

Bainbridge Township, Ohio
Board of Zoning Appeals
April 17, 2003

Pursuant to notice by publication and certified mail, a public hearing was called to order at 7:41 P.M. by Mr. Michael Lamanna, Chairman. Members present were Mr. Todd Lewis, Mr. Mark Olivier, Mrs. Ellen Stanton and Mr. Donald Takacs. The following matters were then heard:

Mr. Lamanna swore in all persons who intended to testify.

Application 2003-13 by Gutoskey & Associates, Inc. (Matt Bryant) for Kathleen Vilics for property at 18145 Haskins Road

The applicant is requesting an area variance for the purpose of a lot split. The property is located in a R-5A District.

The zoning inspector's letter dated April 11, 2003 was read and photos of the site were submitted.

Ms. Kathy Vilics and Mr. Matt Bryant were present to represent this application.

Ms. Vilics testified that she wants to divide her ten acre lot into two five acre parcels.

Mr. Lamanna said the issue is the 4.8 acre lot that is titled out to the center line of the road.

Ms. Vilics replied yes.

Mr. Lamanna asked if the parcel in the rear will end at Harvest Drive.

Mr. Bryant testified that it will end at the culdesac on Harvest and added that the county plat continues on.

Mr. Lamanna said the county requires sixty feet of frontage.

Mr. Bryant replied yes.

Ms. Elaine Stevens testified that she owns the adjoining property.

Mr. Bryant said they originally applied for two variances but they are only asking for one at this time.

Ms. Stevens said there is a garage back there and Kathy Vilics thought it was on her property.

Ms. Vilics said her father put the garage up and gave her and her brother each five acres but found out the garage was not hers even though she has been paying taxes on it.

Ms. Stevens said she would like to give her property to her son but the property line goes through the driveway and added that she does not want to lose frontage from her property down from 150' to 105'.

Mr. Bryant said that is why they originally asked for two variances to alter the property for the garage to be added to Kathy Vilics' property, but they are just requesting the lot split tonight.

Mr. Lamanna told Ms. Vilics and Ms. Stevens that they need to resolve this issue.

Ms. Stevens said it is no one's fault, but she does not want to be paying taxes on the garage.

Mr. Lamanna said it needs to be worked out legally together, like a lease between them.

Ms. Vilics asked what will happen if Elaine Stevens sells the property.

Ms. Stevens said she does not plan on selling it and does not understand why Kathy Vilics needs 45'.

Mr. Lamanna said it needs to be worked out.

Mr. Matt DeFranco testified that he is representing his brother Mr. Mitchell DeFranco of 18120 Harvest Drive (neighbor) and stated that they are opposed to the lot split and variance.

Mr. Lamanna explained that lots used to be measured from the center line of the road but when the zoning changed, the lots are measured from the right-of-way. He said people lost fractions of acres this way and explained that variances are needed because the lots are reduced to less than the required amount.

Mr. DeFranco said that his brother is opposed to this variance.

Mr. Lamanna said there has to be a reason why he is opposed.

Mr. DeFranco said it does not fit the zoning.

Mr. Lamanna asked anyone else that is here for this application to come forward.

Mr. and Mrs. James Davidson testified that their son lives next door to Ms. Vilics and they are representing their son who is out of town.

Mr. Lamanna explained the lot split and the method of calculation and the shortage that will result with the lot split.

Mrs. Stanton asked about the frontage on Harvest Drive.

Mr. Bryant said there is 60' of frontage on Harvest Drive and there is a temporary culdesac.

Since there was no further testimony, this application was concluded.

Motion BZA 2003-13 – 18145 Haskins Road

Mr. Lamanna made a motion to grant the applicant the variance requested (a .2 acre variance on one of the lots) for the lot split.

Based on the following findings of fact:

1. This is a small variance and the reason that this variance is required is because this was originally a ten acre lot as originally created, but it included part of the right-of-way of the road, and under current practices the area within the right-of-way is not counted as part of the area of the lot.

Mr. Lewis seconded the motion.

Vote: Mr. Lamanna, aye; Mr. Lewis, aye; Mr. Olivier, aye; Mrs. Stanton, aye; Mr. Takacs, abstain.

Application 2003-14 by Bainbridge Associates for property at 16735 Chillicothe Road

The applicant is requesting an area variance for the purpose of modifying an existing parking lot at Market Square Shopping Center. The property is located in a CB District.

The zoning inspector's letter dated April 11, 2003 was read and photos of the site were submitted.

Mr. Cliff Hershman was present to represent this application.

Mr. Hershman testified that the board has seen this before.

Mrs. Stanton asked for an explanation.

Mr. Hershman explained that the proposed drive will go into the 50' green space area but it will be a lot easier for people to turn even though he will be losing four parking spaces.

The board reviewed data provided by Mr. McIntyre

Mr. Hershman indicated the 50' residential strip on the site plan.

