

WICKLIFFE BOARD OF ZONING APPEALS
February 25, 2010

Chairman Bennett called the meeting to order at 7:30 P.M.

PRESENT: Bello, Bennett, Koski, Nicholas, Building Commissioner Sack.
EXCUSED; Guhde

Chairman Bennett said this being the first meeting of the year, a Chairman and Vice Chairman have to be appointed. He also welcomed Council-at-Large Sherri Koski who represents City Council.

He then opened the floor for nominations for Chairman.

Mr. Bello nominated Mr. Keith Bennett and Mr. Nicholas seconded the motion.

AYES: Bello, Bennett, Koski and Nicholas

NAYS: None

MOTION CARRIED

Mr. Bennett nominated Mr. Bello and Mr. Nicholas seconded the motion.

AYES: Bello, Bennett, Koski and Nicholas

NAYS: None

MOTION CARRIED

Chairman Bennett asked if there were any corrections or additions to the minutes December 16, 2009. There were none. Chairman Bennett made a motion to approve the minutes of November 19, 2009. Mr. Nicholas seconded the motion.

ROLL CALL AYES: Bello, Bennett, Nicholas

NAYS: None

ABSTAIN: Koski

MOTION CARRIED

Chairman Bennett said the first case on the agenda tonight is CASE NO. 2010-101.

Section 1313.50 Minimum Required Yards, states that side and rear yards adjoining residential districts, side yards are 10' feet and rear yards 20' feet.

Wickliffe Reserve LLC made application on 2/3/10 requesting a variance in minimum front and rear setbacks to allow construction of Residential Units in Town Center District, located at 29553 Euclid Avenue.

<u>Setback</u>	<u>Min. Required</u>	<u>Min. Proposed</u>	
	<u>Variance Requested</u>		
Front	10' feet	5' feet	50%
Rear	20' feet	4' feet	80%

Section 1369.05 Requirements for improvements, Design, Reservations, Pavement Widths, states the following minimum pavement widths shall be used for all designs of streets and drives for public and private use. Pavement widths are measured from face of curb to face of curb when curb is required.

Curb Radius

<u>Street Class</u> <u>Requested</u>	<u>Min. Required</u>	<u>Min. Proposed</u>	<u>Variance</u>
Collector	35' feet	15' feet	57%
Arterial	50' feet	15' feet	70%

Pavement Widths (curb face to curb face)

<u>Street Class</u> <u>Requested</u>	<u>Min. Required</u>	<u>Min. Proposed</u>	<u>Variance</u>
Collector	30' feet	24' feet	20%
Commercial		@ bulbouts	
Private Drive	20' feet	16' feet	20%

It was noted that a 'collector' was a secondary street.

Chairman Bennett asked Mr. Sack if he had anything to add. He did not but said that everyone had a color-coordinated plot plan for reference.

Mr. Stempuzis swore in the persons who may want to address the Board.

Chairman Bennett asked if there was anyone who wished to address the Board.

John Vannelli, P.O. Box 17, Wickliffe, OH, one of the partners in the Wickliffe Reserve project said everyone is familiar with the property and it is 10.8 acres. Ponderosa, U-Bar and Wickliffe Floral previously were located on the site. They are proposing is to build the first totally green community, lead and be certified in the State of Ohio. It is a mixed use development with residential space, condominiums, different sizes, different types. It's basically referred to as a walkable, sustainable neighborhood. The commercial entities that are going to be within the commercial areas are more 'Mom and Pop' type operations; there are no national chains. The easiest way for people to realize what it will look like

it would be a cross between downtown Willoughby and Chagrin Falls; a lot of small shops, doctors, dentists, couple restaurants, dry cleaner, bakery, grocery store, coffee shop, all these entities plus we have a bank and credit union. The idea is for people to be able to walk to these commercial entities. If you remember the old neighborhoods where there were no curb-cuts, the garages were accessed by an alley in the back. People had a front porch where they sat out; they could walk down the street without having to worry about curb-cuts and driveways. He's been a developer for 35 years and everything makes its cycle. This is what is projected now where people are tired to have to drive everywhere in order to get to the grocery store, get something to eat and so on. The idea here is they are at home, they can walk to the store, or walk to the restaurant. We have a park area, a dog walk area, an exercise area, everything is right there.

