

**NORTH RIDGEVILLE PLANNING COMMISSION
MINUTES OF REGULAR MEETING
TUESDAY, JULY 11, 2023**

CALL TO ORDER:

Chairman Smolik called the Planning Commission meeting to order with the Pledge of Allegiance at 7:00 PM.

ROLL CALL:

Present were members Paul Graupmann, Paul Schumann, Council Liaison Bruce Abens and Chairman James Smolik.

Member Steve Ali was absent.

Also present were Chief Building Official Guy Fursdon, Assistant Law Director Morgan, City Engineer Christina Eavenson, Planning and Development Director Kimberly Lieber and Deputy Clerk of Council Tina Wieber.

MINUTES:

Chairman Smolik asked if the members had a chance to review the minutes of the regular meeting on June 13, 2023. He asked if there were any corrections. Hearing no corrections, the minutes were approved.

CORRESPONDENCE:

Administrative Approvals & Zoning Certificates

1. **PPZ2023-0201: Equinox Salon, 32662 Center Ridge Rd**
Approval of a Certificate of Zoning Compliance for a Hair Salon.
2. **PPZ2023-0200: 83 & Chestnut Pub and Eatery, 9001 Avon Belden Rd**
Administrative approval of a Planning Commission application to install a patio roof cover.

Director Lieber explained that a zoning certificate was issued for a hair salon, Equinox Salon, in the Nino's Plaza that was new to North Ridgeville and that also 83 and Chestnut Pub and Eatery was in the process of adding a cover over their rear patio to offer outdoor seating even in inclement weather. She stated that it wasn't adding onto the building just covering the existing patio.

Master Plan Update

Ready to Imagine Town Center Pop Up Party – July 20, 6-8pm, City Hall parking lot

Chairman Smolik stated that the sixth meeting held on the 27th was a virtual meeting. He discussed that they went over some of the market fundamentals for the new Town Center, which was approximately where they were sitting now. He explained that some of the summary was that there was definitely a market for North Ridgeville residential for the Town Center. He stated that there was a market for restaurant and retail at the location as well and the potential for some variety of mixed use like possibly a grocery store and restaurant combined with maybe a farmer's market as well as a civic gathering space. He mentioned that some of the consensus from the previous meeting was that it was going to be a

mixed use with approximately 40% residential, 30% retail, 20% civic and 10% open space. He explained that various Town Center diagrams were discussed and there was one point that came across to the steering committee which was that they believed that a strong Town Center had a community destination with higher intensity development, a mix of uses in a vibrant and active public realm. He commented that that was all from the steering committee and that now it was up to the general public. He stated that there would be a pop-up party on July 20th right in front of City Hall from 6 to 8 PM because the Administration wanted to know what the residents' thoughts were about a Town Center. He stated that there would be free pizza, ice cream, kid activities, some music and prizes and they were encouraging everyone to get the word out and tell them what they wanted their Town Center to look like.

NEW BUSINESS:

PPZ2023-0204: Eagle Meadow, Sugar Ridge Rd & Bender Rd, PPN 07-00-047-000-111

Proposal consists of final approval for the subdivision which includes 41 single-family units and 26 cluster units for a total of 67 units. Property zoned R-1 Residence District. Planning Commission granted preliminary approval on December 14, 2021.

Application was read.

Chairman Smolik asked the applicant to state his name and address for the record and explain the proposed project.

Richard Sommers, 10585 Somerset Drive, Chardon, OH 44024.

Mr. Sommers stated that he was there to ask for final plan approval. He discussed that he had been working with the Administration, Planning Department and the Engineering Department as well to make a few tweaks to the plot that were requested and they were in total agreement with that. He stated that they were also in the process of entering into an agreement for payment in-lieu of the sidewalk required along Sugar Ridge Road because there was likely a project coming up on that and there would be no reason to put the sidewalk in and tear it out later. He explained that he did receive an email that came from Mr. Abens about the HOA restrictions and his concern about turning that over to the Home Owners Association once they were done with their responsibility. He commented that typically a Home Owners Association isn't turned over until Ohio Law says it is 75%, and sometimes it was closer to 100%, of the homes were sold. He stated that it would be approximately a two-year period. He remarked that he wanted to point out that there would be a maintenance bond in effect for three years and that the storm sewer and retention basins were part of that maintenance bond. He stated that he thought the language was in there just to make it clear that once it was turned over and accepted, that the Home Owners Association understood that they would be responsible for the maintenance of those ponds and the storm sewers that were not in the right-of-way. He explained that they were willing to change the HOA documents to indicate that it would be a minimum of three years from the filing of the plat, if that would make the City and the Commission more comfortable.