Mr. Takacs asked Mr. Hershman if he owns that strip.

Mr. Hershman replied yes.

Mr. Lewis asked if there is a deed restriction on that strip.

Mr. Hershman said no, they never did that because they never expected to develop on it.

Mr. Lamanna asked Mr. Hershman if he is ever going to rearrange the landscaping a little.

Mr. Hershman replied sure.

Mr. Lamanna said the setback from residential to CB is 100' and this would not have been allowed other than the 50' strip was acquired.

Mr. Takacs read from the minutes of the previously granted conditional use permit dated July 15, 1993 which stated a deed restriction shall be placed on the 50' strip so it will remain green space.

Mr. Hershman said that was all to protect the property next door for potential residential houses.

Mr. Takacs said then, there is no deed restriction.

Mr. Hershman said he does not remember.

Mr. Frank McIntyre, zoning inspector, testified that there is no deed restriction for that particular strip.

Mr. Olivier asked if the 50' strip was consolidated.

Mr. Hershman said yes, it is all one lot, but not rezoned.

The board discussed the lot coverage of the property and future expansion.

Mr. Hershman said there are wetlands there.

Mr. Lewis said with landscaping it will look nice.

Since there was no further testimony, this application was concluded.

Motion BZA 2003-14 – 16735 Chillicothe Road

Mr. Lamanna made a motion to grant the variance requested for permitting the inclusion of a driveway within 40' of a residential district and to also allow the use of this driveway and accessory driveway to a commercial activity in a residential district.

Based on the following findings of fact:

1. When this project was originally put together there was a 50' strip acquired in the residential district to provide a setback at the time the project was put in place.
2. The adjacent property was planned to be developed residential. Since that time the adjacent property has been developed as a residential care facility and they are not going to be building structures adjacent to where this particular drive will go in place.
3. There is not going to be an actual residential use within any close proximity to where this drive will go in.
4. The drive will also improve the traffic flow within the existing commercial development and reduce the possibility of accidents in the parking lot of that development which will be beneficial to township emergency services.
5. It will not adversely affect the adjacent property owners.
6. The applicant has also shown landscaping to further screen this driveway.
7. The board notes that the only purpose for which this is permitted and the only structure that is permitted in this area is in fact a turn-around. This is an area for traffic flow only and not for the actual parking of vehicles.

Mr. Takacs seconded the motion.

Vote: Mr. Lamanna, aye; Mr. Lewis, aye; Mr. Olivier, aye; Mrs. Stanton, aye; Mr. Takacs, aye.

Mr. Lewis requested that the board enter into an executive session.

EXECUTIVE SESSION

Mr. Takacs moved that the Bainbridge Township Board of Zoning Appeals go into executive session to discuss legal matters.

Mr. Lewis seconded the motion.

Vote: Mr. Lamanna, aye; Mr. Lewis, aye; Mr. Olivier, aye; Mrs. Stanton, aye; Mr. Takacs, aye.

The board of zoning appeals recessed the public hearing at 8:12 P.M. in order to go into executive session to discuss legal matters.

The board of zoning appeals returned from executive session after discussing legal matters and reconvened the public hearing at 8:46 P.M.

Application 2003-9 by Judson Retirement Community for property between Franklin Street, Rocker Avenue and Chagrin Road in Bainbridge Township - Continuance

The applicant is requesting a conditional use permit with variances for the purpose of developing a residential care facility. The property is located in a R-3A District.

Mr. Lamanna stated that the board will take additional testimony regarding this application and noted that the applicant filed to add Phase II to this application.

Mr. Tony Coyne testified that he submitted for Phase II and paid the additional fee.

Mr. Lamanna said that Phase II will be included in the next meeting and said the board will move forward and address issues but will not recapitulate on what has already been heard because everything is on the record from the past meeting, so the board will hear only new evidence to cut down on duplication. He added that anyone can contact the secretary for a copy of last month's minutes and noted that they are also posted on the internet. He continued by saying that the applicant will present information, there will be questions from the board and then the meeting will be opened up to interested parties.

Ms. Cynthia Dunn testified that she is prepared to present the overall project. She continued with a power point presentation as follows:

Judson's Mission:

To offer older adults quality programs and communities that afford choice and meet individual needs.

Facts

- Not for profit
- Non sectarian
- Governed by volunteer board
- Locally owned and managed
- Named by New Choices as one of the nation's 20 best 6 consecutive years
- Accredited by the Continuing Care Accreditation Commission

Ms. Dunn added that there are only two facilities at University Circle.

