran says that Christians are the most loving people to them, which is why they migrated to this land and it is their hope that the City find a place in their heart that is being filled by Jesus's love. He asked that we go back to the Bible and act as Jesus would want us to act. He thanked the Commission for listening.

Brendon Judy of 7080 Lear Nagle Road stated that what he heard earlier is that there is already a religious prayer place for Muslims a mile and a half down the street and asked if that is correct.

Vice Chairman Smolik stated that is correct.

Brendon Judy asked what the point would be to put another one here in North Ridgeville when there is one a mile and a half down the road.

Vice Chairman Smolik asked if the Architect could respond.

Andrejs Smiltars stated that they are relocating to this facility and will leave the facility there because it is substandard space. Basically, it is an overhead garage door kind of atmosphere that they fixed up to the best of their abilities and monetary abilities. Now, they would like to move into a nicer facility. It isn't like they will have two. That one will be abandoned and they would relocate here.

Brendon Judy asked if this was going to be a Muslim outreach center.

Vice Chairman Smolik stated he was not sure if the term outreach was used, but a community center was described.

Brendon Judy asked if it was going to be welcomed to all comers; all individuals coming through the City of North Ridgeville.

Vice Chairman Smolik asked if this was his last question and if not, could he ask the questions and then maybe get a response to all of his questions at one time.

Brendon Judy stated he is sure he will have follow-up questions as the proceedings continue.

Vice Chairman Smolik asked if he could provide all his questions first and then they will be answered.

Brendon Judy stated that plans haven't been fully developed yet and he assumed that when the plans were actually finished completely, there will be another meeting for them to see what all is going on.

Vice Chairman Smolik explained the procedure and stated that the Planning Commission is reviewing the development plan. The next step for the developer is that they create the construction documents where they go in and fine tune everything. This will be the last time it is presented to the City's Planning Commission. He addressed the Chief Building Official and asked if he could elaborate more on that.

Chief Building Official Fursdon stated that all they are going to do is finalize their construction drawings; both civil and construction for their building to meet the provisions of North Ridgeville's ordinances for the Civil Engineering and the Ohio Building Code for the construction.

Vice Chairman Smolik addressed the applicant and asked if they could respond to the question made as to whether or not the public is welcomed to their facility.

Essam Elashi, President of WCMA of 32282 Brandon Place, Avon Lake stated that they chose North Ridgeville because the surrounding cities, Avon, Avon Lake, Westlake are very close to each other and most of their community lives in those cities. To answer the question, he said, yes, it is open to the public and anybody would be welcomed in. The center is made up of ten percent religion and is mostly made up of cultural ethics, language, and concentration on educating the youth. He stated that it is their hope to help the youth to succeed, prevent crimes and have loving relationships with each other. He stated that they see what is going on around the country and they need to get together and know each other. The facility in Westlake is too small as they have outgrown that location and need a bigger facility.

Barry Saxon of 38259 Kingston Drive stated he wasn't planning on speaking about this matter, but it is very difficult for him to sit here and listen to people make excuses for why this should not move forward. He felt compelled to speak because most of his family died in the holocaust and no one stepped up and spoke for them. He asked the Planning Commission to set aside any prejudices they might have and move forward on this facility because it is imperative that all of our children understand that the community that we live in is tolerant of everyone and should not be making decisions based on religion. It seems to him from what he is hearing except from the Muslim community is excuses for why this building should not be built and they are excuses to cover up bigotry. He hoped that this body can see through that and will move on this facility based on the merits and not based on religion.

Kim Stermole of 37872 Sugar Ridge Road stated she is a Lutheran and goes to Lutheran Church. She stated that we are all different, but the Chairman told the audience that they were to talk about development and now she has just seen four or five gentleman come up and talk about their faith. She asked if the applicant asked about her faith. She stated that the Chairman allowed them to have their say.

Marilyn Bright of 36415 Behm Road stated her concern is flooding. She explained as long as she has lived here almost every other area has flooded. She stated that they fought for their street on Aurensen, Noll and Behm against a lot of things that were coming up because of the flooding and they addressed that. They addressed that with getting retention basins and all that stuff. She stated she resents the last statement made in regard to this being just a religious thing. Her concern is flooding. They don't have a basin in there and they need to have that taken care of before they start building a 15,000 square foot building that has a second floor. She stated she didn't care about their religion. She is Jewish and she has middle eastern in her, but that doesn't make a difference. She resents the fact that was brought up. She stated there are concerns that North Ridgeville has a lot of issues. She asked that the City take care of the infrastructure of all the flooding, the retention basins so that no one in Mills Creek floods. They flood enough. Every time a raindrop hits, she stated, their stomachs churn. She has a lot of empathy for them because she went through that for twenty years in this City. She has fought for the right thing all along and now she believes she is fighting for everyone else because she understands where they are coming from. She asked that the issues be taken care of first and the rest of the City won't worry about that big structure that is going to have cement on it that is just going to be a run off of water instead of water going into the ground.

Vice Chairman Smolik addressed the smart board and stated that right where the mouse pointer is is the actual retention basin that is proposed for this development plan.

Marilyn Bright stated it is proposed but it is not in there yet.

Vice Chairman Smolik stated that it is a proposed plan.

