NORTH RIDGEVILLE BOARD OF ZONING AND BUILDING APPEALS
MINUTES OF
SPECIAL MEETING – THURSDAY, OCTOBER 13, 2022

CALL TO ORDER:

Chairman Kimble called the meeting to order with the Pledge of Allegiance at 7:00 PM.

ROLL CALL:

Present were Member Neil Thibodeaux, Alternate Planning Commission Liaison James Smolik, Vice-Chairwoman Linda Masterson, Council Liaison Cliff Winkle and Chairman Shawn Kimble.

James Cain and Planning Commission Liaison Steve Ali were absent.

Also present were Mayor Kevin Corcoran, Safety Service Director Jeff Armbruster, Chief Building Official Guy Fursdon, Law Director Brian Moriarty, Planning and Economic Development Director Kimberly Lieber and Deputy Clerk of Council Tina Wieber.

CORRESPONDENCE:

Chairman Kimble noted that there was one piece of correspondence that the Board received.

PUBLIC HEARINGS:

Ridge Minerals, LLC, Christopher Teater, Center Ridge Rd, PPN 07-00-033-101-028
Applicant: Brian Bonham, Wickens Herzer Panza, 35765 Chester Road, Avon, OH 44011.
The applicant is appealing the City's denial of the application submitted for construction of multi-family dwellings for the Eagle Lakes Condominium/Retreat at Stafford project.

Application was read along with comments from Chief Building Official Fursdon.

Chairman Kimble asked if there was a representative present.

Brian Bonham, Wickens Herzer Panza, 35765 Chester Rd, Avon, OH 44011, was sworn in.

Mr. Bonham stated that he was representing Ridge Minerals, LLC and that also in attendance was Chris Teater who was a representative of Ridge Minerals.

Chairman Kimble asked the applicant to explain the application.

Mr. Bonham stated that the process was started in late 2021, early 2022. He explained that Ridge Minerals was under contract for Redwood to purchase a portion of the property that was noted in the application. He discussed that once they were under contract, the buyer's representative came to the City and talked to the Chief Building Official because Redwood had done a multi-family project under the conditional use permit back in 2013. He stated that they came to talk about the project and there was an acknowledgement that they had seen Redwood before but they needed to circulate it around the City. He explained that that was done and then what came out of that process was the March 16th denial letter from the Mayor denying the application for the reasons stated in the denial letter. He explained that they were in front of the Board asking it to consider a reversal of that because they felt that based on the zoning had been B-2 for that particular parcel and surrounding parcels since 1973 or early 1974 for nearly fifty years. He commented that Ridge Minerals predecessor in interest, FJD Properties, went before the Board back in 2003 and obtained a conditional use permit that the Board granted and based on that they put in millions of dollars of improvements and 2,500 feet of road at the time in 2004. In 2013 Redwood did a similar multi-family project under the conditional use that was granted by the Board. He stated that with the denial the contract was terminated and that was it. He mentioned that because they felt it was valid and the zoning had been B-2 for fifty years, they had a conditional permit since 2003 that was a prior project that was approved, that they asked the Board to reverse that decision and affirm that the conditional use was still in place.

Chairman Kimble commented that the conditional use that he kept referring to was from 2003 and asked if that was correct.

Mr. Bonham stated that was correct.

Chairman Kimble stated that moving forward ten years later, the Redwood project started and asked if their stance was based on that from the 2003 project.

Christopher Teater, 37000 Center Ridge Rd, North Ridgeville, OH 44039, was sworn in.

Mr. Teater remarked that he couldn't give an exact date but what happened was that they transferred the land in 2013 to Redwood and they continued a project that Mr. Teater had begun a number of years earlier. He stated that in the existing Redwood project, he had completed two model units and the undergrounds and the streets were all in as well as the undergrounds that would continue to the remainder of the forty five acre parcel that they got the approval on.

Chairman Kimble asked when they had done the undergrounds and the streets.

Mr. Teater stated 2004 and 2005. He explained that that was when they brought the last 2,500 square feet of Meadow Lake Blvd out to Center Ridge Rd. He explained that as they had stated that when they applied for the conditional use in 2003 and was the only way they could do that and get construction financing, because they felt that commercial development on Center Ridge was at least ten years away but turned out to be considerably more. He discussed that they felt that they needed a stop gap for at least a portion of it to allow the residential to eat up some of the loan.

Chairman Kimble stated that in 2003 when they were approved for the conditional use, roughly a year or so later, they started that construction of what is now the Redwood area.

Mr. Teater stated that was correct.

Chairman Kimble commented that that would make sense for that conditional use because it was within the two year time limit for conditional uses for that particular project. He asked if he was trying to affirm that he believed everything was included with that because they had started part of the project under the 2003 conditional use.

Mr. Teater said yes.

Chairman Kimble asked why they came back in 2007 and 2009 after the conditions had expired for the twenty four months for the additional portions of the property.

Mr. Teater explained that they had forty five acres approved and that was a very long range project. He stated that they did not intend to complete forty five acres of housing in a couple of years. He mentioned that if he would be asked the question today looking back, they began the whole project by putting in the sewer and 2,500 feet of roadway that allowed them access to it. He stated that he wouldn't look at it as saying that there had to be an apartment building under construction to retain it.