Programs

- Comprehensive, coordinated, continuum of care
 - Independent living apartments
 - Assisted living suites and apartments
 - Short term rehabilitative nursing and long term nursing
- Community outreach
 - Adult day care
 - Home care
 - Satellite programs
 - Community memberships

Basic Facts Regarding Judson Retirement Community History

- Serving Greater Cleveland since 1906
- Purchased Bicknell Mansion in Cleveland Heights in 1939
- Built Jordan Gardner Tower/Judson Park in 1973
- Acquired former Wade Park Manor in 1983
- Opened New Bruening Health Center in 1991
- Converted Bicknell Mansion to Mansion Courts in 1998

Services

- Maintenance – buildings and grounds
- Housekeeping
- Transportation
- Utilities
- Dining services/café
- Beauty parlor
- Library
- Programs
 - Educational
 - Cultural
 - Health and wellness
 - Spiritual
- Security/Hospitality

Market Study

- Familiarity and confidence in Judson
- Most preferred location (Chagrin Valley area)
- Most desired features include:

- Gardens
- Walking trails
- Health and Wellness facility and programs
- Dining options

- Other considerations were:
 - University Circle connection
 - Open spaces high priority
 - Pets welcome

- Judson in the Chagrin Valley

Ms. Dunn said they will need 70% pre-sale before construction would begin.

- Two Phase project
 - First phase
 - 96 independent living apartments
 - 30 garden homes
 - 30 assisted living suites
 - TOTAL: 156 units

 - Second phase
 - 84 independent living apartments
 - 30 garden homes
 - 30 assisted living suites
 - TOTAL: 144 units

- Fully developed community totals:
 - 180 independent apartments
 - 60 garden homes
 - 60 assisted living suites
 - TOTAL: 300 units
 - TOTAL individuals: 240 independent units:
 - 240 @ 45% couples = 348 individuals
 - 60 assisted = 60 individuals
 - TOTAL.....408 individuals

- Special Features

- Choice of garden homes (1800-2200 sq. ft.)
- Apartment choices (1100-1800 sq. ft.) with underground parking
- Assisted living suites
- Inclusive service package
- Guaranteed access to Bruening Health Center
- Wellness pavilion with pool, exercise facilities, art studio, theater, formal/informal dining
- Walking paths and garden areas
- Pets welcome

Ms. Dunn said the parking will be buried with a 20% footprint and 80% green, the garden homes will have attached garages, there will be no nursing center on campus but the residents will have guaranteed acceptance to the Bruening Health Center.

- Care and Residency Agreements

- Judson owns property and homes
- Residents pay “entry fee”, a part of which is refundable
- Residents pay monthly service fee which includes a number of the services previously discussed
- Residents are assured use of Bruening Health Center for either short-term or long-term nursing care

Mr. Bill Ferenback of the Pattie Group testified that he will explain the site plan and landscaping features.

Mr. Lamanna said this is an application for a conditional use permit and the zoning code allows this type of facility along with churches, adult group homes, cemeteries, government buildings and schools which are all permitted in this district if they satisfy certain criteria.

Mr. Bill Ferenback, President of the Pattie Group, testified that the site plan has been presented before. He explained the general site plan with the proposed central campus, wellness center and apartments and the location of the 30 garden homes, the Metroparks trail that now goes through the middle of the area but said it will go around in a more pastoral loop. He said there will be woods with additional plantings on the north and east sides to screen off the garden homes from the neighbors to the east along Rucker, there will be no mound, or berm or rise in grade, just plantings. He said there is a proposed lake on the west side of the property for wetlands mitigation and storm water run-off.

Mr. Ferenback presented a view from Franklin Street looking back up the hill to the proposed position of the buildings and the view as standing on Rocker. He added that the trail turns to the left around the main campus.

Mr. Tony Coyne testified that Mr. Michael Schweickart and Mr. Andy Komer of Traff-Pro Consultants, Inc. are present. He continued by referring to the power point presentation regarding the traffic study that was conducted by Traff-Pro Consultants, Inc.

- Traff-Pro Consultants
 - Level of service on Bainbridge roads will remain the same
 - Traffic generated by Judson will not affect level of service
 - Extension of Rocker to Chagrin will not affect level of service
 - Rocker unlikely to become a cut-through because of current configuration
 - Number of ambulance runs estimated at 1.5 per month

Mr. Coyne stated that they also consulted Mr. Roger Sours who is a certified appraiser and quoted from the following:

- The Roger A. Sours Company, Inc.
 - “In my opinion, the development as proposed will not have a negative impact on market values surrounding properties. In all likelihood, it will have a positive impact on desirability and market values of surrounding properties.”

Mr. Coyne said that Mr. Sours compared this proposed development to other similar developments.

- Ernst & Young Tax Revenue Analysis
 - Phase One opening: \$409,000 annually
 - Phase Two complete: \$750,000 annually
 - 60% goes to schools: 21% to Bainbridge Township
 - Estate tax revenues:
 - Completion of Phase One: \$800,000 annually
 - Completion of Phase Two: \$1.5 million annually
 - Total tax revenues generated by Judson 2008-2015: \$1.2 – \$2.3 million annually

Mr. Coyne added that the Ohio State Estate Tax has not changed. He stated that it is expected that they will negotiate with Chagrin Falls for sewer and will obtain city water and will work with Metroparks for the relocation of the trail and work with Geauga Soil & Water and the Geauga County Engineer for approval for the access road, but they need appropriate approvals from the township first.

