

**NORTH RIDGEVILLE PLANNING COMMISSION
MINUTES OF
REGULAR MEETING AUGUST 13, 2013**

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

Roll Call: Present were Planning Commission Members Tim Anderson, Jim Hurst, Larry Mollenkamp and Jim Rothgery.
Absent was Member Robert Olesen.
Also present was Chief Building Official Fursdon, Assistant Law Director Toni Morgan, City Engineer Scott Wangler and Secretary Donna Tjotjos.

Minutes:

Chairman Rothgery asked if everyone had a chance to read the minutes dated June 11, 2013 as well as the minutes dated July 9, 2013. He stated that if there are no corrections to those minutes, then both are approved as presented and will be placed on file.

Chairman Rothgery noted that there is correspondence; however, he asked that correspondence be read after new business.

Old Business:

Chairman Rothgery stated that there is no old business. He asked the Secretary to read the application under new business.

NEW BUSINESS:

APPLICANT: Joe Molnar, Vice President, Bob Schmitt Homes, Inc., 9095 Gatestone Road

OWNER: Same

REQUEST: Final plat approval for Ridgefield Subdivision No. 11 to include 15 single family lots

LOCATION: Extension of Meadows Edge Lane in Ridgefield Subdivision in an R-1 District
Part of Permanent Parcel No. 07-00-001-000-306

Application was read along with comments from Administrative Officers, Chief Building Official Guy Fursdon, Police Chief Mike Freeman, Fire Chief John Reese and Engineer Scott Wangler.

Chairman Rothgery asked if the representative could approach the podium and state his name and address.

Mr. Joe Molnar, Vice President of Bob Schmitt Homes introduced himself as well as Mike Schmitt, CEO and President. He stated if the Board should have specific questions, either of them could answer them for the Board. He explained that they are here for their next phase, phase 11, which includes 15 homes. He indicated that it has been nine years since this development had been in front of Planning Commission. He stated he had one comment regarding the lot size in that a comment was made that the lot size did not meet the minimum requirements and so, they revised the plan which should be in front of the Members this evening. He stated he has an issue with the traffic study requirement in that this intersection is probably one of the biggest intersections with three lanes and he isn't sure if there is any other intersection in this city that can handle as much traffic as this intersection can. Bagley Road intersection is also a new intersection with two turning lanes that can also handle the traffic. He felt that at this time, they have adequate traffic flow at both of those intersections for the 15 lots that they are proposing tonight along with any future development in that area because both intersections can handle the traffic flow. He read the traffic study ordinance and it stated that a traffic study would be required if it involved land with a new use, change of use or expansion of use. He indicated that it is not a new or changed use and this development came in front of Planning as a preliminary plan that included the entire area and its use. He stated that they are not expanding the preliminary plan and this use is not a new or changed use.

Chairman Rothgery addressed Assistant Law Director Morgan and asked if she had any input to give the Commission on that subject matter in terms of a required traffic study.

Assistant Law Director Morgan stated that she would have to take a look at the ordinance again to see if it is a mandated item or something that we can work with or maybe something that can be dispensed with. She stated that she would have to look at when it was passed in relation to this development and what has been done up to this point. So, she couldn't answer specifically, but she would take a look at it. She added that the points made by the representative were well taken.

Joe Molnar stated that even Route 83 and Center Ridge Road is probably one of the most congested intersections there is and there are only two lanes going north and one lane south. He stated that he believes Larry Griffith did a traffic study at the Bagley Road intersection and he assumed that the Engineer would have a say on it if something would have been required back then.

Chairman Rothgery asked the Members if they had any comments or questions.

Member Hurst pointed out the lot on the drawing that has the pond on it. He asked if the representative could describe the pond; if it is a wet pond and how deep is it and what is the reason the developer is keeping that pond instead of making it another lot.

Joe Molnar explained that lot is within a wetland area and has to be kept as such. He stated that the basin is a dry basin and when wet, it holds about a foot of water. He explained the area needs to be left in its natural state because it is a wetland.

