

Richfield Township Board of Zoning Appeals  
August 16, 2021

The meeting was opened at 6:35 p.m. on August 16, 2021, with the following members in attendance:

Jeffrey Smola  
Geoffrey Graham  
Natalie Grubb

Also in attendance:

Patricia Ryan, Zoning Inspector  
Raymond Hartsough, Summit County Assistant Prosecuting Attorney  
Attorney Dale Markowitz  
Mr. Greg Schunck and Patric Blake, Mannik & Smith Group, Inc.  
Scott Shirley, Rachel Ryman, Clay Vanice Fed Ex representatives  
John Allega, contiguous property owner  
Jim and Becky Vocaire, contiguous property owner

In response to the applicant's request, a motion was made by Mr. Smola to continue variance application 651-21 to September 20, 2021 at 6:30pm. Ms. Grubb seconded. All members voted unanimously to approve.

Mr. Smola opened cases 652-21 and 653-21. Attorney Dale Markowitz, representing Jones Development, manager for the site development, was administered the oath. The case had 3 components: 1) modification of the conditional use permit, 2) variance for the fence height in a new location and 3) variance for height of relocated light poles. He stated the lights and fence height was previously approved with BZA resolution 588-13 but for a different location on the property. Attorney Markowitz explained where the new locations would be. He also stated there are only 37 trailer parking spots on the plans and that they had asked for 41 on the application. They will go by the number on the plan, 37 trailer spaces and 41 passenger vehicle spaces.

Mr. Smola noted this was roughly a 100% increase in parking. Attorney Markowitz said the parking was determined to be a conditional use for the unified FedEx facility under BZA resolution 527-05.

Attorney Markowitz went on to document the need for additional parking by presenting photographs taken in December 2021 showing parking in the street and parking aisles. He stated there is a greater demand today due to COVID-19 and the economy.

Mr. Smola asked how many spaces would be needed today and Mr. Shirley responded they really need them starting in November for a few months. Mr. Smola noted this is more of a seasonal need and asked if the overcrowding last year presented a safety issue.

Mr. Shirley responded there is a 2-hour overlap during driver switch overs when it is an issue. There was discussion about shuttling drivers in from other sites.

Attorney Markowitz reviewed the traffic analysis completed and the recommended left turn signal at Columbia and Brecksville/21. He noted the demand again was during peak holiday season.

There was discussion regarding the detention basin and landscaping to the south of the basin.

Mr. Greg Schunck from Mannik and Smith was administered the oath and addressed the wetlands and associated applications and tree removal. Mr. Schunck stated most of the removal will occur in the northwest portion of the property. Very few trees are in the wetland area to be mitigated on the eastern parking expansion area.

Attorney Markowitz presented the document for the existing CEI easement on the property as well as the coordination with the JJJ Properties current and future projects to the west regarding drainage and a gas line on the east side of Columbia Rd. He also discussed issues with landscaping which they were not made aware of and they have hired a landscape company to maintain and replace vegetation as needed.

When Columbia Rd. is completed the FedEx property will front on Columbia making it a front yard, but FedEx will keep the bufferyard as shown in their original plan. Attorney Markowitz also said they have received the comments from SWCD and have been in contact with them. They will meet all requirements.

Attorney Markowitz addressed the complaint regarding their driver using side roads. He said they continue to stress to their drivers that they are not to use the local side roads but stay on the main roads and freeways only.

There was discussion regarding the light pole height and new locations. Mr. Schunck stated 2 or 3 poles will be moved to the east edge of the new parking lot expansion and 2 of the shorter poles will be moved at the NW end. All of the poles are existing, they are just being relocated. The same with the fencing. It will move from its current location on the south side to encompass the new detention pond and parking areas. It will match what is there currently.

Ms. Grubb asked about the topography of the eastern parking area. The wetlands will be mitigated and the area filled to bring it level with the existing parking pavement.

Attorney Markowitz addressed the comment from the last discussion regarding fire apparatus being able to navigate the new lot. He said there were no issues.

He also encouraged Mr. Shirley and Patricia Ryan communicate any complaints so they can be addressed promptly.

Mr. Schunck presented the lighting transfer at the property line and said there was a slight spillover of about 0.012 to 0.014 but this could be remedied by shields on the fixtures. FedEx would have no problem adding those.

Mr. Smola asked if noise from trucks would increase. Mr. Shirley responded if you add trucks you will have more noise but they have changed their backup beeper to be lower pitch grinding noise

so it is less noticeable. Ms. Grubb noted this was a huge issue of the residents prior. Mr. Markowitz said he was unaware of any complaints.

Mr. Vocaire addressed the Commission and applicant asking if this was to remain a 24/7 operation and if FedEx was going to continue using the new backup sound. Mr. Shirley stated yes to both. Mr. Vocaire stated his major complaints were noise and light.

Mr. Smola asked Mr. Vocaire if FedEx uses new backup sound and shields on the lights would he be amenable? Mr. Vocaire stated the lights on the building in the Village are in violation of the International Electrical Code because they shine out not down. Mr. Shirley said the wall pack lights on the building in the Village are now LED and do not shine outward. He offered to visit the Vocaire property to see the issues he is having with the lights on the building. The Commission recommended Mr. Vocaire follow up on the offer. Mr. Vocaire stated that they really don't see them now due to the new building blocking the FedEx building. Attorney Markowitz summarized that the new light will be farther from the residential properties and they will be adding new trees.

There was discussion regarding noise from the businesses and the freeway.

Mr. Graham asked if the new spaces are approved is their master plan complete or are there plans for expansion. Mr. Shirley stated they are out of space in the buildings. Attorney Markowitz noted they are looking to acquire the property to the west.

At 7:32 pm Mr. Smola moved to enter deliberation session and Mr. Graham seconded. All members voted to approve.

The Board reconvened at 7:50pm.

Mr. Smola stated this was an expansion of a previously approved conditional use, the light and fence are being relocated with no light additional poles or height added, FedEx is now utilizing a less piercing back up noise, they are willing to address residential property owner's concerns and will maintain/repair the landscaping.

Mr. Smola moved to approve the modification and variances for the FedEx property. Mr. Graham seconded. All members voted unanimously to approve.

Having no other business before them Mr. Graham made a motion to adjourn at 7:55pm. Mr. Smola seconded. All members voted unanimously to approve.

Chairperson \_\_\_\_\_ Secretary \_\_\_\_\_ Date \_\_\_\_\_