Mr. Lamanna said he would like Traff-Pro to give a synopsis.

Mr. Michael Schweickart of Traff-Pro testified that he is Vice President of Traff-Pro, is a registered engineer with the State of Ohio and has 30 years of experience. He continued by saying that he was asked to look at this proposed development regarding the estimated traffic generated, any roadway improvements and he looked at the intersection at Franklin Street and the proposed access site. He said he was asked to estimate the new traffic and to look at the existing traffic in order to determine if there will be an effect on the Level of Service (LOS). He said LOS has a use scale which is as follows: A= Best and F=Worst. He said they looked at the new access sites and the existing intersection and said ODOT recommended that we should accept A through C but not accept E through F. He said the peak hours were 7:00 A.M. – 9:00 A.M. and 3:00 P.M. – 6:00 P.M. and the trips may generate 51 trips in the AM and 77 trips in the PM and said there was no change to the Level of Service. He said the delay never increased two seconds per vehicle. He said emergency runs to a site like this will be less than 20 runs per year or 1.5 runs per month and the ambulance runs will not increase the level of service.

Mr. Lamanna asked Mr. Schweickart if he looked at the kinds of traffic that will be generated like trucks versus automobiles.

Mr. Schweickart said he did not look specifically at what would be used at this facility, he looked at what is already there and looked at staff and deliveries which includes trucks.

Mrs. Stanton asked if a study was done at the Route 306/Chagrin Road intersection.

Mr. Schweickart said there will be no significant additional traffic at that light or turn lanes.

Mr. Olivier asked what the rating is at that site.

Mr. Schweickart said the level of service is E and he has documentation on that.

Mr. Coyne testified that he will submit that information to the zoning secretary.

Mrs. Stanton said she wants to know how this facility will affect the traffic at that intersection and asked about the traffic at shift times when one-half of those people will be at that intersection.

Mr. Schweickart said the employees are spread over an entire hour during a three hour period on average so you won't see that number of vehicles.

Ms. Dunn said of the 60 – 70 full-time staff, they will be working over seven days a week, 24 hours per day so the timing will vary.

Mr. Schweickart said they will not all go to that intersection (Chagrin Road and Rt. 306) at the same time and they will be using all main roads.

Mr. Lamanna asked what the typical commercial traffic will be, i.e. delivery trucks, food service trucks, garbage trucks and asked what kind of traffic they will generate.

Ms. Dunn said that a nursing center creates more traffic than this facility. She said there will be food delivery twice a week, garbage pick up twice a week, moving vehicles and added that the turn-over rate is 12% - 14%, there will be ground maintenance but no laundry trucks. She said the residents do drive but most don't drive in rush hour traffic and added that they offer bus trips, but there would not be as much traffic as a busy household.

Mr. Lamanna asked for the amount per day.

Ms. Dunn said they can get that information, but this is a residential facility so she does not have a number on that and added that it is quiet on the activity side.

Mr. Lamanna asked about the number of persons they serve at a meal.

Ms. Dunn said the residents prefer to do breakfast on their own, but if we get 50% for dinner that would be great.

Mr. Lamanna said it is more like a medium size restaurant.

Mr. Lamanna said he will take questions from the audience on traffic issues first.

Mr. Chris Pfouts of 7393 Chagrin Road asked if there will be a traffic light at the new access road and testified that the veterinarian across the street has six or seven trucks going in there in one week and said you are talking about a small city here. He added that the light would be in front of his home.

Mr. Schweickart said that ODOT controls or regulates all the traffic lights and certain warrants have to be met and added that they (Judson) would not legally be able to install a traffic light there. He said certain criteria have to be met and this is not a school crossing. He said the amount of traffic does not warrant a traffic light.

Ms. Ann Meyer of 7667 Chagrin Road asked about the truck traffic while the project is being worked on.

Mr. John Althans said there are a lot of opinions or estimates on the traffic and until after the fact, we will not know what the facts are and if we hire someone else, it might be a little different.

Mr. Schweickart said the residents could submit their own traffic report.

Mr. George Quay of 17075 Savage Road asked if the board of appeals could do their own study and if the access road could be made a limited access road by putting a gate on the road and if the board would consider making that a limited access road for emergency vehicles only.

Mr. Lamanna said yes, that is a consideration if that makes sense in the total scheme of things and added that the board members cannot hire someone to create evidence for them.

Mr. Pearce Leary, Attorney testified that the residents did bring their own experts.

