

**NORTH RIDGEVILLE PLANNING COMMISSION
MINUTES OF REGULAR MEETING
TUESDAY, MAY 13, 2025**

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 Frank Toth, Steve Ali, Council Liaison Bruce Abens, Vice-Chairman Paul Schumann, and Chairman James Smolik.

Also present were Assistant Law Director Toni Morgan, City Engineer Christina Eavenson, Planning and Development Director Kimberly Lieber, City Arborist Ryan Thomas, and Assistant Clerk of Council Fijabi Gallam.

MINUTES

Chairman Smolik asked if the members had a chance to review the minutes of the regular meeting on April 8, 2025. He asked if there were any corrections. Hearing none, the minutes were approved as submitted.

CORRESPONDENCE

Administrative Approvals

Master Tree Plan

Director Lieber discussed the Master Tree Plan, stating that City Council had recently adopted amendments to Chapter 1030 of the codified ordinances regarding trees. She noted that a previous chapter, titled "Master Tree Plan", had become outdated, with some provisions dating back to the 1960's. While some updates were made, the chapter had not been adequately overseen. She explained that certain tree species were specifically categorized as either permitted or prohibited. Still, the City had not kept up with the rise of certain invasive species and the best landscaping and arborist practices. Therefore, a rewrite of the tree regulations was undertaken, addressing both public and private trees. A no-fee permit process was created for individuals wishing to plant or remove trees in the public right of way. These new regulations will take effect on May 27, 2025, after Memorial Day. She stated that the new process also guided property owners concerning tree maintenance and clarified the responsibilities of private property owners for the upkeep of their trees and would allow the City to address dangerous trees that threaten public health or safety. A draft Master Tree Plan was created by City staff in various departments and Arborist Ryan Thomas, drawing on the codified ordinance, to compile best practices in one place that would be easy to manage and update without requiring ordinance amendments. She explained that the document would be adopted by the Planning Commission and maintained by the City Arborist, who would ensure that it remained up to date and could add updated guiding documents, relevant attachments, and park plans for the city parks, effectively creating a comprehensive reference for trees within the City. She asked that Planning Commission reviewed the Master Tree Plan and discussed that the goal was ultimately to adopt the Master Tree Plan during that meeting or a future one, which would serve as the primary resource for tree maintenance, planting, and forestry in the City of North Ridgeville.

City Arborist Thomas reiterated the basis of the Master Tree Plan, emphasizing that it would serve as a tool to implement best management practices among landscapers hired by developers, communities, and the City's own Public Works Department. The goal was to see the overall tree canopy of the city grow rather than decline, especially since they are starting from a low number. He mentioned that the initiatives that Director Lieber explained could eventually lead to Tree City USA recognition. The subsequent steps are already in progress, and there are plans to apply for recognition this year. He stated that the Arbor Day celebration was held on April 25, 2025, during which a sugar maple tree was planted at Shady Park.

Chairman Smolik then inquired if any members of the Commission had questions or comments regarding the Master Tree Plan. After receiving no immediate responses, it was suggested that the Commission would likely table the discussion for action at the next meeting.

Director Lieber noted the following administrative approvals:

1. **PPZ2025-0348 The Dog Wizard Westlake, 34960 Center Ridge Rd.**
Administrative Approval of a Certificate of Zoning Compliance for dog training and day care.
2. **PPZ2025-0349 Halo Smoke, 33117 Center Ridge Rd.**
Administrative Approval of a Certificate of Zoning Compliance for a smoke shop.
3. **PPZ2025-0350 Hennessey Lawn & Landscape LLC, 36466 Sugar Ridge Rd.**
Administrative Approval of a Certificate of Zoning Compliance for landscaping contractor.

OLD BUSINESS

PPZ2025-0337: Victory Park, 7777 Victory Lane, PPN 07-00-003-102-106

Owner: PMJ Park Holdings, 7777 Victory Lane, North Ridgeville, OH 44039. Proposal consists of lighting plan for sports park. Property is zoned I-2 Light Industrial District.

Application was read.

Chairman Smolik asked Director Lieber for findings of fact.