Marilyn Bright asked that before the plans moves forward, shouldn't that be in there.

Chief Building Official Fursdon stated no, it will be in there when it is all complete. When the entire hard surface is down, the retention basin will be installed. There is no need to put it in now; there is just grass up there.

Marilyn Bright stated they are flooding now anyway. Maybe it would be a nice thing to have ahead of time.

Chief Building Official Fursdon stated that they are meeting city ordinance. We can't ask them to do more than that.

Marilyn Bright stated that we can ask them, but they can always say no or yes.

Vice Chairman Smolik stated that he assumed the basin will be installed when they start grading as part of their sediment erosion control plan as a settling basin.

City Engineer Rodriquez stated as he spoke about earlier, North Ridgeville Codified Ordinance

1056.07 details out every part of the development process according to storm water rules and regs and they are to have basins. There will also be temporary sediment trap basins during the construction and during dirt movement operations. Again, he defers that this is not that meeting.

David Lewis, Project Civil Engineer stated that the detention basin will be the first thing that gets constructed. As they strip the grass off and they start shaping it for the parking lot, all the run off will be directed to that basin and it will be used as a sediment trap during construction, so that no muddy water leaves the site and then as the construction leaves the site, the sediment basin will be converted into the permanent detention basin. He is the one that gets to design the basin and everyone has his word that they will make that basin, which they have plenty of room if need be to enlarge that basin. They will make sure that they will be exceeding the city's requirements and so, that won't be an issue.

Wes Palmer of 6610 Lear Nagle Road stated he was trying to figure out what the advantage would be to the City of North Ridgeville to have a mosque come into the City. He has been here for 30 years. That property where this is going to be would have been much better to sell it to some developer to put businesses in there in order that taxes could be collected. He asked what the City would collect from the mosque.

Vice Chairman Smolik stated that it is privately owned land and they have a right to develop it as they choose.

Wes Palmer stated he would imagine that most people here are going to start getting worried on who will be running the mosque. He asked if it was Isis.

Vice Chairman Smolik asked that the comments be kept on point.

Greg Lopresto of 5013 Lear Nagle Road stated he didn't plan to speak today either. He stated that he wanted to speak on some of the questions that were asked specifically what are we doing to generate business to make money in this City and why aren't we putting something there that generates tax revenue. He stated that there are plenty of open spaces all down Center Ridge Road that is available. He stated on a personal note, he has worked with, known and have been friends with plenty of people in the Arabic community. They have always been the absolute best people probably, that he has ever known. He provided a brief story of when he grew up stating that his friend's father, who was Arabic, always wanted to know where his son was at, is he safe, and is he doing the right things. He also believes that the applicant will handle the issues related to the topic of flooding. He referred to the comment made about someone resenting a gentleman for saying what he said about it being more than the flooding; there is a sign in the back of this room that says no Muslim mosque in North Ridgeville. It is about that for some people and that is a shame. He supports them, loves them and welcomes them with everything that he has.

Vice Chairman Smolik addressed the Administration and asked if they wanted to chime in on business development.

Mayor Gillock stated as the Chair indicated, it is private property. The City does not own that property to be able to control it. The City has ordinances that says this property is zoned B-3 and here is what can go in there. It is up to the property owner as to what they want to put in there.

Vice Chairman Smolik asked if there were any final comments from the Commission. Hearing none, he closed comments and entertained a motion.

It was moved by Abens and seconded by Maleski to approve the application.

Vice Chairman Smolik asked the Clerk to call the roll on the motion.

Yes, 4 No, 0

Deputy Clerk Tjotjos announced the motion was approved by a vote of four yes and zero no.

Vice Chairman Smolik stated he was recusing himself for the next item on the agenda due to a conflict of interest and since the Chairperson was not in attendance, the Commission will need to open nominations for acting Vice Chairman to take over the meeting for the Council Referral. He opened nominations for acting Vice Chairman.

Vice Chairman Smolik nominated Jim Maleski to be acting Vice Chairman for the Council Referral on the agenda tonight. Member Abens seconded the nomination.

Vice Chairman Smolik asked the Clerk to call the roll on the nomination.

Yes, 4 No, 0

Deputy Clerk Tjotjos announced that the nomination passed by a vote of four yes and zero no.

Vice Chairman Maleski asked the Clerk to read the next item on the agenda and any comments received from the Administration.

COUNCIL REFERRAL:

APPLICANT: Joseph Lucas, 5079 Case Road
OWNER: JK Lucas, 5011 Case Road
REQUEST: Approval to rezone parcel from R-1 Residence District to B-1, Neighborhood Business District.
LOCATION: 5011 Case Road in an R-1 District.
Permanent Parcel No. 07-00-043-103-099

Application was read along with comments received from Administrative Officers Building and Zoning Inspector Paul Blanchette, Police Chief Mike Freeman, Safety-Service Director Jeffrey Armbruster, Fire Chief John Reese, and Engineer Daniel Rodriguez.

Vice Chairman Maleski stated that since this is a Council Referral, I will ask that Council Liaison Abens provide the first comments.

