

**NORTH RIDGEVILLE PLANNING COMMISSION
MINUTES OF
REGULAR MEETING – TUESDAY, DECEMBER 14, 2021**

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 Steve Ali, Paul Graupmann, Jennifer Swallow, Chairman James Smolik, and Council Liaison Bruce Abens.

Also present were Chief Building Official Guy Fursdon, Prosecutor Sean Kelleher, City Engineer Daniel Rodriguez 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 Tuesday, November 9, 2021. He asked if there were any corrections. Hearing no corrections, the minutes were approved.

CORRESPONDENCE:

None

OLD BUSINESS:

None

NEW BUSINESS:

Chairman Smolik asked for the application to be read.

APPLICANT: Greg Sommers, Sommers Development Group LLC, P.O. Box 1102, Chardon, Ohio 44024

OWNER: Triple Seven LLC, c/o 145 Berkeley Road, Elyria, Ohio 44035

REQUEST: New residential single-family detached and cluster development Eagle Meadow

LOCATION: Sugar Ridge & Bender Road in an R-1 District
Permanent Parcel No. 07-00-047-000-111

Application was read.

Administrative comments were read.

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

Greg Sommers stated he was with Sommers Development Group and introduced Chris Schmidt with Davey Resource Group, 1310 Sharon Copley Rd, Sharon Center, Ohio 44271. He stated that he and Chris Schmidt traveled together and that Chris is a product engineer and they could both chime in on some of the discussion points. He explained that they were

proposing a new community on the corner of Bender and Sugar Ridge Roads. He stated that he wanted to address the lots 19-44.

Mr. Schmidt stated that regarding the open space, looking at the dark hatch that was in the plan, there was a 15 foot buffer between the back property lines and where that open space calculation starts. He stated he didn't know if that addressed the comment or not. He explained that it went all the way around the cluster lots in the cul-de-sac, street "B".

Mr. Sommers stated that there was one issue the Commission brought up that he wanted to discuss and make sure that they complied. He explained that they also had the pre-application meeting with the Mayor and Dan Rodriguez to address a few other concerns, which he thought they had on their revised plan. He stated that they were also planning for a really nice entry feature for the development with signage and they were also planning some buffer features in landscaping along Bender and Sugar Ridge which were the main roads and thought it would enhance the community. He advised that beyond that, he was open to additional questions that the Commission had. He stated that he believed it was a nice layout and was looking forward to building the community and that he was open to questions.

Chairman Smolik asked if any of the members had any questions or comments.

Councilman Abens stated that from what he could gather, there were no plans for sidewalks on Bender and Sugar Ridge. He asked if that was accurate.

Mr. Sommers explained that he didn't know if they had that detail but in most communities where they typically build, they did place sidewalks. He stated that he was open to it. He further explained that connectivity is usually a priority and was open to whatever the Commission wanted to do. He stated that they were planning on doing some walking paths along Bender in the open space and didn't know if it was something that could be multi-purpose or looked at. He stated that they liked to meander the paths a little bit versus just straight. He explained that he could provide some examples and was open to whatever the City would like to do. He advised that they were used to doing sidewalks in every community along the main roads.

Councilman Abens stated that as a member of Council, he would like to see sidewalks along Bender and Sugar Ridge. He explained that the City has a resident on Sugar Ridge who would be very upset if they didn't because he was forced into a sidewalk.

Mr. Sommers stated that was not a problem. He explained that he didn't think they had gotten to that level of detail but was open to that and agreed with Mr. Abens.

Councilman Abens asked what the setbacks were. He asked what the 15 foot setback was going to be.

Chairman Smolik asked if Mr. Abens was referring to subplot numbers 19 & 44.

Councilman Abens stated that was correct.

Chairman Smolik advised that code requires 35 feet and he believed the applicant was at 30 feet. He asked the applicant if he wanted to point them out on the map. He explained that it was subplot 19 and 44 that back up to the rear end of the clusters.

Councilman Abens stated that he thought it was 19 through 44.

Chairman Smolik explained that there were two comments. He stated that the first issue was sublots 19 & 44 that are adjacent to clusters and needed a 35-foot setback.

Chief Building Official stated that the Ordinance also goes on to say, "unless Planning Commission approved". He explained that the Commission has the ability to approved it as is.

Chairman Smolik stated that he believed the applicant was proposing 30 feet.

Mr. Schmidt pointed to subplot 19 and asked if that was the 15-foot setback that was referred to.

Chief Building Official Fursdon stated that 15 feet was to the open space.