Director Lieber explained that there were concerns about the approved installation of two turf fields at Victory Park that occurred earlier this year. It was noted that there was insufficient detail regarding the proposed lighting package at that time, leading to the lighting being separated from the overall approval of the field improvements. Director Lieber explained that the Planning Commission held unique authority to approve lighting plans that may deviate from code requirements. The regulations indicated that due to the unique requirements for providing greater nighttime visibility, the need to ensure public safety, and limited operation hours for certain facilities, including stadiums with ball diamonds, playing fields, tennis courts, amphitheaters, and similar uses were exempted from the exterior lighting standard. It was emphasized that lighting standards for these types of installations must be established at the time that the lighting request is made and shall be subject to Planning Commission approval. It was clarified that the proposal did not need to be reviewed by the Building and Zoning Board of Appeals, but the Planning Commission would review the lighting plan. Noted as follows:

- There were 12 new pole lights proposed. Ten were surrounding the proposed fields at 80 feet high, and two are 70 feet high.
- The pole height, fixture type, and illumination levels exceeded code requirements.
- The following were some questions from the Administration for the applicant, which they have addressed in their submittals, and also had a presentation for review.
 1. The extent of light trespass off the property.
 2. The setbacks of the proposed light poles from all the different property lines.
 3. Evidence regarding the need for the extent and intensity of the lighting, as well as the height of the poles provided, and whether any industry standards were at play there.
 4. Whether the proposed system might differ from previous lighting systems and how it would be controlled.
 5. Whether the glare or the lighting would have a negative impact on the public road system, potentially causing glare issues for drivers or any other adverse effects on surrounding businesses.
 6. What were their light control measures to ensure that they did not create any hazards for the surrounding property.

City Engineer Christina Eavenson questioned the pole configurations and wanted to confirm whether the existing light poles located between the existing fields and the new poles would be shared, and if so, how many new heads would be added to those existing poles. She noticed there were already 8 to 10 heads facing the existing two fields and stated that clarification on the total number of heads on each pole would be appreciated. She stated that the proposed new lighting fixtures differ from the existing fixtures currently in use and asked for more details on the shielding capabilities of the new fixtures, specifically regarding the potential for future issues with light spill or glare and commented that if such issues arose, additional shielding would be required for the new structures. She said that at the last Planning Commission meeting the total additive footprint for the foot candles was discussed, however, it seemed that the current proposal only accounted for the new fixtures and asked for clarification on how the existing fixtures would be integrated into the overall lighting plan, especially considering their dome-style design, which appeared to lack shielding and raised concerns about the foot-candle measurements.

Assistant Law Director Toni Morgan had no legal issues or questions from the law department.

Chairman Smolik asked if there was a representative for the application.

Joe Borkey, PMJ Park Holdings, 9091 Hilo Farm Dr, Mentor, OH 44060.

Mr. Borkey provided clarification on the project and answered questions as follows:

No fixtures were being added to the old poles. Some would be rear-mounted fixtures to help with the old fields, as they did not sufficiently meet the lighting standards for baseball and softball currently. The fields were originally designed for soccer only, not for baseball and softball. When the turf was installed, the fields were extended, therefore, the corners had dark spots compared to the 30-foot candles that were originally present. That resulted in approximately 10-foot candles on either side and was below the industry standards for baseball and softball. Additionally, shielding was not a consideration since there was no real reason for shields on those specific ones because they were spots with directionals and lumens that differed significantly from the old fixtures that were currently in place. The old fixtures were metal

halide light fixtures, while the new fixtures were direct focus LED lights and were a completely different type of lamp.

Troy Tyler, Geo Lighting, 2820 Mechanic Road, Hillsdale, MI 49242.

Mr. Tyler stated that the new light fixtures had small shielding, which offered a more extended shield, but for that application, the company supplied a system instead of a fixture. The company offered a range of fixture series tailored to meet customers' needs and applications across various fields and locations and was confident in the fixture and shielding and believed there would be no impact on the distance from the new lights compared to the existing ones at the park.

Chairman Smolik noted that the Administration was concerned about glare to the motoring public or the surrounding businesses and asked that based on the height of those lights, could there be glare for cars driving by.

Mr. Tyler explained that there would be no glare worse than that of a streetlamp, a Rite Aid parking lot, or similar. The company had poles that were 80 feet tall, and with the direct light as mentioned, everything was based on the aiming angle of the fixture and direct light. The pole is height was enough to accommodate only a certain angle for the fixture, and the angle at which the fixture was positioned would help reduce glare, spill and other similar effects. There were no concerns with any of the streets or around where glare would have an impact on any driver, walker, or anyone in the stores or similar.

Chairman Smolik noted that the Administration wanted to know, once the lights were up, whether light pollution would be a problem for an adjacent parcel and asked if they aimed the lights, or could additional shielding be installed.