Chairman Kimble discussed that what he was confused on was why there was an additional request, under a different name at the time, to have the condition reinstated after it expired on two different occasions.

Mr. Teater stated that he was confused. He explained that he did not ever consider it to be expired.

Chairman Kimble stated that Mr. Dettore did because he came back in front of the Board two different times.

Mr. Teater asked when that was.

Chairman Kimble stated that it was September 11, 2007 and then again in 2009.

Mr. Teater asked if it was for those specific areas.

Chairman Kimble remarked that to the best of his knowledge it was. He explained that he was confused as to how they could base starting a project in 2003 when it clearly had a lapse. He stated that they had started the project within the 24 month time frame but only did the Redwood section. He added that then there were two other times Mr. Dettore was told that he had to come back in front of the Board.

Mr. Teater mentioned that he may have misspoke on the time frame. He stated that the roadway started to come through around that time frame of 2003.

Chairman Kimble remarked that the twelve and a half acres that they were talking about didn't have any roadways.

Mr. Teater stated that it did not. He explained that it fronted on Center Ridge Rd.

He discussed that the roadway that was shown in the drawing and was stated in the minutes that Mr. Dettore said that that connecting roadway from the east to the west end might never go in and in fact it didn't. He stated that it was to give them flexibility. He remarked that he didn't have a site plan for forty five acres of residential housing. He stated that the driving range, which they no longer owned, was in the middle of it. He added that they cut off a back section of the driving range so that if there was enough demand for the housing, that they could connect the east and west ends of it.

Chairman Kimble stated that those no longer connect because of the driving range and asked if that was correct.

Mr. Teater indicated that was correct and they needed the frontage of Center Ridge Rd.

Chairman Kimble asked what specific part were they challenging of the Mayor's letter.

Mr. Bonham remarked the denial because they were denied the application.

Chairman Kimble asked who they made application to.

Mr. Bonham stated that they came in and talked to the City. He discussed that they had talked to the Chief Building Official first. He stated that the buyer came in and had an informal meeting and then it was circulated around amongst the various City offices and then they were informed that they couldn't do the project. He added that when the denial letter came out, the buyer terminated because they were under the understanding that they had the conditional use because they did it in 2013. He stated that the only way the 2013 project would have been approved would have been under the conditional use.

Chairman Kimble stated that he thought it was because the infrastructure had already been put in 2004 as they had stated.

Mr. Teater mentioned that he wasn't certain of that date.

Chairman Kimble stated that they could be flexible on the date but for his own

clarity he was trying to figure out exactly why they were there.
Mr. Teater stated that he may have been in attendance but did not have a clear recollection of coming back in and renewing the conditional use because it may have been the time frame that they started the condo project.

Chairman Kimble remarked that he was playing a little catch up himself. He explained that he was a member of the Board in 2007 but he wasn't at that meeting. He stated that they were talking about forty nine and a half acres to begin with and asked if that included the current Redwood project.

Mr. Teater stated that it was.

Chairman Kimble explained that it would be twelve and a half off of that. He stated that the additional part of the property that was not under contract, and asked if was there any land left.

Mr. Teater stated that there was.

Chairman Kimble asked if the twelve and a half was it.

Mr. Teater mentioned that it was about two hundred feet in depth of frontage on the west side of Meadow Lakes Blvd.

Chairman Kimble asked if that was on the other side of the road.

Mr. Teater stated that it was. He said there was almost twenty five acres there. He explained that the twelve and a half acres that Redwood wanted to buy currently was a portion of a fifteen point something acre piece that was between their offices and the driving range. He added that of the original forty nine acres, they no longer owned about five of the acres which would have been the back land of the driving range and a little over eleven acres that was the first Redwood project. He mentioned that they still had over thirty acres but about fifteen acres of it was east of the driving range and the remainder west of Meadow Lakes Blvd.

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

Alternate Liaison Smolik stated that there was no full site plan for everything when they received their initial conditional use.

Mr. Teater stated that was correct.

Alternate Liaison Smolik stated that sometime in 2014 the B-2 zoning changed where they got rid of the conditional use for multi-purpose family. He stated that since there wasn't a site plan for the whole entire project, now that the conditional use was gone, he felt that was a big key regarding it.

Mr. Teater stated that their feeling was that they began by putting in the infrastructure, sizing the sewers and building the roadway to access the forty nine acres, was their action. He added that they understood that they had to bring individual projects back in and because Redwood modified some of their plans, they came back in around 2012 or 2013 before they actually took the property in 2013. He advised that the Board or Planning Commission must have thought that the conditional use was still in place at that time.

Chairman Kimble stated that in that particular instance they were going by a project that was started with infrastructure and roads.

Mr. Teater remarked that if they were asked in the beginning and it was probably discussed, that forty-nine acres would be over many years and be contingent on the financial markets and the economy over a period of time.

Chairman Kimble stated that he knew as well as anyone about the housing market.