Council Liaison Abens stated that T-29-2018 is the temporary legislation which was drawn from the petition received to rezone this parcel from R-1 Residence District to B-1 Neighborhood Business District. The Building and Lands Committee has met regarding this legislation to rezone and has voted to recommend that Council adopt T 29-2018 as written and approve the rezone classification petition from R-1 Residence District to B-1 Neighborhood Business District. That vote was two to one for as far as rezoning is concerned.

Vice Chairman asked if there was a representative tonight regarding this petition. If so, could they step to the mic and give their name and address for the record.

Anthony Giardini of 520 Broadway Avenue, Lorain Ohio representing the applicant for the zone change. He explained his client has owned the property adjacent to this particular piece of property for over forty years. He lives there with his wife. His children are adults and they are grown and gone away. Prior to purchasing the property recently, Mr. Lucas's father owned the property that we are discussing tonight. He lived out there for about thirty years. They both built their homes there. Together the Lucas family owns a little over twenty acres of land and all of which is zoned R-1. When the property that his father lived in was sold at his death; when it became available to purchase, Mr. Lucas bought it in hopes of protecting the property from being developed into another subdivision. He has a rather large investment there in his personal residence and he intends to stay there. His one daughter just built a home right next door to him on the other side. In talking with his youngest daughter, they discussed the possibility of having a bed and breakfast at the house. There is a barn on the property that has been there for probably as long as the house has been there. They propose to use the barn as an event center for small weddings, baptisms, or other family oriented events or maybe a small business conference. The feeling was by doing this, they could maintain the rural nature of this property as it has been forever and at the same time, have a property that is productive and have a property use that would be beneficial to the City, to the residents and the surrounding community because it would offer what is in short supply, but is in large demand and that is these rural settings where people are now having these barn weddings. There is a pond there and there are a lot of amenities, and trees around it. It would certainly be better than what the property could be used for. As an R-1 designation, it could be subdivided and there could be twenty to thirty houses built there. He has heard people talk about the concern of traffic and once a week or three to four times a month versus every single day is a lot different. He stated he has heard people talk about utilities and well if twenty-five to thirty families are living there, they would use a lot more water and sewer than a party of maybe seventy-five to one hundred people three or four times a month. The bed and breakfast itself will be used a lot less than that home can accommodate in terms of a regular size family. All in all, they think it is a good use. They would love it if a bed and breakfast would be allowed with the type of use that they want in an R-1, then they wouldn't have to ask for a zone change, but in speaking with the City, it was concluded that to do with what they wanted to do, the only zoning classification that the City has available is B-1 Neighborhood Business District, which is why they are applying for it. One of the other things that they

mentioned to Council Committee was that Mr. Lucas is prepared to put deed restrictions on the property to protect not only the surrounding neighbors who have homes there that abut against the property, but to protect himself so that someday, that B-1 designation couldn't be used for something that may not be as rural as what they are talking about. The plan would be that the house stays exactly the same with maybe some interior changes. The barn stays the same with again some interior changes and maybe some additional parking around the barn for the cars that would come in for the various events. Otherwise, essentially the property remains the same. Mr. Lucas is also sensitive to the fact that there are neighbors who butt up against it to the extent that some of them might be closer to put some screening in on one side of it in addition to what is already there. He stated that people need to understand what else can be there with the current zoning and with nothing changed; aside from the fact that it could be subdivided and twenty to thirty homes could go in there and all the trees that are back there could all be cut down and a sister to Avalon could be put there legally with no changes in the zoning and in addition R-1 in North Ridgeville allows for agriculture. There is a barn there and there is a barn there for a reason and it wasn't to park cars. This is a farm community and it has been forever and so equipment could be there. He stated one resident commented saying that there could be a generator going on there, and well, they won't need a generator unless the electricity goes out. A farm and farm implements could be there and a generator could be there all the time if it were used in an agricultural fashion, which he believes would be a lot less desirable to the residents who live close by than what is being proposed here tonight.

Vice Chairman Maleski asked if there were any comments from the Commission members.

Member Abens addressed the Law Director and stated there have been discussions of possible deed restrictions where once they are finished with their bed and breakfast business that it would automatically revert back to R-1. He asked if it was possible in North Ridgeville.

Law Director Moriarty stated that the deed restrictions are possible and it is nothing they would enter into contract with the City on. It will be voluntary on their part. They are enforceable and they could be found to be void if they are against public policy. He didn't think that would apply in this case. They could have time or term limits on them and they could fashion them in any way that they want.

Vice Chairman Maleski addressed the applicant and stated that screening was mentioned. He knew that there have been discussions regarding the screening for those two houses that seem to be affected as that driveway turns. He asked if the events would all be catered. In speaking with the applicant, he had mentioned that there would be no cooking on site and that everything would be brought in as far as the food goes.

Anthony Giardini stated that was exactly right. There will be no kitchen. This is strictly where a caterer brings the food in that day of the event. Its cleaned up and gone that night or the next day.

Vice Chairman Maleski stated that it is more for a corporate retreat and not for an individual to

come in on a daily or weekly basis.

Anthony Giardini stated that it is unlikely that an event of that size would be held on a Tuesday, Wednesday or Thursday. These are usually Friday, Saturday or Sunday afternoon type of events. Again, weddings, baptisms, smaller corporate retreats.

Vice Chairman Maleski asked if he was open to putting the driveway on the south side of the barn to avoid the vehicular lights. That seemed to be an issue with traffic lights coming in and out of that area.