Every month we would have a different activity like 'Christmas-in-July', an open air market and that type of thing and it would pull people in. It is a totally new concept for Ohio let alone for the City of Wickliffe. We just feel the City of Wickliffe, with its second and third generation families that are staying here is a very solid community. We'd like to help it stay that way. The closest thing to this type of project is outside of Atlanta. Our architects are out of Boulder, Colorado and they are also developers. They have built these types of communities. The classifications, if anyone is familiar with green certification, the commercial buildings will be classified 'gold'. The 'R' values on the exterior walls of the commercial buildings are '55'. They are very, very energy efficient. That is the entire project; it is extremely energy efficient. Residential and commercially, the utility savings will be in the 25 to 30% range over competitive normal type housing. All appliances are energy star efficient. We will have solar wind power. All these things will be worked into the project. There is nothing in this project that doesn't already exist in the City of Wickliffe. It may be a little confusing but when you look at it as a whole, it is going to be a jewel.

Our chief engineer, Charles (Chuck) Szucs of Polaris Engineering and Surveying 34600 Chardon Road, Suite D, Willoughby Hills, OH 44094, is here and can answer any of your questions. He referred to the drawing that was displayed for everyone to see and explained that it is color-coded. He pointed out where single-family, condominiums, row houses and tuck-unders (because of the elevations) were located. One of the things we've done from the get-go when we started this project, everything that came off of that site, all the demo material was all recycled. We had to meet all the lead, green standards. We didn't go in there and clear cut everything out. There are trees that we left because they were a good type tree and we worked them right into the project along with the elevation of the property. Everything is ADA accessible as far as the streets and sidewalks. The buildings all have stairs and elevators. As far as street-scaping, we are following the Town Center and what's been done west of it. We plan to follow right on with it. He referred to the drawing and explained various areas and what they represented. There will be a Day Care center and they also have a strip going back to the Dominion property which we will utilize as an exercise area.

All the parking is generalized in the back of the buildings. They are in the process of negotiating with Marino's Restaurant that abuts the property which we will work right into the project. That is basically an overview. As far as colors, it's all traditional with a lot of brick and stone.

Chairman Bennett had a couple questions and said there is an area for future retail office; what is going into the mixed use area? Is that going to be retail also? Mr. Vanelli referred to the drawing and said mixed use is commercial and residential together. Once we get this Marino property negotiated, we will be utilizing this for parking. It will be more retail and professional offices above. We are actually negotiating with ABB to make this road (referring to drawing) wider and put in a left turn lane. Chairman Bennett asked if they are intending that they be dedicated streets, even the alleys in the back? Chairman Bennett said that means city services. Mr. Vanelli said yes. Ms. Koski said

I'm sure Mr. Sack made sure you have provided for whatever is needed regarding fire trucks and ambulances getting back there. Mr. Vanelli said as far as fire is concerned it is not intended to fight fires through the alleyways, and we've met with Lt. Leovic and we should get his approval at Planning Commission. Ms. Koski asked what will you begin with first.

Mr. Vanelli said the first thing will be the infrastructure. He referred to the drawing and said it would be the first building to go in. Right now we are dealing with a credit union and a bank that wants a drive-thru and it's a question of whether we utilize this building or this building (refer to drawing) to accommodate that.

As we bring the utilities to the back, we will start the residential units. We only have 64 units of residential.

We basically right now have about 11 of those with people who are very interested. Mr. Bello asked is it is one-way traffic. Mr. Vanelli said it is basically 2-way traffic. We do have parallel parking along the main areas. Mr. Nicholas said he had a couple questions and comments. First of all it reminds him of Legacy Village. He applauds Mr. Vanelli for thinking outside the box for bringing something completely different to a city like ours. I like the concept a lot. I grew up in a neighborhood in Cleveland and have traveled a lot to New York and Chicago and see these things all the time and it's pretty cool. Mr. Vanelli said he sits on the research committee of the National Home Builders and the projection is that this is what's going to be for the next 20 years. Green-building is kind of a misnomer in a lot of ways because people think of it in different ways. It's not just buildings it's a complete life-style. That is what we are creating here. It's going to be very unique and we've tried to keep it under wraps only because we've gotten a lot of media attention that is going to hit. Mr. Bello asked about the wind power and turbines. Mr. Vanelli has talked to ABB and actually they make the internal parts for the wind turbines and in regard to where they will be located, he referred to the drawing. The solar panels will be located worked into the roofing of the commercial buildings. They have a shingle now for residential but it is not out yet. Roger Bliss and I are both certified green builders. A lot of the material hasn't been available but within the last 18 to 24 months a lot of this is now, so we can utilize it. Commercially what we are doing is solar energy will be sold back to the electric company (Illuminating Co.) and credited back to the commercial building.