Mr. Tyler clarified that add-on shielding was possible because the Clear 2 fixture, used in that application, came with a standard visor instead of the larger shield called a "hood" that could be added if there were a problem with complaints. He stated that it did have a slight effect on the field of play, however, some rearranging of the fixtures might be necessary. The reason was that the visor affected how long the light aimed.

Chairman Smolik noted that the Administration wanted to know if the old light fixtures could be included in the foot candle calculation, so that there would be a total foot candle value with everything lit up at once.

Mr. Tyler clarified that they could not guarantee performance, especially with the metal halide system, because it degraded significantly over time compared to LED. He agreed with Chairman Smolik that he could presumably do the calculation, as the old light fixtures were new without any degradation. However, the company had not used the old light fixtures in years, but could mimic the current design, including the number of poles and fixtures, and demonstrate how the fixture compared. The company had photometric files to mimic a metal halide design.

Mr. Borkey wanted to know if there is a specific foot-candle level at the intersection that was approved and could not be exceeded.

City Engineer Eavenson stated that her concern would be the neighboring properties and the recreational area next to the park on the east side of the existing height. She wanted to assess the area with the eight

light bulbs on the two fields adjacent to the adjoining two fields, each with eight to 10 lights without shields, to determine how that would impact the neighboring properties.

Mr. Tyler clarified that it was easy to do what was requested. He added that if there were metal halide poles existing with no shields, then the old lighting fixture was already worse than what the new light fixture would add to it. He stated that he would show a close replica of a matching fixture count with the metal halide fixture, which had no visor and would then demonstrate what the new light fixtures would add to it, highlighting what they were currently dealing with. There was a possibility that all light fixtures would be run all at once from dark until p.m. - sometimes the lights could be on for two hours, sometimes it was three hours.

Mr. Borkey added that Starbucks presented more foot candles at that intersection than were currently requested by Victory Park.

Mr. Tyler remarked that they would provide updated calculations with the new and old light fixtures.

Chairman Smolik noted that the Administration wanted to know the height of the poles.

Mr. Tyler remarked that the pole was an 80-foot structure for the large multi-purpose turf area, with 12 light poles surrounding the field. The other two light poles, added to help the infield, were 70-foot structure light poles. He stated that the throws and lines on the drawings for the project represented the fixtures for light aiming and the throws on the larger field were considerably longer; thus, the farther the throw, the higher the angle increased regarding spill and glare. He mentioned that the shorter aimed light used a shorter pole and still directed light where it was aimed without producing any upward light.

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

None were given.

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

Member Ali stated that based on experience and being in the field, that the LED, compared to the metal halide, could be controlled either by an app or a remote and one could change the color and wattage usually by an app with a good quality LED.

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

None were given.

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

None were given.

Moved by Smolik and seconded by Schumann to approve the application with the condition to submit a new photometric, taking into account both proposed lighting and existing light sources.

A roll call vote was taken and the motion carried.

Yes – 5 No – 0

NEW BUSINESS

PPZ2024-0299 Hampton Place Subdivision Phase 8, PPN 07-00-029-000-203, -515

Owner: Valore Properties, 23550 Center Ridge Rd, #101, Westlake, OH 44145. Proposal consists of final development plan approval of Hampton Place Subdivision Phase 8. Property is zoned R-1 Residence District.

Application was read.

Chairman Smolik asked Director Lieber for findings of fact.

Director Lieber stated that the preliminary plan for Hampton Place was amended in 2023 to account for Phase 8. The originally proposed commercial property was instead developed residentially. The developer altered the layout of the residential lots for about 11 1/2 acres for residential and then also added about a 17-acre piece of property that had been reserved for commercial use. Phase 8 collectively had over 28 acres containing 55 dwelling units, 44 of which are considered single-family lots and 11 on cluster lots. She stated that the density was 1.93 units per acre, which was below the required density. In that phase, there were a little over 7 acres, which was 24.7% of open space, most of which would be used for stormwater management or delineated wetland areas. There was a slight change from the preliminary plan that was approved based on engineering's requirements for stormwater management, especially where the development was going to abut dwellings on Avon Belden, the size of several of the single-family lots were reduced and then the amount of open space increased. As a result of that lot reduction, the applicant had to apply to the BZBA for a couple of variances to create a couple of sublots that were smaller than code would require, but those were approved. She mentioned that a landscape plan was a requirement for the final approval, and that was submitted with input from the City's Arborist. The developers updated their proposal with the selected three street tree varieties—Yoshino cherry, Shade Master honey locust, and Green Spire Linden. The developer would submit a planting plan before those were ultimately installed, which would be a little bit of time from now. Also, as part of the City Arborist's review, it was noted that the landscape plan for Phase 7 was a monoculture of the same plant, so it was asked if they hadn't installed the trees, if those could also be diversified. The developer had agreed and has agreed to American Sycamore, Shade Master honey locust, and Red Sunset Maple. The greater variety of plantings in that case brought the plan more in line with the master tree plan that was previously discussed.