Anthony Giardini stated he heard that concern. There is going to have to be some additional paving there. Whether you go one way or the other and whatever is best for the few residents that would be most affected by a car light, is easy to do and the investment has to be made in that regard anyhow.

Vice Chairman Maleski stated that the lighting in the driveway have consistently and always have been on and asked if that was correct.

Anthony Giardini stated yes. However, when the other owner, the doctor, had the property he wasn't sure if he had them on all the time.

Vice Chairman Maleski asked if the pool that is in the bed and breakfast area will be used as a pool or will he be filling that.

Anthony Giardini stated it will be filled in. The pond in front of the house will stay because it makes a great setting for photographs and so forth, but the pool will be filled in.

Vice Chairman Maleski asked if there were any other comments from the Commission. Hearing none, he opened the floor to the audience for comments regarding this request to rezone. He asked that any audience member who wished to speak will need to step to the podium and give their name and address for the record. He stated they will be given five minutes to speak regarding this topic and asked that all questions or comments will need to be directed to the Vice Chairman. He also stated that all comments should be relevant to the rezoning of this property and try to avoid any "what-ifs".

Lindsey Gorning of 37940 Avalon Drive addressed the Commission and asked why the City wouldn't pursue a conditional use permit instead of rezoning the whole property.

Vice Chairman Maleski stated it his understanding that it has to be zoned without conditions.

Lindsey Gorning stated that the conditional use permit will allow for the residents to have it shut down if it becomes a problem; whereas to rezone it, there is no going back on that.

Vice Chairman Maleski deferred comment to the Law Director.

Law Director Moriarty deferred to the Chief Building Official to respond.

Chief Building Official Fursdon stated that a bed and breakfast is allowed in a B-1 but has a lot of limitations which will not accommodate everything they want to do with this property. They can't have the event center there under the R-1. It is only the B-1 that will fit all the needs the property owner desires to use the property for. Bed and breakfast isn't listed as a conditional use in the R-1.

Lindsey Gorning asked how a person would go about making an Airbnb of their home. They don't have to do that. She stated she could set that up today if she wanted to.

Assistant Law Director Morgan stated that this is not an Airbnb. This is a bed and breakfast.

Lindsey Gorning stated that this is a bed and breakfast which is essentially the same.

Vice Chairman Maleski stated that is different than what this zoning is being proposed.

Barry Saxon of 38259 Kingston Drive stated his concern is that a change in zoning is a permanent condition and that Mr. Lucas's representative spoke about what ifs; what if this became a subdivision. He stated what if the City rezones this and the nature of this property evolves over time so that they are hosting events that don't end at 7:00p.m., but end at 11:00p.m. and disturb the residents. He believes this will be a change to the community. By nature, a B-1 should serve the community and he doesn't see how this in any way would serve this community and where it is located. He doesn't see a plus for it. He thought Mr. Lucas's representative's comments sounded more like a threat that there could be a subdivision of thirty homes back there. Mr. Lucas owns this property it won't be a subdivision unless he decides to sell it or make a subdivision himself. He stated what happens to a property that is zoned residential today is up to Mr. Lucas and not to anyone else. There is no potential development unless Mr. Lucas decides to sell the property to a developer and that would be within his rights to do that, but it would maintain the character of the community. It would still remain a residential community and he can't see anyway of how he benefits from having this business in his community where he lives. He believes that it will ultimately bring his property value down. He doesn't live nearby this as he lives on the other end of the development. He stated that if he lived in Camelot in Avon, he would be up in arms about this. He doesn't see how this is a plus and if they can show him how he benefits from this as a resident of this community. He doesn't believe they have done this.

Albert Volak of 38538 Avalon Drive spoke regarding some discussion among some of the residents that B-1 does fit the bed and breakfast but there was some doubt as to whether a party center is permitted. He asked if a party center or some of the description fits the B-1 zoning.

Vice Chairman Maleski stated that the barn would only hold approximately eighty people and when he thinks of a party center he is thinking in terms of a larger facility. He asked if there was

anything the Administration would like to add regarding the facility being a party center.

Chief Building Official Fursdon stated that it is not listed as an expressed permitted use in the B-1, but it does allow for restaurants and another provision in a B-1. B-1 states that the Board of Zoning and Building Appeals can rule that this is a like use. The party center would be very similar in use to a restaurant but the Board of Zoning and Building Appeals would have to determine that and approve it.

Albert Volak asked again if those activities would be allowed in a B-1.

Vice Chairman Maleski stated it would have to be approved by the Zoning Commission.

Albert Volak asked when that will take place.

Chief Building Official Fursdon stated they would have to make application to the Zoning Board and they would first need to get their approval here, because if they aren't going to get the approval from City Council for the rezoning then there is no need to go forward with that.