Council Liaison Abens commented, so that he knew where he was coming from, his HOA got stuck with their pond and a \$40,000 bill to correct some of the problems that the contractor didn't take care of. He added that it was only a 50 home HOA and it was \$40,000.

Mr. Sommers asked if that was a result of an original construction deficiency.

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Council Liaison Abens said, apparently, because the EPA got involved and said it didn't meet the standards and they had to change it to the EPA standards.

Mr. Sommers stated that it was approved by both the City and the EPA and their SWPPP (stormwater pollution prevention plan) was approved. He mentioned that they would change it to be a minimum of three years from when the HOA received it. He added that typically it is filed just prior to the plat so it ran with the land.

Council Liaison Abens commented that that sounded fair.

Chairman Smolik asked if there were questions or comments from the Commission.

Member Schumann stated that they received a Planning Review that was dated June 29th and there were some additional updates that they received recently as well. He stated that he wanted to go through them and some of them may have already been taken care of, but he didn't know. He stated that he understood he took care of the HOA documents as they had been submitted. He read, "The final plat including all the details as required by the Chief Building Official" and asked if the final plat had been submitted.

Mr. Sommers stated no. He asked if they could submit it that week. He mentioned that he met with Christina last Friday and they had another discussion that day and there were some last-minute changes that he just couldn't get done for that night.

Member Schumann stated that what the Commission would want to do was to put it in as a recommendation to Council as part of the Commission's approval and asked the Chairman if that was correct.

Chairman Smolik stated that if the Commission wanted, that they could definitely place that as a condition.

Member Schumann stated that another item listed was for the landscape plan to be updated to include how the common open spaces would be treated such as topsoil, depth, lawn mix, etc. He explained that they just wanted to ensure that the final condition had a finished appearance.

Mr. Sommers commented that that would be good. He stated that he would note that to file the plat, they would be putting up what was called a performance bond, which guaranteed that they would make those completions and that landscape plan was on that performance bond. He mentioned that they also made a few changes. He said that they were going to tweak the plantings up at Bender Road to allow for future construction of a possible interchange. He stated that they agreed to move that back in order to make those changes so that it wouldn't get torn out in a year or two.

Member Schumann stated that there was a question about the proposed entrance sign and that the Planning Director asked to move that back ten feet from the right-of-way as required by the zoning code.

Mr. Sommers stated that he had no issue with that.

Member Schumann stated that they would also add in about the sidewalk to make sure that that was dealt with. He added that also the three-year minimum regarding the water retention as well. He stated that in addition to those recommendations they received some other advice from Planning to modify the "T" turnaround at the end of Chandler Way, in accordance with the City Engineer's recommendations.

Mr. Sommers stated that they had agreed to that and would be changing the plat as recommended by Engineering.

Member Schumann stated that that would be added with their recommendations as well. He read, "To modify the landscaping plan nearest the Bender, Sugar Ridge intersection to account for future plans". He commented that Mr. Sommers had already mentioned that they had started working on that for the right-of-way for the future roundabout. He stated that also listed was to require a developer to conduct a walk through with the HOA representative prior to transfer of the common areas. He asked if that was in any of the legal at that point or if it was something the Commission needed to add.

City Engineer stated that she didn't think they talked about it prior to the meeting but some situations that they have had with other developers was where they ran into residents or board members of the HOA not really completely understanding what their obligations were as far as maintenance. She discussed that she was going to request that either a member of Sommer's Development, or if he planned on engaging with a management company who were more well-versed in maintenance requirements of the HOA, so either a party from them or a party from his company do an on-site walk through with the board member of the HOA, just to ensure that they were quite familiar with their obligations, especially the storm water management.