Price ranges will be condo's starting at \$89,900 and single family at \$215,00-\$220,000. Everything that we have done is based on today's market.

Mr. Roger Bliss said this is definitely a multi-dimensional neighborhood. 30% of the residential units will be wheelchair accessible. We are addressing the aging community and the young families. Mixing the generations is really what makes a nice neighborhood. Mr. Vanelli added that there is a lot of outside seating, a lot of patio area and on the rooftop areas we have permeable roofing so actually the houses on the second floor look out over the retail roof of the first floor which has grass and could have seating areas and water fountains. He referred to the drawing to further explain what he was talking about. Not only does it help with storm water control but this type of project, for

its size, had about 30% more green-space than a normal project.

Chairman Bennett said in your key you talked about the “SF” which is the single family/detached homes and the “TH” which is the attached single family condo’s, and you have the “condo units” and Mr. Bennett said he could not find any of them on the drawing. Mr. Vanelli pointed (6) them out. Chairman Bennett said only 6 units. Mr. Vanelli referred to the drawing and pointed out other condo units. He also pointed out another area and said right now we have 2 companies interested in these locations.

Chairman Bennett asked if there were any additional questions from the Board. There were none and
He thanked Mr. Vanelli and Mr. Bliss.

Chairman Bennett said, before he opens the meeting for audience participation, for the benefit of those in the audience, this Town Center Zoning is a new zoning that was put in place in 2004. In addition to that, this Board has only had hearings on one or two cases involving that zoning. He then opened the meeting to audience participation.

Ken Harris, representing Howard Mucci on Bellview said you mentioned that fact that area along the back would be a recreational area or park area. Mr. Vanelli said it would be a walking area. Mr. Harris asked if there would be fencing. There were additional comments and questions. Mr. Paul Archibald of Bellview said he has maintained and cut the grass since 1972. Nothing was ever done to that property and it was supposed to belong to the flower shop. I heard after so many years if there was nothing done to it, that property returns to the ‘agenda’ property. I don’t know how that works and I don’t understand that.

Mayor Bill Margalis addressed the Board saying he always likes to show the City’s support. Two years ago the city invested in this property with a forgivable loan of \$300,000 for certain things to happen to these 10 acres. The first thing was to tear down the Ponderosa which was our biggest concern. Certainly the floral shop was getting into a state of disrepair and the whole property was blighted by the City of Wickliffe. This was our investment to try and get some action on Euclid Avenue. This was the first phase and the second was to put up some commercial and residential property. When Ted Vanelli and Roger Bliss came to us, they had this idea and showed it to us. It is such an exciting development for the City of Wickliffe and that they picked Wickliffe to put in this type of development. This is very unique. I’ve sat on the Board of Zoning Appeals and the Planning Commission in the past. I don’t know if there is anything in that code book or zoning book that is actually going to match what we have here tonight. What I’m trying to say is let’s look outside of the box as far as we can; let’s interpret these zoning rules as liberally as we can within the law obviously so that it is safe. There are many items that you have here tonight that from experience, 65% variance is very unusual for the Board of Zoning Appeals. Usually 20% is the limit. The question came

up about the Fire Dept. and the roads. I know the Fire Dept. and Fire Prevention is looking into this right now. That discussion will happen at the Planning Commission. You are only seeing certain parts of the variance, you are not seeing the whole project. You are not going to see as much as the Planning Commission is going to see. Planning Commission has the ability to give variances also. I know when we did Mapledale on the Green, that was almost the same scenario where the variances were much greater than 20% and that was referred to Planning Commission. I know that is an option that you can take. As far as support for the City, this is not only going to benefit this 10 acres but it is going to benefit the entire Euclid Avenue. I know we have business people here who are looking for something to happen on the avenue. We are hoping that is going to be a catalyst to extend this excitement on Euclid Avenue. Mr. Vanelli brought up about the street-scape. We did from Lincoln all the way down to Bellview and that area looks great. It looks nice, it looks clean, the curbs look clean. This will extend that project down to Worden Road on both sides of the street.