Alternate Liaison Smolik asked if there was an exhibit showing the utilities that were put in for the future phases.

Mr. Teater stated that he didn’t have one. He mentioned that they would be at the boundary of the Redwood project. He explained that they retained easements across the driving range but there were no actual undergrounds east of the current. He added that they were only sized for future connections.

Chairman Smolik stated that the piping was sized for the future but there was no improvements extending into the area they were talking about.

Mr. Teater stated that was correct.

Vice-Chairwoman Masterson stated that to be clear regarding the project area that was being addressed at the current meeting, there weren't any improvements done.

Mr. Teater stated that was correct, that there were no undergrounds.

Chairman Kimble asked that when they came before the Planning Commission in 2013 for Redwood if the plans in any shape or form had shown all of the forty-nine and a half acre property or if it was just Redwood. He explained that in looking through documents he had only seen the Redwood plans and from the minutes but wanted to make sure there wasn't something he was missing that showed all of the property.

Mr. Teater stated that Redwood made the submission so, no, there would not have been any additional improvements shown on the remainder. He added that their only concern was that eleven plus acres.

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

None were given.

Chairman Kimble asked if there were any questions or comments from the Administration.

None were given.

Chairman Kimble asked if there were any comments from the public.

Erica Prokrym, 6996 Fledgling Ct, North Ridgeville, OH 44039, was sworn in.

Ms. Prokrym explained that she lived directly behind the area that was being discussed. She asked if any of the Board members had any information that they would like from the people that currently live on that property as to things that they would know about the site or anything.

Chairman Kimble explained that she was really there to speak her mind and in the course of doing so they may ask her questions.

Ms. Prokrym stated that her understanding regarding the property was that the Mayor felt that the letter of the law would lead to the Board choosing a denial regarding the application. She asked what was the spirit of that part of the law of having to ask for a referendum before having more multi-family housing.

Chairman Kimble advised that the Board didn't answer questions.

Ms. Prokrym asked if they were just there to make statements.

Chairman Kimble stated that was correct and that they may ask questions of her but the Board did not answer questions.

Ms. Prokrym thanked him for his patience and explanation. She stated that if she were on the Board the questions she would ask would be things like, would at least a one year delay to get a referendum, if that would significantly damage the project.

Chairman Kimble explained that they were a very easy going Board and that it wasn't a court room so they didn't have to go by that strict of a guideline but they were there simply because the applicant requested a reversal of the Mayor's determination for denying their application. He added that there were definitely a lot of questions up in the air about how things happened in 1973,1974, 2003 and things like that which was definitely part of all of it. He explained that the Boards' job that evening wasn't to decide if it went to the vote of the City because that would be the people above them. He stated that they didn't have the power or authority to make that happen. He mentioned that the Mayor denied their application and the applicant was asking for the Board to go against that decision.

Ms. Prokrym stated that her final comment was that as a homeowner next to the property, she did review a list of B-2 things and the short order townhouses would definitely be more pleasant to be next to than a number of the things that would be possible in the B-2. She discussed that she was there to observe and to make sure that things that were being built there were built well.

Law Director Moriarty stated that he wanted to make sure that the memo denying the application to Chris back in March was submitted into the record, as well as the other Memo from Toni Morgan. He stated that he wanted to make sure that they were before the Board and they had those to consider as well.

Chairman Kimble stated that the denial letter was part of the application so that was definitely part of the record but the memo from Toni was emailed to everyone on the Board so they did have that but he didn't believe that was part of the application.

Law Director Moriarty explained that it was just further information that they thought would be helpful in their deliberations.

Mr. Bonham asked if they could get a copy of that.

Law Director Moriarty stated that they would and asked if they submitted their letter, the response.

Mr. Bonham (inaudible)

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

None were given.

Chairman Kimble asked if there were any questions or comments from the Administration.

Law Director Moriarty stated that he wanted to be clear that the memo that was sent from Toni a week or two ago, was that being considered by the Board.

Chairman Kimble asked in what way.

Law Director Moriarty mentioned regarding some of the issues that were raised regarding the expiration of the conditional use. He added that he was aware that there had been some talk about it but he wanted to make sure that that was something that the Board was considering and if he needed to request that it be entered into the record, he would do that.

Chairman Kimble explained that they should play it safe and he should request that it be entered into the record.

Law Director Moriarty stated that he would make a request to have that entered into the record.

Chairman Kimble advised that it was a complex matter. He stated that he had been a member of the Board for almost eighteen years and Vice-Chairwoman Masterson had been on the Board longer than he had and there were a couple of decades of experience between the two of them. He added that he had never seen anything that dated back to 1973. He explained that he believed that there needed to be due diligence with all the information that had been provided to the Board and that the Board should reconvene at a later date for an executive session for discussion and then have a vote on the matter. He stated they would mail out the response from there. He stated that he wouldn't entertain a motion for a vote at the meeting that night but they would set up a time over the next few days.

ADJOURNMENT:

The meeting was adjourned at 7:27 PM.

Shawn Kimble
Chairman

Tina Wieber
Recording Secretary/Deputy Clerk of Council

Thursday, October 27, 2022
Date Approved