Mr. Schmidt explained that the open space was done in the hatched area and then there was a 15 foot buffer between the open space calculation and the back property lines.

Chief Building Official Fursdon explained that as long as they were 15 feet away from that he would be compliant unless Planning Commission moved otherwise.

Mr. Sommers stated that regarding that one lot, they didn't design it by trying to completely max out density. He explained that per code they could be at 2.3 and they were at 2. He further explained that if they were a few feet off on that lot that he would maybe propose some buffering or look at it in a little bit more detail to see if they were close to it. He stated he wanted the backyard to be nice for both the cluster lot and the single family. He advised that if they were a few feet off they could look at it from a design perspective or indoor buffering. He stated that they could look at that with a little more detail with their engineer and see what they could do.

Councilman Abens asked if the area that was behind 44 through 38 was going to be a retention pond or detention basin.

Mr. Schmidt stated that was correct.

Councilman Abens explained that the problem with being too close to that area was that he was familiar with water situations and somewhere in its' life it was going to overflow and would run out of its' space. He advised that as a Council Member he usually gets those calls pretty fast that water would be approaching their house and he would want that home as far away from that as possible just because it would overflow.

Mr. Sommers stated that he appreciated that and explained that when he had originally met with the Mayor and the Planning and Zoning Department, they had brought a plan that was 76 lots and they went back to their engineers at Davey and was the sole reason they reduced the density from 76 to 67 to over design the basins based upon storage and not pushing those limits. He advised that they had reduced density by 9 lots to over design those features to avoid the potential of ever having that issue. He explained they were cognizant of that and they reduced the density significantly solely for that reason.

Councilman Abens explained that once Mr. Sommers was finished with it, he would be the one that was left with it.

Mr. Sommers stated that he understood. He advised that the first plan they brought was 76 and it had gone down to 67 because they needed to size those basins to not push that envelope at all.

Councilman Abens stated that he appreciated that they had access from Sugar Ridge to the basin. He stated that that would be important for maintenance in the future.

Mr. Sommers explained that if they had to have ponds, they were going to retain water, they typically put some fountains in them and at least try to make them look nice and functional. He stated that they try to make them an amenity as much as possible for being a pond in the community.

Councilman Abens stated that he also saw that it looked like they would be putting plantings along Bender and Sugar Ridge which was appreciated because of trucks.

Mr. Sommers advised that they don't build the houses but they partner with national and local builders and build all over northeast Ohio and beyond. He stated that they have had conversations with their builder partners and part of their requirements are to heavily buffer that along both roadways. He explained that they would be submitting a detailed landscape plan with the walking paths and all the plantings. He advised that they were planning on that being a priority for the development plan.

Chairman Smolik stated that he had a question regarding the property to the west. He asked if the applicant was trying to obtain that property as well for development.

Mr. Sommers advised that they have had conversations with some of the adjoining property owners to the west but there were no plans to develop that at that point.

Chairman Smolik asked about street "A" that dead ends and the Building Official was indicating that dead end streets need a turnaround, a "T" turnaround. He asked if that was something the applicant could incorporate.

Mr. Sommers advised that they could.

Mr. Schmidt explained that usually there is a fire code that there has to be a certain distance from the intersection over to the end of pavement. He stated that he thought that would come from the fire department, but thought it was 250 feet from the intersection to the dead end street.

Mr. Sommers stated that they typically would do a "T" if it was required, so that a fire truck or emergency vehicle could turn around.

Chairman Smolik stated it would also be for any person, so that they don't turn in someone's driveway.

Mr. Sommers advised that they were open to that.

Chairman Smolik asked for questions or comments from the Commission.

None were given.

Chairman Smolik asked for questions or comments from the Administration.

Chief Building Official Fursdon asked if the applicant had an easement with Beckett to run the sewer over to the property.

Mr. Sommers stated that they did. He explained that that was the first order of business.

Chief Building Official Fursdon advised that he couldn't speak for the Planning Commission but with the setback they were showing they should be fine. He stated that if the Commission wanted something other than that, it was their decision to make.

Chairman Smolik stated that there was one person who had signed in to speak and he would let him speak now, Mr. Mike Babet, and then after he would open it up to the rest of the audience. He then asked Mr. Babet to state his name and address for the record.