Mr. Christos Kuliopulos of Reading, MA. testified that he is a partner in Senior Ventures, LLC, a senior housing development, transaction and consulting advisory firm. He submitted his qualifications marked Exhibit 1 (Reierson) and “Judson Retirement Community” presentation marked Exhibit 4 (Reierson). He continued to give his credentials and said he is very familiar with a lot of the issues. He continued by saying that there are traffic concerns and emergency vehicle implications and referred to the inheritance tax impact analysis and added that there are a number of factors to be concerned about and he had the benefit of the analysis. He continued by saying that he inspected the neighborhood including the proposed access points and read the Traff-Pro Consultants, Inc. letter dated February 25, 2003. He said he reviewed the proposed site plan including unit mix and number of units and in contrast to the Traff-Pro consultant conclusions, there are a number of factors that indicate traffic is a concern. He continued by saying that this development will generate significant traffic because it is a very large residential development with 300 apartments and most residents will have at least one car. He said social events for families and visitors can generate large crowds. He said large staff and vendors coming and going everyday from the site, typically during rush hour include: housekeeping personnel, laundry personnel, landscaping contractors, activities personnel, management maintenance personnel, food service personnel, delivery trucks and emergency vehicles. He said with all this traffic that will be generated, a key consideration is the ability for the traffic to exit and enter the site safely. He said a key consideration for a project of this size and type is the impact on ambulances and emergency response vehicles. He said he understands that Judson has stated that the impact on emergency vehicles will be minimized by allowing the residents to call the on-site nurse first but in reality, a majority of residents will call 911 first if there is an incident. He said as for budgeting purposes, it is prudent for all parties concerned to project at least three weekly emergency response episodes. He continued with the inheritance tax implications and said the applicant has projected that this project will generate \$1.1 million annually from inheritance taxes but this figure seems extremely overstated. He said first, the majority of the residents that pass away will do so in the nursing home – at least 65%. He said as this is an entrance fee retirement model, the residents will receive nursing care but not in Chagrin Falls as their nursing home is located near University Circle in Cleveland. He said even if the Judson Retirement Community had a nursing home on-site, retirement communities with nursing homes that were on-site have generated only half of that revenue. He added that you have to look at what is happening with inheritance taxes and it could disappear completely.

Mr. Lamanna asked Mr. Kuliopulos if on this inheritance tax situation where the residency is, if he is knowledgeable about Ohio law.

Mr. Kuliopulos replied no.

Mr. Lamanna asked Mr. Kuliopulos if he had specific facilities or specific examples the board can use to evaluate here and what he has observed at another facility.

Mr. Kuliopulos said Hamlet Village is very similar.

Mr. Lamanna said that someone needs to give the board that information.

Mr. Kuliopulos said he will follow up on that.

Mr. Tony Coyne asked Mr. Kuliopulos who retained him.

Mr. Kuliopulos said Pearce Leary.

Mr. Coyne asked Mr. Kuliopulos when he met Mr. Leary and what work has he done regarding studies for ambulance services.

Mr. Kuliopulos said he will follow up on that.

After some discussion, Mr. Lamanna suggested that the public hearing continue.

Mr. Leary said that Mr. Kuliopulos is being asked about things he did not testify to.

Mr. Coyne said he wants to understand what he did and asked Mr. Kuliopulos where the traffic would come from to get to this site.

Mr. Kuliopulos had no answer.

Mr. Lamanna said that general testimony was given by Mr. Kuliopulos about concerns but the board needs specific information on these concerns and the board needs specific facts.

Mrs. Julie Althans testified that she and Ms. Judy Bayless both had relatives at Hamlet and said if there are just 1.5 emergency calls per month, she would like to see it.

Mr. Coyne said the 1.5 calls per month were from public ambulance systems because the residents may ask for private ambulance service.

Mr. Jim Muggleton of 7456 Chagrin Road testified that two years ago a person followed him on a motorcycle and passed out on the road. He said he is concerned about people in and out of this place.

Mr. Jerry Petersen testified that he wanted to let the record note that the witness retained by Pearce Leary left before the testimony was completed.

Mr. Dennis Williams of 7101 Oak Street testified that his concern is Nalco because it is used very little now, but the building is 36,000 sq. ft. and asked if that has been taken into consideration.

Mr. Schweickart said he looked at the worst case scenario.

Mr. Pfouts asked if the access road connects to Rocker.

Mr. Coyne replied yes.

Mr. Pfouts said there will be more traffic and asked how much more traffic there will be because there are close to 500 homes and each family has a car.

Mr. Lamanna asked if they have to go somewhere now, how do they get there.

Mr. Roland Motley of 16686 Findlay Street asked if a study was done for Rocker and what percentage of traffic will come from Rocker.

Mr. Schweickart said not a bit because during peak hours, it will be minimal.

Mr. Motley said he would come right through the access road to Rocker and asked if that would not increase traffic.

Mr. Schweickart said it would not increase traffic.