Kelly Smolik of 38610 Avalon Drive stated that they had heard at the Council Committee meeting last week that it was possible to do a bed and breakfast but not to do the assembly hall gathering space in the barn, which is why they have asked for B-1. There is nothing in B-1 that states an assembly hall or an event center that would be included in this. This is way more than a bed and breakfast. She stated they applied for a bed and breakfast. They did not apply for a bed and breakfast and an event center. They have been very open to what they want to do, but they said that it could hold up to one hundred people. They sent emails to everybody that that was going to happen. Corporate gathering retreats, fundraisers, private parties, it does not fit the intended use of a B-1. It fits the intended use of a B-4 where it actually states assembly hall. She is a resident that lives within the lights that are going to shine as they pull in and out. She is a resident that is going to hear music. She stated she is all for music and a good time every once and a while but not three to four times a month all summer long. She stated that they built in a residential area knowing it was residential. A B-1 states that it should satisfy the daily and weekly household and personal needs of the abutting residential neighborhoods. Personally, she didn't feel that fits her daily and weekly household personal needs. She pointed out that a bank would. She didn't want to see a bank there, but it could be. She proceeded to add that it allows for a florist or restaurant with no sales of alcohol. She is not sure how alcohol would be permitted in this assembly hall. A B-4 does allow for convention centers, auditoriums, and assembly halls. She continued to state that if one does not think it matches the intended use of a bed and breakfast or the logical choice of an assembly hall, then it should not be up to City Council and Planning Commission to decide what the actual intended use is. The Planning code has a procedure in place to deal with this situation. The Board of Zoning and Building Appeals can make a determination which the business district and intended use shall be classified, whether it is from B-1 to B-5. There is nothing slated for this to go to Zoning.

Mayor Gillock stated that this application is not for a bed and breakfast or a party center. This

application is to rezone that property to B-1. At that point, Mr. Lucas could use it for anything that is permitted in a B-1. Now, he is an honorable man and he takes him at his word that he wants to do a bed and breakfast and an event center. If he does, as the Chief Building Official stated, he would then have to make application to the Board of Zoning and Building Appeals to get a ruling that it is a like use and accepted in that B-1 zoning. This is the first step simply to rezone the property. There has to be another step to go to the BZA to accept it for the indicated use, which is not listed as a permitted use.

Kelly Smolik asked if it will go to zoning after this no matter what.

Mayor Gillock stated that if it is approved, then yes, it will have to go to the BZA.

Kelly Smolik stated that their largest concern is that when we make this change to a small spot parcel. It's one parcel in the middle of a lot of residential; it is going to make property values drop. In Avalon, their property values are doing wonderful right now. Make that a B-1 and no one will want to live in Avalon anymore. These houses in Avalon are selling in two days. She asked now what are they going to do.

Carl Caporale of 38639 Avalon Drive asked if the members have been to the property.

Vice Chairman Maleski stated he has been to the property.

Carl Caporale asked if he had seen the views from their side of the property. He provided pictures from his side of the fence and asked that the members look at the picture to see how close that barn is to the back of the property. He proceeded to speak his concern about alcohol consumption, lights, noise and all of that stuff that everyone else has brought up. He stated that they aren't sure what is going to go there as the Mayor has stated. This is what their intention is; but down the road it could change. As Mr. Lucas's attorney stated, this is going to be a limited use, three or four times a month. They can't guarantee that.

Vice Chairman Maleski stated right now, we are just talking about the zoning part of it.

Carl Caporale asked how a business would survive with one party a week or one event a month.

Vice Chairman Maleski stated he couldn't predict that and asked if he had any questions about the zoning.

Carl Caporale asked why this is needed in this neighborhood as it is purely a residential neighborhood. Down the road a mile away off Otten Road, there is the Lorain County Metro Parks, Sandy Ridge Reservation that includes three hundred acres of nature trails, covered outdoor shelters and an event center, which is the same thing they want to do here. He stated that there is already one in their neighborhood. They don't need another one. They don't realize what impact this has on them as residents that live right behind there. Their properties abut to this driveway. He asked that the Planning Commission vote the measure down.

Todd Carlson of 38596 Avalon Drive located right across the street from the barn stated one thing that Kelly mentioned is spot zoning and he provided a definition. He stated it should be a concern of the City. He stated that this is an application to rezone one parcel only. It is located in a one hundred percent residential district with the closest commercial property being two miles away. It is his belief that this will affect the property values in their neighborhood. This rezoning is truly just for the profit of the applicant and there is not a real benefit for the City for this rezoning as it is a detriment to the loss in property tax for all adjacent properties. If this spot zoning is approved, it is opening up Pandora's Box for other possible spot zonings throughout the City and so it would become a problem for North Ridgeville after the fact. If this would occur in the City it would be the one single parcel, so it would be nice to have the City maintain a strong zoning and planning regulation by saying no to this measure.

Barb Vanshore of 5320 Case Road stated that she doesn't see a problem with the bed and breakfast going in. She lives five houses away. There have been concerns mentioned about traffic, but we live on public streets. The cars come and go. As far as spot zoning, yes, we have the metro parks a mile down the street. A mile down from there we have a junk yard. She asked why is it that when someone who wants to do something that might bring in more money to the City of North Ridgeville, that it could be a problem. She can't see what the problem here really is. She asked that the City bring it in.

Karen Gonzalez of 6508 Forest Park Drive stated she is in agreement with Barb. She agrees that this is a great idea. She believes it will bring a lot of people to North Ridgeville. If you have family coming into town and they have nowhere to stay, it is a nice quaint little bed and breakfast. When her mother passed away a year ago, they struggled to find somewhere to have a little get together and this would have been perfect. It is great that Jackie wants to start a business. She is a young entrepreneur and very talented. She believes it would be an asset to this community.