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

Mr. Babet stated that he appreciated that the project was being built at the current zoning that it was at. He stated he had some concerns about the application after spending an hour filtering through the 18 pages of application. He advised that the Planning Commission has had the property before in 2018 but it wasn't noted on the application and they should have checked the box yes. He stated that previously they were trying to rezone the property from residential to industrial. He further explained that there were concerns raised at that meeting and encouraged the applicant to look back at the meeting to see some of the things that may have been raised as points of contention from the neighborhood. He stated that the traffic study that was done stated traffic would increase in the evening to add 75 vehicles at the p.m. rush hour. He explained that Sugar Ridge and Bender was a very dangerous intersection as it is an off-set intersection. He

stated that when you add that many vehicles to that intersection it would make that intersection that much more dangerous and there have been a number of accidents there. He advised that if traffic were to back up two cars deep there, there would be a gridlock and people would be unable to turn onto Bender or onto Bender north or Bender south. He explained that it was a very serious concern that he would like to see addressed prior to any big development that would go in there. He stated that if it wasn't going to be addressed and it probably wasn't something that would be addressed for a couple of years as it wasn't on the docket and there wasn't anything in Planning for it, then they definitely didn't want to over burden and add any extra traffic to that area that is not needed. He further explained that there was a noted variance in the actual drawing, not the one on the screen, but the smaller one, where the applicant actually compares the code to what exists on the drawing. He stated that what he was finding was that they had 25 feet off of an EOP rather than 22 feet off of the ROW. He explained that EOP is end of pavement and ROW is the right-of-way. He stated that the right-of-way is 60-foot and the pavement is 22 on either side and he thought there was another variance there. He stated that he didn't know if engineering had looked at that setback and if it was accurate because that was what the applicant stated on the drawing. He advised that he had the drawing if the Commission wanted to see it.

Chief Building Official Fursdon stated that he thought Mr. Babet was misinterpreting the Ordinance.

Mr. Babet explained that he was just looking at the drawing. He stated that that was the variance on the drawing.

Chief Building Official Fursdon stated that he understood what Mr. Babet was looking at but he was referring to the ordinance. He explained that he would find the ordinance and recite the section.

Chairman Smolik asked the developer if it was going to be a dedicated street.

Mr. Schmidt stated that was correct.

Chairman Smolik asked Chief Building Official Fursdon if a dedicated street was 25 feet wide.

Chief Building Official Fursdon advised that it was 26 feet.

City Engineer Rodriguez stated from curb to curb it was 26.

Mr. Babet stated that it was written on the drawing as 22 feet off of EOP, is what the application had shown and 22 feet off the ROW.

City Engineer Rodriguez explained that the plan's drawings that he had in front of him showed that the setback for those buildings are 22 feet off the ROW on street "B".

Chief Building Official Fursdon stated that regarding the front setback in the clusters, the

Ordinance states that it should be 22 feet measured from the nearest edges of the street or the sidewalk pavement. He explained that it didn't say whichever is closest.

Mr. Babet explained that he was just reading what was written on the drawing under single family detached and cluster family development.

Chairman Smolik stated that he thought it was on the title sheet.

Mr. Babet stated that he was just reading their own paperwork.

Chief Building Official Fursdon advised that the code was 22 from the street or pavement.

Mr. Babet stated that the drawing had 22 feet off of the EOP, that per code, what they listed as the code, 22 feet off of EOP, shown was 22 feet off of ROW.

Mr. Sommers explained that they were even further back.

Chief Building Official Fursdon stated they were even further back because the right-of-way is further than the edge of pavement.

Mr. Babet stated that that may be so but it was just an inconsistency that he was seeing in the drawing. He explained that he was just looking at the drawings submitted. He advised that sublots 19 and 44 do not have adequate setbacks. He explained that when someone is making a recommendation like Davey Tree Resource, saying that the project fits and qualifies under the ordinance as written, it actually did not. He further explained 19 and 44 do not have appropriate setbacks, so it didn't agree with the ordinance. He stated that the application says that 25 of the homes, sublots 19 through 44 do not have open space setbacks. He advised that when the engineer says they meet the criteria, that under their professional analysis as an engineering firm that the project fits the criteria, it actually did not. He stated that they couldn't say it did when it didn't and that it was another inconsistency in their application.

Chairman Smolik explained that he was going to correct Mr. Babet on his remark due to the discussion on lots 19 through 44. He advised that the shaded white area was 15 and that the developer did confirm that the setback was established. He stated that Mr. Babet was correct that sublots 19 and 44 are 5 feet short.

Mr. Babet stated sublots 19 through 44.

Chairman Smolik explained it was 19 and 44, just those two.

Mr. Babet asked if 19 through 44 had appropriate rear yard setbacks to open space.