Member Hurst asked if that would create a mosquito problem.

Joe Molnar stated there is that potential, but then with wetlands that seems to be a problem that has to be dealt with. This is an existing problem with all wetlands.

Member Hurst asked if the lots that aren't numbered on the plan are future lots.

Joe Molnar stated that was an error. Those lots are in already but they weren't numbered on the drawings.

Chairman Rothgery asked if there were any other comments. Hearing none, he opened the floor to the Administration. Hearing no comments he brought the discussion back to Planning Commission and asked for a motion on the application.

It was moved by Hurst and seconded by Anderson to approve the final plat for Ridgefield Subdivision No. 11 to include 15 single family lots

Chairman Rothgery asked the Secretary to call the roll.

Yes, 4 No, 0

Motion was approved by a vote of four to zero.

Correspondence:

Member Hurst asked Chief Building Official Fursdon what his intent was for Planning Commission to do in regard to his correspondence.

Recording Secretary Tjotjos noted that all Planning Commission can do is note receipt of the correspondence.

Chairman Rothgery explained to the Commission that the correspondence in front of them is from CBO Fursdon pertaining to the Retreat at Stafford, which is a new name for an old project. He asked CBO Fursdon to explain the memorandum.

Chief Building Official Fursdon asked if the correspondence could be read into the record.

Recording Secretary Tjotjos read the correspondence.

Chief Building Official Fursdon showed the approved old plan known as Eagle Lakes Condominiums versus the new plan. He explained that the streets will remain the same. The only thing that changed was the duplexes. They are now six and seven-plex units. They are

combining them and making the units longer. They are also putting in five less units than what was originally approved, plus the Manager's office to the apartments. He stated engineering has reviewed this and he has received their approved plans back. He stated the Commission can see from the plans that all the setback requirements are met. The new owner is aware that the sidewalks are required as Planning Commission had requested during their approval. He stated that they are also aware that the parked vehicles must be able to park in the driveways without blocking the sidewalks. He stated that he felt they did not need to come back to Planning for those changes, as they are minor, but he felt that Planning Commission should have an accurate drawing on file for these apartments because they will not look the same as they did when approved.

Chairman Rothgery asked Assistant Law Director Morgan if she felt these changes were de minimis changes.

Assistant Law Director Morgan stated that Planning Commission has already approved basically this plan and this set up. It is just a matter of the buildings being squished together and in her opinion the biggest change is the fact that they went from condos to apartments. Nothing dramatic or that would change the planning or structure of it or the way streets are laid out which is always a concern along with the density. None of the big items have changed. She stated that Planning Commission always has the option, if they feel differently about it and that is certainly their prerogative to say the Commission wants the applicant to come back with this application and be approved again, but these changes that they've made are very minimal and she didn't feel that they were anything of huge significance to the Planning Commission. She stated that is her opinion, but if the Planning Commission feels differently, then they can require them to come back.

Chairman Rothgery addressed the Commission and stated his concern is with some of the longtime residents in this community and how they might feel about apartments. It is such a nasty term in this community or at least it used to be. He asked what the Commission feels about this.

Member Mollenkamp asked whether or not the city requires this type of development to go to the electors.

Chief Building Official Fursdon stated it never did need a vote of the electors. If the apartments are built within an R-2 or B-2 zone, then it does not need to go to the electors, because the multifamily is permitted within a B-2 zone. This property was already approved as multifamily. They originally started out with four and maybe six plex units and the only reason they changed to duplex is that they could submit construction drawings that didn't require an architect stamp and saved them a lot of time on it. This firm has an architect on staff and is perfectly willing to give us stamped drawings.

Chairman Rothgery asked if the design of the buildings had changed.

Chief Building Official Fursdon stated that they are going to look similar to those that are constructed on Bagley Road as it is the same company.

Member Hurst asked if the new engineering drawings had the fire hydrants laid out. He asked if the Fire Department looked to make sure the fire hydrants are within 300 feet of the back of these units.