City Engineer Christina Eavenson commented that engineering wanted to know if there were still many outstanding items concerning the improvements for that phase of construction and that developers' agreement did allow them to provide a performance bond to cover those outstanding items, which engineering had estimated the value of those to over \$1,000,000. She explained that there were some large-scale items, including concrete roadways, that had not yet been installed and there were some items of concern, including a section of sanitary sewer that failed the pressure test and would need further investigation. Additionally, there was an issue with an existing drainage tile located behind some of the existing residents along State Route 83 that had not been addressed. Based on engineering field observations, it was believed to run along Hampton's eastern property line, as well as the neighboring properties to the east along State Route 83. She stated that engineering was unsure whether the tile was a stormwater drainage tile and that it has not been identified whether it potentially conveyed discharge from the leach fields along State Route 83. She said that it was proven to be a stormwater tile, the developer was

requested to remove it and either tie it into the stormwater management system or bypass it with a ditch or additional piping and that if it did carry septic discharge and had been proven that no easements existed on the developer's property, although it was not the developer's responsibility to provide an outlet for those leach beds, they still needed to alert the Lorain County Public Health of the situation, so that they may investigate potential solutions for that issue. She explained that due to those concerns engineering recommended the plat not be signed until the issues were resolved, as it could potentially require realigning the subplot property lines or the block property lines if additional drainage was needed within the Hampton development.

Assistant Law Director Toni Morgan had no legal issues from the law department; however, she wanted to know if the developers had posted the bond for work that had not been completed or addressed.

City Engineer Eavenson remarked that the developers had not posted the bond, and the Engineering Division had only estimated the outstanding items.

Assistant Law Director Morgan wanted to know if the City expected to obtain the bond for coverage, as the development agreement allowed for it.

City Engineer Eavenson explained that, as standard practice, the City allowed outstanding items to be addressed with a performance bond, which must be issued for 100% of the value of the outstanding items. The developer, the applicant, was aware that if they had outstanding items, the City would request that performance bond; however, the transaction had not yet transpired.

Assistant Law Director Morgan wanted to know if it would be acceptable to obtain approval from the Planning Commission prior to completing the outstanding items, or if they would be more comfortable with the bond being issued before the Planning Commission approval.

City Engineer Eavenson expressed hesitation to sign the plat if there would be subplot redefinition or Homeowners Association (HOA) block redefinition in that area of the drainage tile, because they might potentially need more room to address the drainage and were cautious about signing the plat without that particular item being worked out.

Assistant Law Director Morgan wanted to know the authority for not signing the plat if they approved the plan and asked if that was commonly done.

City Engineer Eavenson remarked that there needed to be a condition stating that the item must be addressed prior to plat approval, or the Planning Commission should not approve the plat.

Assistant Law Director Morgan asked if the requested work pertained to the last phase or covered the entire development.

City Engineer Eavenson noted that the outstanding issues were only for Phase 8.

Assistant Law Director Morgan advised that if approval was granted, the outstanding items must be requested as a condition of approval.

Chairman Smolik asked if there was a representative for the application present.

Jason Fischbach, 31001 Hilliard Boulevard, Westlake, Ohio, representing Valore Properties.

Mr. Fischbach remarked that they are starting to pave on May 14, 2025 and expect to have everything cured out completely including Cul-de-sacs by May 29, 2025. He stated that that probably made up a large portion of the million dollars that they spoke about, probably three quarters of it.

City Engineer Eavenson stated that she was sure that they didn't want to write the performance bond if they didn't have to.