Chairman Smolik stated that they did based on what the developer stated.

Mr. Babet asked Chief Building Official Fursdon if that was correct.

Chief Building Official Fursdon explained that it wasn't 19 through 44 but 19 and 44. He further explained that the setback from the single family lot to the cluster did not have 35 foot, they had 30 foot. He advised that the ordinance goes on to say that Planning Commission can approve something less.

Mr. Babet stated 19 through 44.

Chief Building Official Fursdon explained that it was 19 and 44, two lots.

Chairman Smolik explained that there was some confusion. He stated that there were two setback issues. He advised that the first setback issue was the setback to the cluster lots, the single to cluster. He explained that that was the one that Chief Building Official Fursdon was discussing. He stated that that was the one that needed to be 35 feet and they were proposing 30 feet.

Mr. Babet stated that was correct.

Chairman Smolik explained that the second issue is 19 through 20, 21, 22 and so on through 44. He stated that was the rear yard setback to open space. He advised that that was the one that the developer did say they met. He further explained that sublots 19 and 44 are only 30 feet to the cluster, so they are short 5 feet. He advised that the developer did say he was going to look at doing some additional buffering.

Mr. Babet stated that he was talking about the 26 units 19 through 44. He explained that he was talking about the rear setback and asked if the Commission was saying that now the applicant meets the 15-foot minimum setback.

Chairman Smolik explained that it did based on the engineer's statement.

Mr. Babet asked why the revised drawing in the packet didn't have the dotted line in the back yard that showed the setback.

Chairman Smolik stated that it was because it was just a development plan and wasn't the full improvement set.

Mr. Babet advised that he understood but that was all he had. He stated that that was the application that was handed in and was given to the public. He explained that it did not show a rear yard setback dotted line. He asked if it was redrawn or just verbally stated that it would be done.

Chairman Smolik explained that there was an actual space on the drawing but there were no dimensions on it.

Chief Building Official Fursdon stated that he thought the developer misspoke. He stated there was a 15-foot open space behind those lots but on those lots there needed to be a 15-foot setback from that open space and asked if he was stating that correctly, what was shown on the plans.

Mr. Babet agreed.

Mr. Schmidt stated that what they had shown was 15 feet between what was clarified as the open space with the dark hatch and the rear lots.

Chief Building Official Fursdon asked what the 15 feet was.

Mr. Schmidt advised that it was just the setback from the rear lot lines. He then asked the Chief Building Official if it was a building setback or a property line setback.

Chief Building Official Fursdon stated that it was a building line setback on that lot. He explained that from the rear of that lot they had to have at least 15 feet. He advised that in looking at their drawing, they had a 15 foot-open space beyond that lot and asked if he was correct.

Mr. Schmidt explained that they were calling that 15 feet from the lot to the open space.

Chairman Smolik stated that it was actually more because they were going from the rear property line to the open space and asked if that was correct.

Mr. Schmidt stated that was correct.

Chief Building Official Fursdon explained that the drawing stated that it was a storm basin but it didn't say it was part of the lot. He stated that there wasn't a setback given on the drawing he had.

Mr. Schmidt stated that there wasn't a dimension.

Chief Building Official Fursdon stated that it would have to be 15 feet which could easily be accomplished and didn't think it would be an issue.

Mr. Schmidt advised that basically it was an offset, 15 feet from the rear property line for the buildable area.

Chief Building Official Fursdon explained that they couldn't build within 15 feet of that with the house.

Mr. Schmidt stated that he understood.

Mr. Sommers stated that he would be sure to include the additional details in their next plat.

Chief Building Official Fursdon stated that when they create their plat they would include that.

Mr. Sommers explained that they had plenty of room back there and that they would be sure to clarify it in detail on the next set of plans.

Mr. Babet asked if he was correct or incorrect that sublots 19 through 44 don't have the minimum 15 foot rear setback as shown in the drawing and submitted in the application which the Building Department had recommended.

Chief Building Official Fursdon stated that it wasn't shown on the plan but they would update the plans to correct them.

Mr. Babet stated that it wasn't shown on the application. He then explained that 4.1 acres of the 9 acres of open space was committed to storm water management. He advised that would be 45 percent of all the open space and he heard the applicant say fountains and some things that would make that look pretty but that it was not pretty. He advised that storm water management wasn't a pond. He stated that it could be a retention or detention depending on what's flowing in and what's flowing out. He explained that he maintained many storm water retention basins and that they were 3 feet high, they had rip rap coming in and going out, an inlet and outlet and you wouldn't go in there. He further explained that it wasn't what he considered to be open space. He advised that the definition of open space is usable space not including buffer landscaping by national building standards. He then asked City Engineer Rodriguez if he was correct.