Mr. Sommers stated that they had no issues with that. He mentioned that typically, prior to a turnover, they would have a town hall meeting and would invite everyone there, make a presentation and then they could do a site walk through.

Chairman Smolik stated that he thought that was more of an Administrative policy and didn't believe the Commission had a right to interfere with the Administrations policy. He added that he would recommend that they strike that as a condition. He explained that he didn't think it would be fair to tie it in at that point in time.

City Engineer Eavenson stated that section 29 of the developer's agreement did ensure that the developer was obligated to turn over all HOA documents and it spelled it out accordingly, the storm water management and all drainage easements. She mentioned that although it did say that the documents were necessary to be provided to the HOA, she was just recommending that a potential walkthrough could be done.

Chairman Smolik stated that he thought it was a great idea and sounded like it was required by the City Engineer but he didn't think the Commission could put a condition on their plat for that. He added that if Administratively, in order for him to close out the project, they wanted to have the walk though, so be it but he was just trying to keep Planning Commission stuff separated from Administration. He asked if the Assistant Law Director wanted to speak on that.

Assistant Law Director Morgan asked if they were talking about doing that three-years out.

Mr. Sommers stated that was correct.

Assistant Law Director Morgan stated that it would be very difficult for them to keep track of and there wasn't an ordinance specifically requiring that but he had agreed to do it and sounded like it was part of the plans that he would usually do. She added that he mentioned a meeting where he would let them know what to expect and what the documents stated. She asked if that was correct.

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Mr. Sommers stated that was correct. He explained that under Ohio HOA law, they had to. He said that again with the 75% of homes sold rule and then he would have to turn it over. He stated that they would have to elect a board, at which time they would formally turn it over. He commented that first they needed a board and then they would do the site inspection. He said that it might be a good idea to have someone from Engineering there as well and he didn't have a problem with that.

Assistant Law Director Morgan commented that that wasn't a bad idea. She said it was a good idea to do but to require it as a condition of approval might be unnecessary.

Chairman Smolik asked if anyone from the Commission had any further questions or comments.

Council Liaison Abens commented that he wanted clarification that there was going to be mounding that would be occurring along Bender and Sugar Ridge Road.

Mr. Sommers stated that it had pretty much been roughed in and seeded. He commented that obviously the plantings weren't done but the mounding was to the grade plan at that time.

Chairman Smolik asked if there were any questions or comments from the general public.

Mike Babet, 38601 Sugar Ridge Rd, North Ridgeville, OH 44039.

Mr. Babet asked if there was an actual final plat or if it was the same paperwork submitted back in December of 2021.

Chairman Smolik stated that what was presented in 2021 was the development plan, a preliminary plat, and it was his understanding that nothing had changed.

Mr. Babet stated that at that point they had no setback, actual documentation, there weren't any dotted lines, there were issues with the 35 versus 30 foot and there were variances and at that time it was an incomplete drawing. He asked if it had been revised at all since that date.

Chairman Smolik stated that not what had been submitted to the Commission but he wasn't sure if other things were submitted to the Administration. He mentioned that as indicated previously, the Building Commissioner had some concerns on the plat as far as setbacks and one of the potential conditions that the Commission would place on it was that all of the setbacks be placed on the plat. He added that it made their job administratively easier if it's all in one place but they would still have to follow all of the setbacks that were established.

Mr. Babet stated that in Member Paul Graupmann's words, as he read from the previous meeting minutes, he stated, "It appeared the plans were incomplete and asked if it would be better to wait and get updated plans or if it was something that would be Administratively done at a later time and not be a concern of the Commission". He said, "If it was incomplete" and by his own admission, he thought that they were minor changes, but wanted to know if they should go ahead and vote on it. He commented that a year and six months later and they didn't provide the setbacks as indicated on the drawing. He stated that he knew he said he would do that, but he admitted it from the drawing and asked if the drawing wasn't what really said whether it could be done from an engineering standpoint. He stated that he was curious as to why the drawings hadn't been updated and why wasn't the landscape plan in there.

Chairman Smolik stated that it was in there.

Mr. Babet asked if he could see it.