Mr. Fischbach stated that that was correct and that within 23 days the concrete was expected to be down if weather allowed the progress, but they had calculated that in. He discussed that any of the drainage on the backside, obviously we put in that big storm system that was incorporated into the plans, and that he didn't know exactly where or what was in that other storm drain that was discovered, so they would have to definitely investigate that. He stated that as far as anything being contingent upon getting the plan to move forward, based on their timeline and they would do anything and everything that they had to do to keep it moving forward, especially since they were starting to pave tomorrow and everything was set up in there and ready to go. He commented that they would like to keep it moving without any further delay and that in situations like that in the past, they had delivered and kept things moving, which was what he would propose for the plat and everything that they had going on there.

Chairman Smolike asked if there were any members of the audience that had any comments regarding to the project.

Jesse Gast, 6084 Avon Belden Rd, North Ridgeville, OH 44039.

Mr. Gast stated that regarding the big storm sewers that they were putting in, his yard was flooding out big time ever since they started that project and his backyard had been a lake. He stated that he had geese and ducks every time it stormed swimming in his backyard. He mentioned that they raised his backyard behind it 3 feet and just dropped that big drain tile and put dirt right over and commented that it was going to drop straight down into his yard and that they were not supposed to match with natural flow. He stated that it was 3 feet away from his property line and was going to be a dead drop. He discussed that one could see that it was just a big black pipe and that they had just put dirt right over it. He said that he measured it and it was 3 feet high and they weren't finished putting dirt over it yet.

Tracy Gast, 6084 Avon Belden Rd, North Ridgeville, OH 44039.

Ms. Gast stated that she had two parcels and that her sump pump was continually running because of all the back flow and that the water had nowhere to go, so it was coming towards her house.

Mr. Gast stated that his was the lowest lot out of the three one acre lots.

Chairman Smolik asked if that was the first time that the City had heard of the issue.

Mr. Gast stated that he had spoken about it in the past.

Chairman Smolik asked in what forum, if he called someone on the phone.

Mr. Gast stated that he came up there once and started to bring it up and it was like something stupid, so he just walked off. It was years ago, but he had not been back since. He mentioned that now that that had started, it had gotten worse, and he just couldn't take it anymore.

Ms. Gast stated that she had two parcels, and it cost her \$5435.10 in taxes she was paying on and was getting all that flooding.

Chairman Smolik stated that he assumed the Administration would have an inspector take a look and see if the developer violated any drainage rights.

City Engineer Eavenson stated that the Engineer's office would be happy to look into that.

Chairman Smolik thanked the applicant for bringing it to their attention. He asked if there were any other members of the audience that had any questions or comments.

None were given.

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

Vice-Chairman Schumann asked City Engineer Eavenson regarding the potential sanitary waste that may be spilling into the storm water system currently, if she was aware of any or if it was just a maybe.

City Engineer Eavenson stated that Public Health did not call it sanitary waste but that it was more of gray water, a septic tank to leach field to outlet. She explained that they had kind of a similar situation with the development on Stoney Ridge and there was some development that backed over there that had existing septic systems and that drain tile was uncovered during earthwork operations and it was found that it was mostly just drainage from the leech tiles and that because of certain requirements that the Public Health had about that discharge, especially in the older systems, they do not allow connection to new storm sewer systems. She stated that at this time she didn't know and had only been made aware of the situation recently. She discussed that as far as she was aware they hadn't uncovered if it was all just storm surface runoff or if it was indeed from outlets to the existing leach beds there. She added that more investigation needed to be done and then Public Health would need to be made aware of the situation and help those people remedy the situation.

Vice-Chairman Schumann asked if that did uncover that those leach beds were failing, was that something that would be corrected after the fact.

City Engineer Eavenson stated that as they may be aware of some recent communication that went out to the county that Public Health was having a more active role in reviewing and inspecting existing systems. She discussed that they had really been pushed by the State to inspect more regularly and provide guidance for the existing systems and typically they would get them involved as soon as possible in those situations to see what could potentially be done. She stated that unfortunately, what they saw on the other side along Stoney was that the neighbors were discharging onto a property that they didn't own and there were no easements for, but back in the day, unfortunately easements weren't secured or obtained and would go back to the property owner of the system itself to resolve the issue.

Vice-Chairman Schumann asked if the Commission approved the application, would that be something

that could be taken care of after the fact or would they be remiss in approving it if there was a potential problem.

City Engineer Eavenson stated that at the very least, she would recommend that they make a conditional approval for the plat that it not be executed until they got more information on that drainage tile as they didn't know if it was storm water or leach field discharge. She explained that she would need to know that and then they could make a recommendation from there about what to do with it.

Vice-Chairman commented that they would be going ahead and starting the project and starting to place some concrete and that would be okay as long as they had that condition.