Chief Building Official Fursdon stated he was sure that engineering had addressed that when they reviewed it because the site plan was signed by the City Engineer. He addressed City Engineer Wangler and asked if that was correct.

City Engineer Wangler stated he believed that was a safe assumption.

Chief Building Official Fursdon stated he was told by Cathy Becker that the infrastructure; the sewer and water line are the same layout that is down there and originally approved by engineering. The only thing that is changing because you have a duplex, a duplex and a duplex, is when you squeeze them together, they have to put caps in for each one of those to connect as individual sewer lines and water lines. They used a main water line and have a compartment that they feed all the units from and they have a master meter that is sub-metered the apartments just like they did on Bagley Road.

Member Hurst asked if that was a sub-meter for each building.

Chief Building Official Fursdon stated there is a master meter, but then if they are charging their tenant for water usage, they sub-meter and they then bill the tenant for their water. He isn't sure how the lease agreement works, but they have one main meter that the City bills to the apartment owner, just like on Bagley Road.

Member Anderson asked if those weren't luxury apartments on Bagley.

Chief Building Official Fursdon stated he would have to assume. He stated that he hasn't seen the construction drawings for it.

Member Anderson stated he didn't see anything wrong with the Bagley Road complex.

Chief Building Official Fursdon stated that what is being seen now on Bagley Road is similar to what has been built in Montrose and several other places. This is their type of unit that they build for apartments. He stated that these units are slightly different from what Planning Commission originally had seen. He added that if they hadn't rearranged the type of building, all he would be in front of Planning with is the name change from Eagle Lakes

Condominium, it is now being called the Retreat of Stafford, but the fact that they pulled the buildings together and so the Planning Commission has accurate records is why I am here in front of you tonight with this. He reiterated that the setbacks, street names, street layout is all identical and the density has even dropped off. It originally came in with a density under 6 and 8 is permitted.

Chairman Rothgery seemed to recall asking the representative from the previous company as to whether or not these units would be rented and he was rather evasive in his answer.

Chief Building Official Fursdon stated the original plan was to sell them as condos.

Chairman Rothgery stated he knew they were.

Chief Building Official Fursdon stated whether or not they could lease those condos out was a possibility. He stated that is how Muirwood started. They started out as apartments and they decided to make them as condominiums and sell them and the original owners were allowed to rent them, but as they resold the new owner wasn't allowed to use them as a rental unit, they had to use it as a living quarter. That became part of their HOA. That wasn't a City requirement.

Chairman Rothgery asked for shows of hands on who thinks we should have them come back just because it is going to become apartment buildings as opposed to condominiums.

Assistant Law Director Morgan asked if a tie vote was a win or a loss.

Recording Secretary Tjotjos stated that the vote on a motion is a loss with a tie vote. However, a motion was not made.

Member Mollenkamp asked for a voice vote.

Recording Secretary Tjotjos asked if there was a motion on the floor.

It was moved by Rothgery and seconded by Mollenkamp to vote on whether or not this new plan should be brought before the Planning Commission based on the change in the plan from condominiums to apartment buildings.

Chairman Rothgery asked if there was any discussion.

Member Hurst asked what more would Chairman Rothgery like to discuss if they were brought before the Commission.

Chairman Rothgery stated his concern is with some of the older residents getting upset because the wording has changed from condominiums to apartments.

Member Hurst stated he understood as he felt the same way years ago. He stated the only advantage he can see in having them come back to Planning with the new drawings is so that it would give Council the opportunity to acknowledge the plan being changed to apartments rather than condominiums because the developer owns them and rents them out as opposed to selling them.

Chairman Rothgery stated that is kind of what his feelings are but wasn't sure if those feelings were the same for others.

Member Mollenkamp stated he would rather see them come back in and clarify. He stated he was afraid we are going to get a firestorm with this piece of property right now if those units are designated as apartments. He stated he felt as Jim does that there are going to be residents within the community, once they hear these are apartments, we could have a problem.