Chairman Smolik stated that the reason they were there was for the final plat, which was a recorded document indicating parcels and easements. He remarked that just for convenience, the plat had the setbacks placed. He stated that the setbacks didn't get recorded by the county. He explained that the setback wasn't a requirement for the recording purposes of the subdivision. He added that it was just for convenience so that when houses are built, everything is in one location so that they know where the setback are.

Mr. Babet stated that he understood that but they were the general public and it was their opportunity to see what the plans were and what would be permanently placed across the street from them. He explained that it was their only chance to talk with someone and have dialogue about that process. He commented that at a Council meeting they had three minutes and there wasn't any dialogue and this was their opportunity. He asked if the Chairman was telling him that that opportunity didn't exist.

Chairman Smolik said, no, he had the opportunity but to remember that the Commission was just a recommending body and once they made a recommendation, it would still go forth to City Council and then eventually the plat would be a recorded document and would be a public record that would be available through Lorain County.

Assistant Law Director Morgan stated that it wouldn't get recorded unless all of the requirements were taken care of.

Mr. Schumann explained that they had just gone over seven conditions and hoped that some of those might have been things that he was concerned about.

Mr. Babet stated that they didn't go over the 35 versus 30-foot setback, which was actually a variance. He commented that it wasn't on the drawing.

Chairman Smolik explained that it was previously approved with the development plan at the first meeting in 2021.

Mr. Babet stated that it was recommended to Council, not approved. He added that it was a recommendation. He explained that they had two recommendations on two sublots 19 and 44 for 15-foot setbacks. He mentioned that Guy said that the Commission could allow a 30-foot, not a 35-foot, setback of the other cluster units but it wasn't on the drawing and at that point it was an incomplete drawing. He stated that he didn't believe Guy made a judgement or ruling on it because it wasn't on the drawing. He added that you couldn't see that it was actually a dotted line and he had it all in transcript in front of him, if they wanted him to read it.

Chairman Smolik stated that they had the meeting minutes as well from 2021 and he was there.

Mr. Babet stated that they still didn't have the setbacks.

Chairman Smolik explained that there weren't any setbacks but they still had to follow the meeting minutes and what was established to make sure the setbacks were there.

Mr. Babet asked what was going on with the sidewalk and why it wasn't going in now.

Chairman Smolik stated because there's future development that would be going in.

Mr. Babet asked what that was.

Chairman Smolik stated that he would let the City Engineer comment on that because he was aware that they submitted for a grant on that.

City Engineer Eavenson explained that they were requiring Mr. Sommer's development group to do sidewalks down Bender from the intersection of Sugar Ridge Road all the way to the property line on the north side. She discussed that there would be sidewalk along the west side that abutted the development but they asked Mr. Sommers to do an in-lieu fee. She stated that they were currently working on it through Council to get the sidewalk ordinance revised to include it in the fee when a request of the Engineering Department is made to hold off because either there was a hardship that they couldn't perform the sidewalk, whether it be excessive grading or excessive drainage improvements that would need to be made to fill in that or at the request of Engineering because future improvements were being made, they could do an in-lieu fee as an alternative. She added that they had done a preliminary study for the Sugar Ridge Road Corridor. She discussed that there were some much-needed improvements. She commented that she was sure that he was aware that the roadway was in need of maintenance rehabilitation and they were also looking at some aging infrastructure, their aging utility infrastructure down that corridor. She stated that they did have some capital improvements that would be coming in the upcoming years. She mentioned that she would hate to put in a side walk that would eventually have to be relocated or removed to do those improvements. She added that she thought it was a good alternative to provide the in-lie fee instead of actually installing the sidewalk on Sugar Ridge.

Mr. Babet asked if the City would actually install the sidewalk at a later date.

City Engineer Eavenson stated that that was correct. She stated that they were looking at some shared use paths or sidewalks.

Mr. Babet remarked that that was part of what Mr. Summers had indicated was potentially walking paths, meandering walking paths rather than sidewalks and asked if it was a sidewalk then. He asked if there was a picture of a sidewalk on Bender.