City Engineer Rodriguez explained that he couldn't answer that question because that was in the City's zoning codes and was whatever was defined in the zoning codes.

Mr. Babet stated that it wasn't considered open space. He explained that there was only a requirement of about the 5.68 acres of open space but considering that a retention or detention storm water management is prime open space, he didn't think that was true. He went on to say that the memorandum incorrectly states that the development was in compliance with Chapter 1282, single-family detached cluster development, due to setback issues on more than one-third of the homes and that it was not in compliance. He further stated that per the summary of findings, 9 of 3, he personally did not believe a suitable buffer for sight, sound and smell, the three senses that we were given as humans was a storm water management basin between them and the industrial parkway. He stated that he respectfully asked the developer to come back with a suitable plan to meet all City requirements, as well as a new plan for adequate buffering for residential homes existing and future homes that may exist. He stated he wanted something beautiful to be built and the City demands excellency. He advised that the applicant was an out of town builder who would use a subcontractor to build the homes and he wanted to make sure it was done right the first time. He asked that the developer come back with the proper drawings, proper setbacks, to alleviate the questions that were given in the previous pre-meeting that was done before that one and do it all again.

Chairman Smolik stated that he would let the City Engineer comment on the first question in regards to traffic at the intersection of Bender. He explained that the applicant was saying that the p.m. peak was 75 cars. He asked whether that warranted a traffic signal.

City Engineer Rodriguez stated that it did not, not based on the City's ordinances. He explained that a further detail study is required at 100 vehicles per hour during the peak hours. He advised that it did not.

Mr. Babet stated that if they added the newly opened Walmart extension, which the traffic study was done previous to that being opened, he thought it would be pushing that 100 at least. He advised that he wanted to comment on something the developer had brought up. He stated that the "T" couldn't be achieved the way they had the lot set up. He explained that there wasn't enough room between the property line and the last two lots to allow for a "T" to be done, whether it was a hammer "T" or a straight "T". He further explained that in looking at the drawing the lots come within 10 feet of the property line and a "T" couldn't be put in there. He stated they would have to cut lots up.

Chairman Smolik stated he would let the developer speak on the issue.

Mr. Babet advised that it was in the application that the developer needed to address about the possibility of a "T" at the end of the street. He stated it was in the City's ordinance that says "Any street that's 660 feet or longer had to have a "T" on it", and that street was 920 feet.

Chairman Smolik asked the applicant if they had a thought about how they would accomplish that turnaround.

Mr. Sommers stated that they had done many subdivisions and sub streets like the current one. He advised that they weren't an out of town developer but were from northeast Ohio. He explained that they had done a thousand plus lots in the past 5 years, so they had done it before. He stated that the Davey Resource Group had a lot of experience as well. He further explained that he understood there needed to be some type of turnaround but they were at the preliminary stage. He stated that they would get with City Engineer Rodriguez and their engineering firm and find a way to make that work. He stated that it wasn't an out of the ordinary element to work into any plan and that it was done all over the place. He explained that they would get with their engineer and the City Engineer and figure out what they needed to do to create a turnaround there. He stated he believed it was attainable.

Mr. Schmidt stated that they had done "T" turnarounds like the current drawing in the past. He explained it was just a little bit wider driveway.

Mr. Sommers stated that he respected everyone's opinion. He explained that they had taken the time and due diligence and after meeting with the Mayor and the Administration and greatly modified the plan. He further explained that regarding storm water management, it was required on every project and they might as well make it an asset. He stated that they have put walking

paths around it many times. He advised that it holds water, it's a pond, but there are ways to incorporate essential elements into making them a visual asset via landscaping, via walking paths, via fountains. He stated that they have been able to make that an asset in many of the developments that they have done as well and planned on doing the same with the current one.

Chairman Smolik asked if there was anyone in the audience who had questions or comments.

Bradly Baker, 37801 Sugar Ridge Road, North Ridgeville, Ohio 44039.

Mr. Baker stated that he also was concerned about the traffic along Sugar Ridge and Bender. He explained that it was a funny corner because it wasn't a "T" but was kind of a bend and it made traffic turning difficult from whatever direction a person was coming. He stated that he noticed with the traffic coming down Sugar Ridge and with the new Walmart extension coming off of Broad Street, traffic continues to grow. He advised that he had seen the Beckett extension, Taylor Parkway Extension, and didn't know if it was related to what was going on at the current meeting but stated it would be a great help if they could get some traffic off of Sugar Ridge and use that route as well. He asked what the status of that was and if it was at all involved with the current applicant because it would help with the traffic.