We are going to go and get streetscape funds from "NOWCA" to pay for it just like we paid for the other section. We can get 80% contributions to redo Euclid Avenue. You are going to have to look out of the box; you are going to have to look at this as a whole different community, a whole different neighborhood. Hopefully you will make your decisions based on that. Let's think of the future here and not what we've done in the past. We need to do it within the law; we need to make sure that it's safe. My biggest concern in this project is not as much as how close the building is to the property line, but that a fire truck can get down the street, that a rescue squad can get down that street. Those are very important issues and you (BZA) don't make that decision here tonight; but that will be made at the Planning Commission. I appreciate that the developers are keeping that ball rolling. In this economy to have them moving along even though it may not be going as quickly as we anticipated, the fact that they are still at the table, going through this process, it's exciting.

Rick Continenza, 33471 Lakeshore Blvd. said he owns a business on Euclid Avenue close to this proposed development. When we purchased that building it was vacant and pretty run down. Yet there were city officials that were concerned about us putting an auto repair shop on Euclid Avenue. But a year after we put everything into the building that we did, we were featured on the Wickliffe channel about what can be done to revitalize Euclid Avenue. We have neighbors, a church, insurance company, residential behind us. I believe they would all testify that we are very good neighbors. When people walk into our lobby, they don't think it is an auto repair shop. I am now in the process of rehabbing a second building on Euclid Avenue. I am here as a business owner to offer our support to a good project. I believe it will have an immense impact on all of Euclid Avenue. When other business people see fit to invest in Euclid Avenue, it can only benefit the City. When private individuals are putting in money to invest in the City it means the City doesn't have to come up with money to do that. I recently became president of the Italian-American Club. We are probably the largest neighbor of this development and our Club also supports what they are doing. Of course we are anxious

to see details but to add to what the Mayor said, things have started to deteriorate on Euclid Avenue; they need to change and maybe the way to change is to do something different. Of course there is a reason to have zoning ordinances because you have to have a plan. But if it hasn't worked for the last 15 years, what do we have to lose to try something different. I was born in this City, grew up in this City, have owned a business in the City for 35 years. I believe in the City. I would like to see it go back to what it was when Wickliffe Schools were rated the best schools anywhere. A lot can happen from what this development can do. It has to have some regulations of course, but let's give it a chance to see what it can do for the City. This can change the entire city. As a business owner and as a representative of the Club, we offer our support.

Chairman Bennett thanked everyone for their comments. There being no further comments, he closed the audience participation portion of the meeting and opened it up for discussion by the commission members.

He referred to the code that will be looked at is 1305.10. This is the chapter that establishes districts, regulations and map. In this chapter it discusses the different districts; there is Residential District (R-100, multi-family. Etc.). That is the zoning district as opposed to the use of the property. Then we get into the second section which is a Business District. It mentions office buildings, general business and Town Center. That is the type of district that it is...it is a Business District that will have residential use in it, but it is a business district. The third one is Commercial and Industrial but for our sake we don't need to concern ourselves with this area. He made reference to the drawing/map and the surrounding properties and pointed out the 'Bailey Driveway' which is zoned commercial/manufacturing. The other drive is the one that goes back to the I & A Club. So that is not residential. Across the street is Town Center zoning. If you go down more immediately across the street, it is also Town Center zoning. So Town Center falls into the Business District, not Residential District.. Now if you go down Bellview all the way to Clayton, it is a residential use but it is in the zoning for Town Center. If you go to the rear of the property where the East Ohio Gas Co. is located, it is zoned Industrial, not residential. Where the I & A is, that is also zoned Town Center. Again that is not residential. I took you around this to show that there is no residential **zoning**, not use. If we go to 1313.50 which is where the variances are that they are requesting, we have a district where it talks about the office, the Town Center district and the general business which are the three that were defined under the business area. When you look at the Town Center, you'll see under the column, it says 'front yard setback' and gives the foot setback. For Town Center, under the residential, all of that is 10' or 5'. The reason why I wanted to take you around the map, is, when you look at the other two columns where it says a minimum required yards, it says 'adjoining residential district' above it. To him, there is no adjoining residential *district*. Chairman Bennett asked if he was misinterpreting it. The members said they did not thing so. Mr. Sack said he wanted to clarify it and was kind of stumped too when beginning to work on this project. He referred to the Map, and this is like an adjoining residential district, if you

look at the zoning map and some of the others where Town Center is, it does adjoin residential districts. That is why they have to have that in there so it covers all the bases in the whole Town Center District. Chairman Bennett explained that it is not up to the Building Commissioner to interpret the Code. He has to do what he does the way that he understands the Code. It is up to us (BZA members) to interpret the Code. Mr. Bello asked a question in reference to the code and side yards. Chairman Bennett explained that it refers to residences along Euclid Avenue. Mr. Nichols asked, if what you are saying that the whole property itself is in a Town Center Zoning, there isn't a need to request a variance. Chairman Bennett said he is saying that it doesn't appear to fall in this category. Whether there is zoning somewhere else in the district, he doesn't see it.