City Engineer Eavenson stated that the sidewalk on Bender was not meandering. She stated that the layout wasn't meandering, it was just based on the typical section one foot off the right-of-way.

Mr. Sommers stated that the City requirement was five-foot wide sidewalks and he didn't know what the difference was between asked if he could speak. He stated that they went by the City's requirements for sidewalks and wasn't sure what the difference was between a trail and a sidewalk. He discussed that typically a trail was stone or a hard or new surface and the City ordinance specifically stated that it had to be a five-foot sidewalk with picture frame and added that it was very detailed. He stated that they really didn't have a choice and he didn't really know what the difference was between a trail and a sidewalk.

Chairman Smolik explained that in the original development plan there was no discussion of a trail. He stated that he thought the condition was a sidewalk, which would be a four-foot-wide sidewalk.

Mr. Sommers stated that he believed they were at five.

City Engineer Eavenson stated that the requirement was actually a four-foot minimum requirement.

Mr. Babet stated that from page four of the meeting minutes from the meeting in December of 2021, “Mr. Sommer’s advised as part of their requirements are to heavily buffer along both roadways. He explained that they would be submitting a detailed landscape plan with the walking paths and all plantings. He advised that they were planning on that being a priority for the development”. He remarked that there was discussion about walking paths.

Chairman Smolik explained that they were there for final plat.

Mr. Babet stated that was part of it.

Chairman Smolik stated that they couldn’t go back on the development plan that they’ve already had a meeting on and established conditions.

Mr. Babet stated that they weren’t going back though. He stated that Mr. Sommers words were “whatever the Commission would like us to do” and three times it was in the document of the minutes.

Mr. Sommers stated that if he read the final approval motion, it said sidewalks on Bender and Sugar Ridge Road and that was how it was worded in the last paragraph of that document. He stated that it said, a motion was made that there would be sidewalks on Bender and Sugar Ridge Road and they totally agreed with it and that was it.

Mr. Babet commented that it also stated there wouldn’t be a “T” but now there was a “T”.

Chairman Smolik stated that the discussion was that the turnaround would be handled Administratively and that was with the condition. He asked if there were any other questions or comments.

Mr. Babet stated that there were. He mentioned that since that sidewalk was on the property that Mr. Sommers currently owned, he had a question about the cutting of the grass. He stated that they had talked about him being an out-of-town builder but he stated that he wasn’t, he was a hometown builder, but the grass had not been cut on that property all the way around. He commented that the City had been cutting it and commented that it was a great job for the City but that the City couldn’t cut all of it because it was rutted up because they took their Bobcat machine all the way around in the winter time, transferring materials around instead of going through the mud. He stated that he put in three complaints to the Building Department about the grass not being cut and the grass had yet to be cut. He asked if they could at least expect the grass to be cut.

Mr. Sommers said, yes.

Chairman Smolik asked if Mr. Sommers could please state that into the microphone.

Mr. Sommers stated that they would make arrangements to get it brush hogged in the next week or so.

Chairman Smolik commented that it wasn’t only that time but continual maintenance.

Mr. Sommers stated that what was out there now was called temporary seeding, which was required by

the EPA for soil and water regulations to prevent runoff. He added that he would get it mowed right away and keep it mowed, especially after investing all the money in landscaping. He stated that it would be mowed and maintained on an ongoing basis.