Mr. Mark Benson, President of Senior Living, Inc. in Cleveland, Ohio, testified that he has been involved with Hamlet Retirement Community and has 17 years of experience developing and operating over 100 retirement communities in 26 states including Ohio and added that he does not have a relationship with Pearce Leary. He said he is not a traffic engineer and their residents don't drive a huge amount during rush hour but they do very often host very large social affairs. A typical event that they host will have 250 adults, ages 45 – 65 and they do schedule the events during rush hour periods and our people do come and go at the same time. He said the administrative staff starts at the same time and they do come and go at the same time. He said he is not an expert in emergency responses and they provide an emergency response setup and he would like to tell everyone that the people call the nurse, but as Americans, we have all been very well educated since childhood, that in the event of an apparent emergency to call 911.

Mr. Benson said Hamlet does generate an average of four calls per week, are they necessary calls, probably not, but he would rather his father not wait for a nurse but to call 911. He submitted a letter from him to the board re: Judson Retirement Community Application for Conditional Zoning Certificate.

Mr. Lamanna asked if the Hamlet facility creates any traffic problems.

Mr. Benson said yes, when they have activities, so they had to put in a traffic light because their residents do get out and walk around and they do have commercial vehicles coming through. He said the services are similar and they serve 400- 450 meals per day.

Mr. Takacs asked how many trucks he sees a day on average.

Mr. Benson said he has not done a traffic count, but he sees three or four trucks a day and with 47 acres to landscape there are repair vehicles etc. so there are probably five to seven trucks per day.

Mr. Lamanna asked if Hamlet has a nursing facility.

Mr. Benson said they do.

Mr. Lamanna asked Mr. Schweickart if he looked at the traffic at Montefiore.

Mr. Schweickart said no, but they did a traffic study for them and they looked at other facilities across the state.

Ms. Dunn said with due respect to Mr. Benson, Judson's operations are very different and added that she called the police department in University Circle and got the numbers. She said it was implied that they would put a burden on the emergency services but we are not putting a nursing center on the campus which is labor intensive and creates shift traffic. She said their (Judson's) marketing events are small and the health and wellness center will be open to the community and it is a good resource for the community and all communities like ours don't operate the same way. She added that Judson was chosen as one of the best.

Ms. Kathy Pfouts of 7393 Chagrin Road asked Ms. Dunn when her other retirement homes were established.

Ms. Dunn said that Judson Park was established in 1906, the mansion was purchased in 1939, the community building was established in 1973 and the Bruening Health Center was started in 1991.

Ms. Pfouts told Ms. Dunn that she is being confused with another Judson.

Ms. Dunn said Judson started in 1906 on Chester in Cleveland and has always been in Cleveland. She said she is aware of one in Cincinnati and the state of Washington but there is no relationship to this Judson.

Ms. Pfouts told Ms. Dunn she has the same logo.

Ms. Dunn said that has not been brought to her attention, but they only have two facilities and they are in Cleveland.

Ms. Jean Rudmann of 16542 Stoneridge Road asked Ms. Dunn if she is thinking of establishing a nursing center.

Ms. Dunn said no, they do not intend to do a nursing center on this campus. She said that not everyone ends up in a nursing center and added that the township code requires 80% green space so their intent is not to do it. She said they will still have the Bruening Health Center and they have plenty of capacity there.

Mr. Muggleton referred to the traffic report and asked about the actual count or number of cars there will be in a 24 hour period.

Mr. Schweickart said there are approximately 4,000 cars per day on Chagrin Road.

Mr. Paul Foster of 7340 Ober Lane testified by referring to the proposed access road and said they have an option on the property and asked who will pay for the road and if the age of the drivers was taken into consideration.

Mr. Lamanna said the board can't answer that because there is a difference between a private and a dedicated road and it does not have to be a public road for it to be a publicly accessible road.

Mr. Chris Pfouts asked if someone gets hurt, if they can sue Judson.

Mr. Lamanna said he did not know.

Mr. Foster asked if the proposed road will be paved and if it will become a dedicated or private road.

Mr. Coyne said they (Judson) will do whatever the township wants if it is for safety purposes and for people living in the area for access and added that they will work with the township trustees.

Mr. Foster asked if they took the driver's age into consideration.

Mr. Schweickart said the number of trips are not dominated by older drivers because 80 - 85 year old people don't do a lot of trips.

Ms. Pfouts asked about the residents from the Chagrin Falls Park subdivision cutting through to access Chagrin Road to go to the school and back.

Mr. Lamanna asked how the residents get to Rocker and Franklin Street now.

Some of the residents responded by saying Country Lane.

Mr. Chris Pfouts said it is common sense that people will shoot to Chagrin Road through the access road.

Mr. Lamanna asked where those people are going today.

Mr. Pfouts said it will make more traffic for the access road and Rocker.

Ms. Kathy Pfouts said that Country Lane is a slower road.

Mr. Pfouts said the traffic is going both ways now, but it will all be funneled into the access road and you are putting all that traffic between two houses and added that he owns the kennels.