Member Hurst stated that it would give the public the invitation to come and be heard. He asked how they would get notice of it.

Recording Secretary stated adjacent property owners would receive notice.

Chief Building Official Fursdon stated these units are the same units that are on Bagley Road. The outward appearance, you can't tell if those are apartments or condos and by ordinance, it doesn't matter because both are multifamily use.

Chairman Rothgery agreed, but asked how many people realize that this property has new owners.

Chief Building Official Fursdon stated he couldn't answer that question.

Member Hurst stated he didn't until just now.

Member Anderson asked if Planning Commission could stop them from constructing apartments versus condos.

Chairman Rothgery stated no, we can't.

Member Hurst stated if Planning Commission gave the community an opportunity to speak it would give Planning Commission the knowledge of the interest or lack of interest there is. He stated that he would support the Chairman's concern and interest in getting it out for information purposes only.

Assistant Law Director Morgan stated the decision belongs with the Planning Commission but Planning Commission's lack of approval rests with the Commission based on the ordinances. All of these meetings just as the one we are having right now are open to the public. However you vote, make sure that your opinion; your vote, your determination is still going to rest exactly as it would; based on the ordinances.

Member Mollenkamp clarified that Planning Commission should just look at this squarely as ordinance no matter whether what the designation is apartments or condos.

Assistant Law Director Morgan stated basically, yes. Planning Commission has to look at, no matter what is in front of them, they have to hold it up against the ordinances and planning requirements for the community with what works with health, safety and welfare of the community.

Recording Secretary stated it is the belief that Planning Commission feels they want the opportunity for the adjacent property owners to be heard and because this was not, and yes, this is a public meeting, but this was not noticed to any adjacent property owner and it sounds as though this is where their concern lies.

Chairman Rothgery stated that is correct. However, as Member Hurst and Member Anderson had pointed out, the adjacent property owners are all one in the same owner.

Chief Building Official Fursdon reconfirmed that the adjacent property owner is the owner and the HOA. He reiterated years ago, this may have been an issue, but today there didn't seem to be an issue with the Bagley Road development going in.

Chairman Rothgery asked if there was any further discussion. Hearing none he asked the Secretary to call the roll on the motion that is on the floor.

Yes, 0 No, 4

The motion has been denied by a vote of four to zero.

Chief Building Official Fursdon reiterated that these buildings will not reflect that they are apartments until a sign is placed out front if there ever is a sign. He again referred to the Bagley Road facility, which is a very nice community of apartments that is not noticed as apartments.

Chairman Rothgery stated that no one seems to mind the fact that we have assisted living housing down on Mills Road either.

Member Mollenkamp stated that if these buildings are built in compliance with the ordinances, there is nothing we can do.

Chairman Rothgery asked if everyone received some things that Council Member Bob Olesen wanted Planning Commission to look at.

It was noted that Planning Commission did not receive the handout.

Chairman Rothgery explained that Member Olesen wanted these items to go on the agenda for next month. However, these issues cannot be recommended or voted on to recommend change to as these are ordinances that fall under the general offense code and he sees no reason to put it on the agenda for next month. He explained that the ordinances pertained to public nuisance and Planning Commission has no say over.

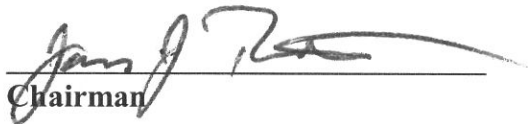
Member Hurst asked if he was looking for our recommendation to change this legislation.

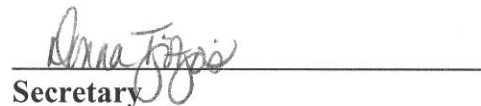
Chairman Rothgery stated yes he was.

ADJOURNMENT:

Chairman Rothgery stated that since there is no other business, this meeting is adjourned.

Meeting adjourned at 7:36 P.M.


Chairman


Secretary

September 10, 2013
Date Approved