Mr. Babet stated that he wasn't talking about the mounds but was talking about from the road to the silk fence and there was about twenty feet there that wasn't mowed currently. He added that it was mowed by the City all those years because a farmer owned it. He stated that when the City didn't mow it, he mowed it but now that it's owned by a developer, he should be mowing it. He commented that it wasn't City property and they shouldn't be mowing it. He discussed that he complained three times about the dust. He explained that it wasn't bad all the time but was bad when there was a wind coming from the north. He stated that they had a haul road where they were moving the equipment around. He stated that they had the big loaders and big movers and the dust was really bad. He mentioned that he complained three times about the dust only when there was a northerly wind. He added that he had to power wash his house a number of times and that other people there have had to do the same exact thing. He stated that there had not been a water truck on site until Fabrizi got there to put in the concrete and they had a water truck on site. He stated it had only been in the last two weeks. He asked if they could please have the dust controlled from the site, at least when it was blowing from the north to the south on the houses. He commented that the last thing was the bump in the road. He discussed that the he understood that they had to saw cut the road but the saw cut pieces were on the City's property on the east side of Bender which he didn't think Mr. Sommers owned. He stated that the cold patch, which was about two yards left, was on the east side of the property, which Mr. Sommers didn't own, under a tarp. He remarked that the City guys couldn't mow it and they couldn't mow where he had the gravel pile, which also was not on his property. He added that regarding the bump, he had all the cold patch there and a rolling machine, and asked if someone could please put it down and roll it. He mentioned that they took an excavator across to put the cement blocks where all the manholes were for the sewer and ruined the cold patch job that they had done and asked that they please repair it. He stated that they drove down that road every day and it has gotten higher traffic because of the closure of Race Road and would really appreciate if they would just do a little bit of housekeeping on the site such as grass cutting, the dust and repair the road by putting the cold patch down so that they didn't have to slow down to one mile an hour to go through there.

Chairman Smolik stated that questions and comments in regards to construction could be forwarded directly to the department.

Mr. Babet stated that that was their only chance to speak and Mr. Sommers was present.

Mr. Sommers stated that he would give him his card and cell number before he left and he could call him any time and he would respond very promptly. He stated that a permanent patch to the road would be done in two weeks.

Mr. Babet commented that that would be great and thanked him.

Chairman Smolik asked if there were any other questions or comments from the general public.

None were given.

Chairman Smolik asked if there were any other questions or comments from the Administration.

Director Lieber stated that she wanted to give one update. She mentioned that in her report she

discussed the study that was conducted of Sugar Ridge Road in 2022 that was completed and then subsequently the City applied for funding through NOACA for rehab for a portion between Bender Road and heading east towards Waterbury Boulevard. She discussed that there was a separate CMAC application more recently to NOACA for the Sugar Ridge/Bender Road roundabout. She stated that they understood that both of those projects were moving on to the next step and they had been recommended by whatever committees that had done preliminary look or they had been recommended by the U.S. Senator and U.S. Representative for that federal earmark as well. She stated that they had hope that if the process continued, that they would obtain funding for those projects. She added that it made sense regarding the sidewalk that the in-lieu be collected because there was definitely some momentum for those projects on Sugar Ridge.

Chairman Smolik stated that that was good news. He asked if there were any other questions or comments from the Administration.

None were given.

Chairman Smolik asked if there were any other questions or comments from the Commission.

None were given.

Moved by Schumann and seconded by Graupmann to recommend approval with the following conditions:

1. The final plat shall include all details as required by the Chief Building Official.
2. The landscape plan shall be updated to note how the common open spaces will be treated (topsoil, depth, lawn mix, etc.) to ensure that the final condition has a finished appearance.
3. The proposed entrance sign shall be set back a minimum of 10 feet from the right-of-way as required by the zoning code.
4. In lieu of constructing the Sugar Ridge Road sidewalk, the City will accept a fee in lieu of payment in the amount equivalent to its construction, specifically providing for future connectivity along the property.
5. Modify the T turnaround at the end of Chandler Way in accordance with the City Engineer's recommendation.
6. Modify the landscape placement nearest the Bender/Sugar Ridge intersection to account for the future roundabout.

A roll call vote was taken and the motion carried.

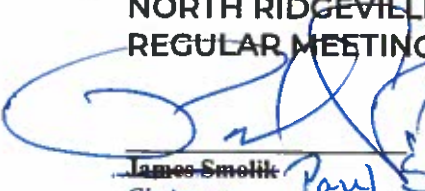
Yes – 4 No – 0

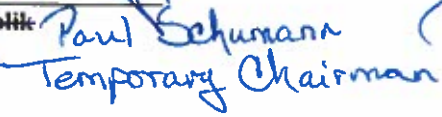
ADJOURNMENT:

The meeting was adjourned at 7:33 PM.

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James Smolik
~~Chairman~~


Paul Schumann
Temporary Chairman


Tina Wieber
Deputy Clerk of Council

Tuesday, September 12, 2023
Date Approved