Mr. Bello asked Ms. Koski if she was on Council when Town Center was enacted. She said yes, it was in 2004. We were trying to look to the existing businesses that already had minimal sizes and we also were trying to plan for the future and what we would like to see in these areas. Mr. Bello had further questions and Mr. Sack explained that it is a mixed use and there was so much hodge-podge in that area, next to Dominics and across the street, where there are residential homes, they are 5 ft. off the sidewalk; the goal was to make them conforming. If they every burnt down, they couldn't rebuild their house. That is why they made the Town Center District, to make the code more flexible. Mr. Bello said he thought the whole idea of Town Center was to encourage businesses. Chairman Bennett went to 1313.60 in the Code and read a section regarding side and rear yard lines. Mr. Nichols said your interpretation is that this entire property doesn't adjoin a residential district because it's all a Town Center District. Chairman Bennett agreed. Mr. Nicholas said if that is the interpretation, there isn't a need for these folks to request a variance. Chairman Bennett said this only addresses the side yard and rear yard setback. We still have front yard plus the curbs. I don't know how we address that; as far as the rear and side yard, I guess when we get to the end of this, we can figure that out, whether we just vote that it is not needed or whatever. To him, that code is clear and if he is missing something let him know.

The Building Commissioner said this is a very complex project. Mr. Bello said his concern has to do with the 5 ft. for front yard. Chairman Bennett said there were fifteen areas where a variance is needed. He referred to the map and said 10 ft. is required. One area would be 2 ½ ft. from the sidewalk. Reference was made to that specifically. Chairman Bennett said there is only one of those 1-A's and it is 2.37 and that is because it is on the corner. There was additional discussion and reference to the map/drawing. Chairman Bennett said the discrepancy we have in numbers is.....I will give you some examples.

Referring to the drawing, subplot 21, which is on the back row, through 15, they are showing 'D' where subplot 21 is and a 'D' where 15 is.

Mr. Nichols said he is ready to vote on it. Mr. Bello had questions regarding the location of grass. Mr. Bliss said they have buffered the area in question to leave it as natural as possible with the tree line. He explained that there is a severe grade change. He further referred to things that happened in the 50's and 60's to cause what we have now. The

way that the zoning has changed recently to have the Town Center District, is to address that change. These standards are very normal in historic districts but were outlawed in the 50's because they thought that was the right thing to do. Mr. Bello had further questions of Mr. Bliss regarding the trees which he answered.

Chairman Bennett asked if there was any more discussion. Mr. Nicholas added additional comments.

Mr. Bello questioned the drive into the development from Euclid Avenue and the matter of vehicle speed.

Mr. Bliss addressed the issue using the example of turning into Bellview from Euclid Avenue and how it forces people to use their head and slow down.

Chairman Bennett said this is a good lead into talking about curbs and pavement widths. He said let's get into curb radius first. The 'Collector' is a secondary street and 'Arterial' is the main street.

Mr. Bliss said all the internal radii, we are asking for a variance so the curb line is 15 ft.; but with the on-street parking it pushes the turning radius out so we will meet the 35 ft. minimum. I don't know if that requires a variance or not.

Chairman Bennett asked if there was any further discussion on the curb radius. There was none. He asked if there was any discussion regarding the pavement width. Those are only 20% variance they are requesting; the curb radius is a higher one but with parking it brings it back in. There was further discussion and reference to the map/drawing.

Chairman Bennett asked if there was any further discussion. There was none.

Chairman Bennett made a motion that the variance be granted for the front yard regulations and a variance be granted also for the curb radius' as indicated and for pavement widths. Mr. Nicholas seconded the motion.

ROLL CALL:

AYES: Bello, Bennett, Koski, Nicholas

NAYS: None

Motion Carried

Chairman Bennett also made a motion that it is the opinion of the Board of Zoning Appeals, that the variance for yard regulations requested for the side and rear is not required after further discussion.

Mr. Nicholas seconded the motion.

ROLL CALL:

AYES: Bello, Bennett, Koski, Nicholas

NAYS: None

MOTION CARRIED

Meeting adjourned at 8:42 PM.

Respectfully submitted,

Mary Ann Boos

Keith Bennett. Chairman