Resident (did not provide name and address) asked if this was approved, would it have to adhere to the same City ordinances for noise as a residential property.

Vice Chairman Maleski stated yes.

The same resident stated that a party there would be no different than someone in Avalon having a party as far as the time constraints and noise.

Vice Chairman Maleski stated that is his understanding.

The same resident stated he thinks it would be a good idea to have something like that in North Ridgeville for a city that is looking to spur business; it is definitely a positive for the city. He didn't see any proof that it would make Avalon's property values go down. Maybe someone should actually do some research to see if that would actually happen.

Mary Nowicky of 38520 Avalon Drive stated her concern is that they are having fifty spaces for cars. She asked where those cars would go to park if they don't have any spaces left. She stated that they don't want them on Avalon. They would be all the way down their street. She stated that when the Duct Tape Festival goes on in Avon, which they don't mind because it is only one weekend, they can hear it over in Avalon. She stated that no one can tell her that the noise there is not going to bother the residents that are living there. She added that when people are coming from the east; besides Center Ridge Road and Detroit Road, there are only two roads that lead to Case Road and that is Avalon Drive and some place in Meadow Lakes. She stated that they already have traffic on the street. She stated that she believes the majority of the people here tonight are for not having it rezoned.

Anthony Giardini stated he believes the Building Official could verify this for him, but whatever they do on the property, they have to be able to maintain enough parking to handle the event that will be handled there. No one is going to park on Avalon and walk all the out Avalon to Case Road down Case Road and up a driveway. That is probably three hundred yards and that is just not going to happen. He believes the requirements would be that they have enough parking that would accommodate the size of crowd that the Fire Department would allow them to have and so if there are eighty people, then he is guessing there would need to be parking for at least forty or fifty cars. There is more than enough land there to accommodate any size crowd that the barn could potentially hold. He addressed the comment of there being no benefit to the community. He stated that really isn't true and one was just mentioned by the lady who had friends or family in from out of town and didn't have a place for them to stay. There aren't a lot of hotels or motels around North Ridgeville. A bed and breakfast for a small group of people coming in for a family reunion and as large as the Avalon development is, he would guess that there is probably something going on all the time where the residents there would have family in town who couldn't be accommodated at their own home and they would literally have a home just like their own, if they stayed at the bed and breakfast. He stated he couldn't believe that no one here has children that are marrying age or for baptisms, communions or whatever it may be, or where they might want a retirement party or a business where they might want their employees to come to. They think there is a lot of potential benefit to residents of Avalon as well as the community at-large.

Krzysztof Swirydowicz of 38611 Avalon Drive stated that he understands that it may be a really good idea for North Ridgeville, but he asked the members to take a look at the picture he provided. He asked if he is paying property taxes like everybody, why he has to deal with this. In the picture, he explained, is his daughter who is standing in the middle of his yard. The barn is about one hundred and forty feet from his windows. His child is sleeping upstairs and asked if someone could tell him he is not going to hear any noise. He stated that is completely not true. He stated that it is not fair why he would have to deal with this three to four times a month. Yes, everyone has a party once or twice a year, but not three times a month.

Robert Colleran of 38582 Avalon Drive asked about the parking. He asked if there has to be an x amount of lights in the parking lot per parking spots.

Chief Building Official Fursdon stated that there is no requirement in the code that says they need to put lights there. If they do put lights, they need to keep them on their property. It would need to be downward lighting.

Robert Colleran asked if those lights would be visible to the houses that are forty feet away.

Chief Building Official Fursdon stated somewhat, but it has to be down lighting it can't go off the property where it interferes with the adjacent properties.

Robert Colleran stated that they could possibly put an event or something like that with eighty to one hundred people and asked if that was correct.

Vice Chairman Maleski stated that will be up to the Board of Zoning. If the zoning gets approved, the Board of Zoning would have to approve something like that.

Robert Colleran stated technically they don't have to say that is what they are doing, but that is what they are talking about doing. There has been no talk of alcohol yet and if you are having weddings there is going to be alcohol there. Three years ago this month, he ran into his neighbor's house because a car drove through it; right on the other side of that barn and then the guy tried to kick it into reverse and back out. He was hammered. He stated that they already have a major traffic problem to the point where the only two solar powered speedometers in the City have been placed on their street. There is a major problem and there is talk about Avalon Drive all the time. This will just compound that and they will have even a bigger issue. He stated that there are kids in every one of those houses that butt up against this property. The one directly behind the barn has a four year old and a five year old; and his child is nine years old.

Botros Shenouda of 38597 Avalon Drive stated that he believes this is a great idea, but not in his backyard. He is sure if Mr. Lucas was here in his place, he would refuse this as well. He explained that they moved from Avon to the City of North Ridgeville on Avalon Drive because it is a nice quiet area. He stated that he works as a photographer and he knows how crazy it gets when there are weddings and how people drive drunk at night. He has seen so many crazy things.

Vice Chairman Maleski asked if he could keep his comments to the zoning part of it. He does understand his concerns.

Botros Shenouda stated that he is talking about the party, the noise that will be right off of their back yard and included the concern with the noise, the lights and everything.

