

**SAGAMORE HILLS TOWNSHIP
ZONING BOARD OF APPEALS MEETING**

Wednesday, January 19, 2022– media notified

The meeting was called to order by Chair Mr. Christian Drago at 7:03 p.m.

Mr. Drago asked everyone in attendance to please silence all cell phones and other electronic devices so that the meeting could be conducted without interruption. During the meeting Mr. Drago asked that everyone please continue to maintain appropriate social distancing when possible and keep their masks on. Mr. Drago thanked everyone in attendance for their participation and cooperation.

All present recited the Pledge of Allegiance to the flag of the United States of America.

R/C: Spangler-present; Drago-present; DiGirolamo-present; Tim Black-present.

Mr. Drago stated the first order of business because it is a new year is election of officers.

Mr. Drago entertained a motion for Chair. Mr. Spangler made a motion that Mr. Drago continue as Chair. Seconded by Mr. DiGirolamo. R/C Vote: all in favor

Mr. Drago entertained a motion for Vice Chair. Mr. Spangler made a motion and nominated Mr. DiGirolamo as Vice Chair. Seconded by Mr. Drago. R/C Vote: all in favor

Mr. Drago stated the functions of the Board of Zoning Appeals.

Topic for the Evening:

- A. An application requesting a conditional use certificate has been applied for by Grey Fox Capital Limited and Petro Development Group under SLRU for a planned Senior Living, Senior Care and Continuing Care Community in accordance with Section 5.B.20, subsection (b) (4) et. seq. of the Sagamore Hills Zoning Resolution.

Mr. Drago asked Sagamore Hills Township attorney Jeffrey Snell to explain the requirements of the Zoning Resolution to be addressed/determined by the Board of Zoning Appeals.

Mr. Snell stated there were copies available on the counter of the section of the zoning resolution dealing with commercial zoning.

Mr. Snell stated the property at Carter Road and Rt. 82 has been all commercial property since the 1970's. There is a conditional use under the commercial section which is referenced on the pages of Section 5.B.20. Mr. Snell suggested those present in the audience pick up a copy so they could follow along. Most of the issues brought before the Board of Zoning Appeals is for a variance or an appeal of a decision of the zoning inspector where someone wants to do something that is not permitted under our zoning resolution. The issue tonight is not for a variance but a conditional use. The conditional use is permitted under the zoning code if the applicant meets those conditions. The Board of Zoning Appeals has the authority to review it.

Mr. Snell gave an explanation of how this would proceed so everyone would understand the process. There is an implementation as set forth on pages 5-13 and 5-14. Mr. Snell reviewed the items under Section I. Implementation. (a copy is attached) Mr. Snell stated on Pages 5-8, 5-9 and part of 5-10 are all the requirements of this kind of development.

Mr. Drago requested anyone planning to speak on this matter to please stand for the “Oath for Participation”.

Mr. Drago administered the Oath for Participation as follows: “I do swear and affirm that the information and testimony given as part of this proceeding is true and accurate to the best of my knowledge and belief.”

Mr. Drago asked whether notices were sent out. Ms. Taylor replied yes.

Mr. Fantozzi stated 27 certified notices were sent out; everyone on Carter Road adjacent to the property where the lot breaks off, behind the property on Carter Road, Brentwood, Sagamore Hills Estates, and across the street residences on Route 82 and four associations in Greenwood Village. Mr. Snell stated that Ray had a conversation with Brentwood who called with regards to this. If anyone called in Ray spoke with them about this.

Attorney John Slagter, 950 Main Avenue, Cleveland, Ohio stated they were here this evening to request conditional use approval specifically under Section 519 of the Ohio Revised Code authorizing this body to issue a conditional use certificate. This is not a prohibited use, but a permitted use as long as certain conditions are met. The first step in the process is a concept plan; second step going to the zoning commission for a more detailed review of the specifics. Mr. Slagter was representing the applicant, Grey Fox Capital Limited. The other interested parties are Petros Development Group and Pride One. In attendance was Ryan Sommers of Grey Fox, to answer questions related to development; from Pride One, Eric Allen, to deal with any development issues and Steve Geisler, that put together the designs; and Eric Kramer, Engineer, of Donald Bohning & Associates who worked on putting together a site plan that complied with our zoning resolution. Mr. Slagter thanked the board for their consideration.

Mr. Kramer gave a brief summary of his background and experience. He had a copy of the concept plan and gave an explanation of how it exceeded/complied with our zoning resolution.

Mr. Kramer stated the old ambulatory and office buildings will be coming down; Brentwood Medical is staying.