Chairman Smolik stated that it had nothing to do with the current application but asked if the City Engineer had any thoughts on the extension.

Chief Building Official Fursdon stated that it was just proposed currently.

City Engineer Rodriguez explained that it was all private property, all private development and the City had no access to that property. He further explained that it was a proposed easement and it was to bring the sanitary sewer that was at Beckett Parkway over to the development. He stated that there wasn't a road extension or other facets with that. He explained that it was just a sanitary sewer easement.

Mr. Baker stated that it would be a good idea to extend Taylor Parkway.

City Engineer Rodriguez advised that they could give that suggestion to the Mayor and the Mayor could talk to Mr. Beckett but it wasn't something that had to do with the current project.

Chairman Smolik asked for questions or comments from the public.

Albert Krage, 37903 Sugar Ridge Road, North Ridgeville, Ohio 44039

Mr. Krage stated he had a comment for the developer. He asked why didn't they just have bigger yards and less houses. He explained that the project would be an oddity in the neighborhood and it was ridiculous how projects like the current one get built. He further explained that his yard was almost 2 acres and that everyone's yard up and down that road was almost two acres and sometimes five. He advised that the one to the west of the project was five acres and now they

were going to jam all the houses in that area. He stated that he thought it made everything go down hill. He explained that he thought less houses and bigger yards would be better. He stated that they would have a lot less problems with the water runoff issues.

Chairman Smolik asked for further questions or comments from the Commission.

Member Graupmann stated that it appeared the plans were incomplete. He asked if it would be better to wait and get updated plans or if that was something that could be administratively done at a later time and not be a concern to the Commission. He stated that it was incomplete by their own admission and thought they were minor changes but wanted to know if they should go ahead and vote on it.

Chief Building Official Fursdon explained that the two questions of change had to do with setbacks and the ordinance does say that the setbacks as they stand, the Commission could approve them because the Commission could afford something less than. He further explained that in regards to the "T" turnaround, he thought it seemed like a stretch to make the applicant revise that and come back because they would have to show that in the final construction plans and the final plat to get approved because they would know the City would be looking for that.

Mr. Graupmann stated that that answered his question and Chief Building Official Fursdon was the expert.

Chief Building Official Fursdon stated it would also be in their best interest to submit street names ahead of time so that when they come back, if they have street names that don't comply with the City's ordinances, the City wouldn't have to chase them around trying to change those.

Chairman Smolik asked for further questions or comments from the Commission.

Councilman Abens stated that he lived in a development much like the current drawing but what he could see in the current drawing was that they corrected some of the mistakes that were made in his development. He explained that as far as the "T" turnaround, he lived in a house like subplot 11 and it wasn't a big deal. He further explained that when most people find out there is no outlet to the street, they do a u-turn at street "C" and street "A". He advised that he received very few cars coming into his driveway. He stated that if people do come into his driveway it was just because they wanted to take a look at the property next to him because he had woods next to him. He advised that his reason for asking if they had access to the retention pond was because his particular development did not have that and it created a problem recently for major maintenance. He stated that he could see that they corrected a lot of mistakes that were made in his development and he appreciated that.

Chairman Smolik asked for further questions or comments from the Commission.

City Engineer Rodriguez stated that he wanted to make one more comment regarding the gentleman and Beckett Parkway. He explained that Beckett Parkway was a private road and was not right-of-way. He explained that everything shown on the drawing was private. He stated that

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the City did maintain the sewer and there was a sewer easement but Beckett Parkway itself, to the businesses over there, is a private road and the City does not maintain that road or have access to it. He advised that it was private property and for them to open that up, he didn't believe that would probably ever happen. He stated that it was a private street and not a right-of-way that the City owns.

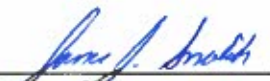
It was moved by Smolik and seconded by Swallow to approve the application with the conditions of a 30-foot setback to cluster lot for lots 19 & 44, add sidewalks on Sugar Ridge and Bender and sublots 19 through 44 must have 15-foot setback to open space.

A roll call vote was taken and the motion carried.

Yes – 5 No – 0

ADJOURNMENT:

The meeting was adjourned at 7:43 PM.


James Smolik
Chairman


Tina Wieber
Deputy Clerk of Council

Tuesday, February 8, 2022
Date Approved