David Taleff of 5018 Case Road stated that he lives in the driveway of the other driveway directly across the street from this house. He explained that there is a lot of traffic on the road. Two properties were sold in the last two years. One is to the right of him and that neighbor is here with him tonight. He explained there is quite a bit of property over there. He was sweating

bullets until someone decided to purchase this property and build a regular home; one home. The other property to the north of him has approximately six and a half acres. This property was sold to a young man who has told him personally that he wants to knock the old farm house down and put a house up like the other ones. Across the street, Dr. Abbey was a very nice gentleman. He knows the property was there for a long time as he met Mr. Lucas Sr. when they first purchased this property twenty years ago before Avalon ever showed up and everything else. He stated that there is more than enough property there to put in a street and houses on either side. He didn't know if the Avalon residents know of what took place before, but the actual houses that were supposed to be put in there were lots that were half the size of what the Avalon lots are today, but they ended up standing up and asked that they make them put larger houses up; the homes that they actually live in today. The purpose of why he is giving this history is that there is more than enough property to have this area sold to a developer and keep it as it is residential and put in at least twenty to twenty-five houses because there is more than enough property and the people who are on the other side of Avalon know how it feels with Camelot. These will be even closer to the back yards.

Griddy Gorning of 37940 Avalon Drive stated that there has been a lot of talk for one con on this issue; alcohol and a lot of issues involved. What everyone has to keep in mind is the zoning. Once it changes, it changes and any of those uses that are listed for that zoning, you better be satisfied with because it could be anything. He stated that they could put deed restrictions on today and take them off tomorrow and the city can't do a thing about it. Keep that mind as you try and live in that residential neighborhood.

Matt Murphy of 35183 Jason Drive stated he has lived in this city his entire life and he thinks it's a good thing to bring this in. The city is evolving and has been evolving for one hundred years. His father has lived here since 1965. When he moved here there were three stop lights in the whole city; now there is forty. He stated if they want the city to evolve and become bigger, look what Avon is doing with all of their stuff. He thinks this is great as it brings people in. The people that think it doesn't benefit them, well there are a lot of things in this city that don't benefit him, but that doesn't mean that it isn't good for the city.

Ron Steiger of 35545 Livingston Drive, Avon, Ohio stated he built their house twenty-three years ago in Avon. There was a vacant piece of property behind them. When he built, they were on a corner that dead ends right into the guardrail. He anticipated as there were woods behind him that something could change. He stated there could be a development; there could be a school, who knows what would happen. He stated he planted pine trees. He stated that there have been a lot of technical terms here regarding Mr. Lucas's proposal. He has known Mr. Lucas for over forty years and he knows the family very well. He wanted to make a point that no one has talked to him about this and asked that they talk to him to actually understand where he is coming from. It is his backyard. He has been there for thirty-two years. His father, who he knew, passed away a few years ago built that house in the 70's; over forty-two years ago. Mr. Lucas wants to preserve that property. He is not out there trying to make millions of dollars. He is not trying to money grab. He didn't want that area to get developed. He wanted to preserve the woods and twenty-two acres is a lot of property back there. He wanted to keep it natural and

try to in some way without selling it off and having it developed into something. Here is an idea. The house is an existing house and isn't going to change. He can turn this into a bed and breakfast. He stated he has been in the barn and the barn is not that big. It can't fit two to three hundred people like Tom's Country Place in Avon. It is a very small barn. Wedding receptions will be very small, bridal showers, baby showers, etc. Both of his children bought houses in North Ridgeville this past year. He stated when they downsize, they are looking to sell their property and move into North Ridgeville. He explained most of his family is from North Ridgeville or close by. He stated this isn't in his back yard and he understands the compassion and concerns. He is looking at it from a different side in that he knows where this is coming from and he knows the person. He stated he knows his intentions and he knows how he is and he knows the family. They love that property. They want to preserve it and keep it as natural as possible. They are not looking for keggers. They are not looking for a spring break hangout. That is not the intention at all. He stated they may be a little crazy as everyone knows they are the house with the palm trees. He stated they aren't crazy, but if some of these people would actually talk to him, that may help the concerns. He stated that he appreciates their concern as he stated before, he built in an area that will be built up in time, but that was his choice.

Vice Chairman Maleski asked if there were any comments regarding the zoning.

Ron Steiger stated that there was a lot of passion spoke on both sides. He is not here to bash anyone. In terms of zoning, North Ridgeville is growing. Avon is way ahead of North Ridgeville in their growth. This is something that is not a strip center. This isn't going to create a bunch of traffic lights. If there were sixty people inside that venue, realistically, there are about twenty-five to thirty cars. That is about what will be able to be held in there and traffic wise, he doesn't see it getting that crazy.

Vice Chairman Maleski asked if there were any other comments.

Mike Durand of 5329 Pleasant Street addressed the Commission and asked if this will be rezoned to a B-1 in the middle of residential area, will this cause a precedent where anyone can ask to turn their house into a bed and breakfast and be able to do that in the future.

Vice Chairman Maleski stated that it would have to go through the application process. He asked if comments could relate to the one that is on the docket right now.