Ms. Pfouts said the traffic is spread out now.

Mr. Pfouts said he has seen two people killed there in ten years.

Mr. Lamanna said the board has not established that this is a good location for the access road.

Ms. Pfouts said their concern is that it will be all funneled onto Chagrin Road to go to the high school or McDonalds and there are speed limits on Country Lane.

Mr. Pfouts asked about the commercial traffic.

Mr. Lamanna said a lot of it is going down there anyway and assuming there is no access road and Judson is there, there will be more traffic going around to Chagrin Road. He said we need to understand what will happen if this facility is built because the traffic is already there and what the net effect will be.

Mr. Coyne said the main entrance will be on Franklin Street, the access road is only secondary and we want to work with the township and it might require the county engineer to look at it. He said it will have a stop sign and will go straight into Judson or people can take a left and another right onto Rucker. He said that will slow people down and added that the secondary access road is for Judson and a safety access for Chagrin Falls Park and we thought it would be a nice thing to do.

Mr. Takacs asked if they looked at locating the access road by the professional buildings.

Mr. Coyne said it would be more difficult because the change in the grade and terrain and the proposed location involves purchasing about six acres.

Ms. Pfouts asked who suggested that.

Mr. Coyne said they met with township officials.

Ms. Pfouts said you (Judson) were prompted by Bainbridge Township.

Mr. Coyne said it would be a better access for Judson and perceived to be a good idea.

Ms. Pfouts said you won't get what you want unless you cooperate with the township.

Ms. Dunn said the Bainbridge Fire Department always wanted an access road for Chagrin Falls Park for time it takes for emergency vehicles to get there.

Mr. Lamanna said there are a lot of merits to it and a lot of it is driven by the fire and police departments for better access.

Mr. Norm Schultz of 7444 Chagrin Road asked if they took into consideration the new park on River Road and all the traffic that will cut through to get to the park.

Mr. Leary said for the record that he and Mr. Mitchell represent the Reiersons, Hendlers, Genskes, Schultzs, Orrs, Caneglios and Pfouts. He said that nothing has changed as on the Haskins Road site, it has never changed and this is not a residential care facility and will not be licensed as a residential care facility.

Mr. Lamanna said that is an issue the board still has to face.

Mr. John Althans referred to the sewer capacity in which Geauga County has 22% of and said recently three homes applied for and were given permission to tie into it. He asked how much is left for the other residents if they have a problem with their septic systems. He said his property taxes have gone to help pay for it and with three new residents at the end of Chagrin Road tied into it and it gets all used up, what happens to the rest of us if one large outfit comes in and uses it all up.

Mr. Foster asked if the board can ask the police and fire departments to come in and explain to the public why they need the access road.

Mr. Coyne said there was a letter read from the fire department at the last meeting.

Ms. Pfouts said she will check with the police department.

Mr. Lamanna said the board can follow up on that.

Mr. Petersen said it is a point of access.

Mr. Schweickart said he looked at that and the posted speed limit maximizes the line of sight and he feels they have picked a good location for the access road. He said that stretch of Chagrin Road did not fall on his list of traffic accidents from the state.

Mr. Lamanna asked who would have to approve this.

Mr. Schweickart said the county engineer would have to approve it.

Mr. Lewis asked if the lot coverage is based on the access road.

Ms. Dunn replied yes.

Mr. Lamanna said the board has to look at how the traffic is distributed now to get to Rt. 422 and Rt. 306 to get a quantification of what is happening there.

Mr. Schweickart said the board will get a copy of the report.

Mr. Ted Seliga of 8654 N. Spring Valley Drive asked if the board has any concern if this is really a residential care facility.

Mr. Lamanna replied yes.

Mr. Seliga asked if there is any concern to the board that this is next to a LIR area.

Mr. Lamanna said based on what we were able to determine, there is a strip of land between this and LIR that belongs to the Metroparks.

Mr. Seliga asked if the trail that divides the property is still an issue.

Mr. Lamanna said it is contingent upon them getting title to that property and it would be an absolute condition.

Mr. Schultz asked if they will acquire all of the railroad property or just property in the middle.

Mr. Lamanna said what ever they negotiate with the property owner and they have to obtain a sewer connection and water and it will be contingent upon acquiring the property and added that they have to satisfy those three things or they cannot proceed. He added that the traffic amount and the duration etc. can be addressed next time.

Mr. Olivier asked if there was an additional traffic study done with the proposed road.

Mr. Schweickart said it is all in the report.

Mr. Olivier asked if they will look at where the traffic will go without the access road.

Mr. Schweickart said Country Lane would be impacted.

Mr. Lamanna said he does not think Country Lane could handle truck traffic and if we are going to have an access road, is it going to improve the situation or not.

Mr. Coyne said the construction process will take about 18 months.