Jeff Polcen, 7622 Carter Road, shared his concern about the drainage at the north end of the property between his property and the development. Mr. Kramer replied the culvert along the property line will be left in its natural state. There will be a significant buffer in that area. There was a brief discussion.

Mary Davis, 7565 Carter Road, shared her concern about the number of units planned for this development and the additional traffic. There was a brief discussion. Mr. Snell stated this development will make the property more residential than commercial.

Dr. Koncal, the Chair of the Zoning Commission, made a few comments regarding the work the zoning commission has done regarding senior housing, and their concerns regarding the property on Carter, and their visit to a similar subdivision in Twinsburg.

Ron Fee, 7555 Chaffee, shared his concern about water drainage. There was a brief discussion.

There was a brief discussion regarding open space, density, and the character and elevation of the buildings.

Charles Riggins, 7511 Carter, shared his concern in this day and age that grandparents are raising children, and is there way to combat this as being a rental property. Mr. Slagter replied they have worked with the zoning commission regarding deed restrictions, as this development will be for senior living, and not conducive to family living. Federal guidelines will be followed.

Mr. Slagter concluded after their presentation they respectfully request that this body grant their conditional use approval for senior living so they can proceed to the next step.

Mr. Drago asked whether there were any comments from the public.

Mary Davis, 7565 Carter Road, shared her concerns regarding the animals on the property being displaced.

Eric Allen of Pride One commented the subdivision in Twinsburg that Dr. Koncal mentioned is a good example of what they do, but believes the density there is 6.5 an acre. Mr. Slagter confirmed that Eric Allen of Pride One has worked with many other communities that have projects that were approved. Mr. Slagter asked whether 4.5 units per acre were at the high end. Mr. Allen said the goal to usually make a project like this work for a market rate they go with 6 units per acre. They have never gone as low as 4.5 units per acre.

There was a brief discussion regarding density.

Mr. Drago closed public discussion.

Mr. Drago entertained a motion from the board.

Mr. DiGirolamo made a motion to approve the conditional use permit. Seconded by Mr. Spangler.

There was a discussion among the board members.

Mr. Spangler asked whether the individual units would be owned or would the residents be tenants. A representative from Pride One responded they will be owned by investors. There will not be any individual ownership. Mr. Drago confirmed the residents would not be owners.

Mr. Spangler confirmed there would be no basements in the units. There was a brief discussion.

Mr. Spangler asked whether the units have the potential to be ADA compliant. Mr. Snell stated ADA compliant is a difficult issue. The zoning commission spent several months on this and a consultant was brought in that helped everyone understand ADA compliant. The zoning commission created a standard with accessibility in these areas. On page 5-10 it lists what those accessibilities would be. Because these are private residences, they are not required to meet all ADA standards.

Mr. Spangler asked whether the open space was all trees. Mr. Kramer responded yes; it is all wooded.

Jim Polcen, 7622 Carter Road, shared his concern about the trees.

Mr. Drago confirmed with Mr. Kramer the minimum is 20 feet or more between buildings, none of them will exceed 35 ft. in height, none will have more than two bedrooms, there will be sufficient parking that meets the requirements of the resolution and none of the units will be less than 750 sq. ft.

Wednesday, January 19, 2022

Page | 4

Mr. DiGirolamo shared his concern regarding the roads in this development and the need for people to turn around in someone's driveway. There was a brief discussion.

Mr. Black asked Dr. Koncal what the amount of green space was required if someone wanted to build a hospital on this commercial property. Dr. Koncal replied zero. There was a brief discussion.

Resident at 7533 Carter Road shared his concern regarding residents from this development exiting on Carter Road. There was a brief discussion.

Mr. Drago asked the developer what kind of traffic studies have they done at other properties they have developed. Yes, they have done traffic studies in the past. This is something we would have to talk about with our engineer. Mr. Snell responded the County Engineer determines whether there needs to be additional traffic lights, turn lanes, etc. We do not anticipate a change to Carter Road.

Mr. Drago closed the discussion.

Mr. Drago requested a vote.

R/C Vote: Spangler-aye; Drago-aye; DiGirolamo-aye; Black-aye.

Mr. Drago stated motion carries.

Mr. Snell said Ray would issue a letter with the certificate. This will move next to the zoning commission.

For the benefit of the people present, Mr. Drago asked Mr. Snell whether there was a mechanism for appealing our granting of the conditional use certificate. Mr. Snell replied no.

Mr. DiGirolamo made a motion to approve the minutes from December 15, 2021.
Seconded by Mr. Spangler. R/C Vote: all in favor

Mr. Drago asked whether there was any further business. There was no further business.

Mr. DiGirolama made a motion to adjourn at 8:30 p.m. Seconded by Mr. Spangler.
R/C Vote: all in favor