Mike Babet of 38601 Sugar Ridge Road stated he is one of the four anomalies of North Ridgeville that live in a residential home on a B-1 zoning. The houses next to him actually had to apply for permit to build because they were B-1. So, the B-1 zoning has created a big problem for them. He stated there is a party center directly behind them which used to be Melody Grove and is now the American Legion. He knew that was there when he moved in. They have good experiences and bad experiences there. He purchased land behind him to hopefully not let that land be developed. He has tried to insulate himself and keep the integrity of the residential rural area. One concern of his is property values. When he had his home reappraised, he had to check boxes that asked if he was within three hundred feet of an industrial zone; a box asked if he was

within three hundred feet of a business zone. He proved here, to this council months ago, that when you check those boxes yes, it puts a different appraisal value on your home. That can be negative or that can be positive. If it is in a business district it is positive. If it is in a residential district, it's negative and so, by doing this zoning, you are changing the integrity of the people's property values directly surrounding this. As a matter of fact, everyone that received a notice is within three hundred feet of this property. So, those of you who ever have their home appraised, the value will be based upon those checked boxes. He explained that there was a time before that spot zoning was speaking of and in that case it was not spot zoning. The definition that was read tonight is the definition of spot zoning and this is spot zoning. The reason he is here tonight is because he doesn't want his home to have a business put next to it and have spot zoning put next to it. If this is done, it sets precedence in the city for other areas to have spot zoning done.

Albert Volak of 38538 Avalon Drive stated he wanted to make one closing remark. It seems like we are talking about if this could happen, if this happens and so forth. Doesn't it just make good sense to keep your commercial property zoning in one place, the residential zoning in its place and not mix these together. The simplest thing as it seems to him is to not rezone this property and leave it the way it is and they want have to worry about any of these "if" comments regarding property values, whether the use of the property will change over time, etc. He doesn't think Mr. Lucas could predict what could happen in two to three years from now. He believes the wisest thing is to leave it alone.

Carol Grodi of 4982 Somerset Court stated that she resents being threatened with thirty or forty houses behind the houses on Avalon Drive. She felt that she was being threatened that if the residents don't go for this then this could happen. She stated that this barn is forty feet away from home owners on that side of Avalon Drive. She stated that they need to stand up for the residents in North Ridgeville. They have families and this man has his daughter who sleeps in a bedroom forty feet from where this barn is located. She asked who is being cared about in this community. She concluded by stating it's time to start supporting the residents.

Vice Chairman Maleski asked if there were any other comments from the audience.

Carl Caporale of 38639 Avalon Drive stated that there was discussion about subdivisions and asked if it came to Mr. Lucas selling or developing this property himself, wouldn't it have to come before this Commission to be approved.

Vice Chairman Maleski stated that they would have to apply for that process to be approved.

Carl Caporale stated it would be up to the Commission whether there could be thirty to forty more houses in there.

Vice Chairman Maleski stated that it would have to come to this Commission yes.

Carl Caporale stated that for him to get a permit, it has to go through the Commission.

Vice Chairman Maleski stated that is correct.

Carl Caporale stated it wouldn't be up to him to decide there is going to be a subdivision. It would be up to the Commission.

Vice Chairman asked if there were any other questions from the audience. Hearing none, he asked if there were any other comments from the Commission.

Member Abens stated that he has listened to everyone and appreciates them all coming in tonight. He too has a problem with a B-1 being designated for this area, but at the same time, he thinks Mr. Lucas's business would benefit North Ridgeville and the community. He did look at Avalon to move into when he brought his present home and the one thing he noticed about Avalon is that it does not have a community center. For such a large development such as that, for him that was something he didn't think he wanted to be a part of and he believes the Mr. Lucas has indicated he would open up the event center to Avalon residents for their particular parties and particular needs; thereby Avalon would have a community center per say. He has also stressed that he will do whatever he can to alleviate the concerns of the residents, but again, his concern is the fact that as he believes Mr. Lucas is an honorable man, he can't guarantee five, ten, fifteen years down the road, what he is going to do with his property. He stated B-1 is not appropriate for that particular area, but at the same time, bed and breakfasts are allowed under R-1 and quite frankly, civic community centers in support of communities are allowed as well. That is his dilemma at this point.

Vice Chairman Maleski asked if there were any other comments from the Commission. Hearing none, he asked if the Administration had any other comments. Hearing none, he closed the comments and entertained a motion.

It was moved by Maleski and seconded by Ali to recommend that Council approve the petition to rezone and adopt T 29-2018.

Vice Chairman Maleski asked the Clerk to call the roll.

Yes, 2 No, 1 (Abens)

Deputy Clerk Tjotjos announced the motion received two yes votes and one no vote.

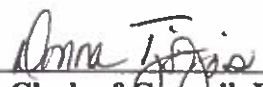
Law Director Moriarty explained that discussion was brought up regarding one Commission member being absent and one Commission member had to abstain from participating in this hearing, that there is a requirement for approval in that there are three votes. In the by-laws it sets forth a procedure that if you can't get the majority of three votes; it will then go to the next Planning Commission meeting.

Vice Chairman Maleski stated that this matter will be moved to the next Planning Commission meeting scheduled for April 10, 2018.

ADJOURNMENT:

Vice Chairman Maleski adjourned the 9:16 p.m.


Chairperson


Deputy Clerk of Council, Donna Tjotjos


Date Approved