Mr. Lamanna said we need to have an idea from that standpoint.

Mrs. Stanton asked if it is feasible to have a limited access road.

Mr. Coyne and Ms. Dunn said maybe.

Mr. Coyne said it might be helpful to have a map of the whole area.

Mr. Seliga asked the board if when they are done if they can summarize all of their concerns.

Mr. Lamanna said the board has to look at how the independent living units (separate) fit into the residential care facility zoning and the board needs to carefully visit that issue.

Mr. Dennis Williams asked if the employees are not parking underground, how many parking spaces will there be for visitors.

Ms. Dunn said they will not all be there at all times and the underground parking more than covers the residents and the staff.

Mr. Williams said a lot will use surface parking.

Ms. Dunn said underground parking will be used because of the Cleveland weather and we can control employee parking.

Mr. Williams said his concerns are traffic congestion on the surface. He said to make sure it is addressed so they won't come back and ask for a variance for parking.

Ms. Dunn said the good thing is the number of parking spaces that can be put below.

Mr. Lamanna asked about the sewer and water situation.

Mr. Petersen said they are working on it.

Mr. Lamanna said because of the size of this facility, there is no other alternative.

Since there was no further testimony, this application was concluded.

Motion BZA 2003-9 - Judson Retirement Community for property between Franklin Street, Rocker Avenue and Chagrin Road in Bainbridge Township

Mr. Lamanna made a motion to table consideration of this application until the next regularly scheduled meeting to be held May 15, 2003.

Mr. Takacs seconded the motion.

Vote: Mr. Lamanna, aye; Mr. Lewis, aye; Mr. Olivier, aye; Mrs. Stanton, aye; Mr. Takacs, aye.

Since there was no further testimony the public hearing was closed at 11:00 P.M.

Respectfully submitted,

Michael Lamanna, Chairman
Todd Lewis
Mark Olivier
Ellen Stanton
Donald Takacs, Vice Chairman

Attested to by: Linda L. Zimmerman, Secretary
Board of Zoning Appeals

Date: May 15, 2003

Bainbridge Township, Ohio
Board of Zoning Appeals
April 17, 2003

The regular meeting of the Bainbridge Township Board of Zoning Appeals was called to order at 11:00 P.M. by Mr. Michael Lamanna, Chairman. Members present were Mr. Todd Lewis, Mr. Mark Olivier, Mrs. Ellen Stanton and Mr. Donald Takacs.

Minutes

Mr. Takacs made a motion to adopt the minutes of the March 6, 2003 and March 20, 2003 meetings as written.

Mr. Lewis seconded the motion.

Vote: Mr. Lamanna, aye; Mr. Lewis, aye; Mr. Olivier, aye; Mrs. Stanton, aye; Mr. Takacs, aye.

Applications for next meeting

Application 2003-9 by Judson Retirement Community for property between Franklin Street, Rocker Avenue and Chagrin Road in Bainbridge Township (Phase I and Phase II) - Continuance

The applicant is requesting a conditional use permit with variances for the purpose of developing a residential care facility. The property is located in a R-3A District.

Application 2003-15 by David M. Rutana for property at 7982 Scotland Drive

The applicant is requesting area variances for the purpose of constructing a pole shed and a fire wood shed. The property is located in a R-3A District.

Application 2003-16 by Amy Lou Janca for property at 16616 Savage Road

The applicant is requesting an area variance for the purpose of constructing a shed. The property is located in a R-3A District.

Application 2003-17 by Derrick Bishop and Valerie Allen for property at 16754 Bedford Street

The applicant is requesting area variances for the purpose of constructing a detached garage. The property is located in a R-3A District.

Application 2003-18 by Thomas Coneglio for property at 8062 Chagrin Road

The applicant is requesting area variances for the purpose of constructing a detached garage. The property is located in a R-3A District.

Application 2003-19 by Paul Dennis, Agent for property at 16860 Cats Den Road

The applicant is requesting a conditional use permit with variances for the purpose of establishing a cluster residential condominium development (former application BZA 2001-15). The property is located in a R-5A District.

Application 2003-20 by Ross & Wendy Mesnick for property at 17784 Haskins Road

The applicant is requesting an area variance for the purpose of constructing a shed. The property is located in a R-3A District.

The Bainbridge Township Board of Zoning Appeals set the public hearing on the above applications for May 15, 2003 at 7:30 P.M. at the Bainbridge Community Hall, 17826 Chillicothe Road, Bainbridge Township, Ohio and unanimously resolved to request the Board of Trustees to issue a purchase order for legal advertising.

Since there was no further business, the meeting was adjourned at 11:12 P.M.

Respectfully submitted,

Michael Lamanna, Chairman
Todd Lewis
Mark Olivier
Ellen Stanton
Donald Takacs, Vice Chairman

Attested to by: Linda L. Zimmerman, Secretary
Board of Zoning Appeals

Date: May 15, 2003