City Engineer Eavenson stated that she would be amenable to that.

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

Council Liaison Abens stated that that was something he had learned over the last couple of years as it pertained to cul-de-sacs and suggested that they put maybe some extra rebar in those areas because when they started failing, they were expensive. He discussed that that was what was happening in Ridgefield and a few others that their cul-de-sacs were failing and it cost a lot of money for them to repair those things.

Mr. Fischbach stated that they stabilized 100% of the project and thought that if they factored that in, that might help their thoughts on that.

Council Liaison Abens stated that he wished the City's fathers would have known about those details when cul-de-sacs started going in.

Chairman Smolik stated that typically on plats when there were wetlands, they were protected by a conservation easement and asked what the protection was on those wetlands once the HOA started to maintain those parcels.

Mr. Fischbach stated that in the other phases that they had there, those areas were deep, whether they were wetlands or setbacks in areas that were not to be disturbed, there was nothing surrounding them that he was made aware of. He commented that as they took them over, he thought they understood that that was indeed what those areas were, and they were to remain natural. He stated that there was nothing special that went on in those areas and that they would clear around them and make sure that they were not disturbed as they were currently. He discussed that they had been protected since the start of construction and were orange fenced off and as they delineated or whatever they did there, they could get into certain areas and remove them. He mentioned that he still had some areas over there in that particular project Phase 8, that they hadn't removed yet just to make sure that they were going to do after the roadway was poured.

Chairman Smolik asked if the HOA was fully aware and they would have all the correct mapping.

Mr. Fischbach stated that they would and that way they could continue to maintain the way that it should.

Chairman Smolik commented so that they were not developed in the future.

Mr. Fischbach stated that that was correct.

Council Liaison Abens commented that in his HOA they did have wetlands and were not allowed to touch them. He stated that it was in their charter and assumed it would be in their charter as well.

Chairman Smolik stated that regarding the \$1 million of work, he said that the concrete was going to be poured.

Mr. Fischbach stated that it was starting tomorrow.

Chairman Smolik stated that the Commission was a recommending body, and they would make a recommendation and then it would go to Council. He discussed that obviously it was going to take the City Engineer two or three weeks to find the correct felt pen and after that they had to make sure that the temperature was adequate and by then hopefully, all the work will be done. He asked if the City Engineer would feel more comfortable with a condition that they be at substantial completion before the plat was executed without a performance bond.

City Engineer Eavenson commented that as the applicant had already stated, the majority of the outstanding items were in the concrete but that's not to say that there weren't still outstanding items because there were and she had a list of 22. She discussed that once the roadway was in and had been approved by her team, then they could look at the outstanding items and could evaluate that for a performance bond on those remaining items. She explained that oftentimes a lot of those items would not be done until after the plat had been executed and that final grading, landscaping, lighting, were issues they worked out through the construction of the building phase, so they could implement the performance bond for those outstanding items negating the roadway. She discussed that she also wanted to ensure that the drainage tile was addressed and that there was a recommendation for addressing the tile. She stated that as long as they addressed those items, they could conditionally approve that the execution of the plat that would be done upon the roadway being in and the performance bond being submitted with the outstanding items at that value.

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

Member Toth asked the Administration regarding a note from the Arborist, Mr. Thomas, included in their packets he was citing Ordinance 1030.045, Retention and Preservation of Trees and Woodlands, and that it stated that developers shall retain and preserve as many healthy trees and woodlands as possible within their subdivisions and developments and according to the Arborist in Phase 8, the developer cleared an area greater than 10 acres and it was 100% removed. He discussed that he remembered with another developer that they had a project with where they had done some cutting like that and the City was able to have them plant additional trees to make up for that clear cutting. He asked if the clear cutting was done in a compliant fashion and if there were any plans for the City to ask them to add additional trees.

City Engineer Eavenson stated that she couldn't recall offhand if there were certain areas that were slated to be preserved and then they weren't, so she would have to review that. She discussed that a large chunk of that particular phase was cleared, and the improvements extended to every border, so she couldn't recollect if there was a certain area that was for preservation. She mentioned that regarding the example that he was citing, there was an area that was supposed to be preserved and talked about during planning and then the contractor, unbeknownst to that developer had cleared additional areas, so in that case, they asked the developer to go back and reestablish those trees for replacement. She stated that she didn't recall any areas in here that were slated for preservation that weren't and that she would have to review that.

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

None were given.

Moved by Smolik and seconded by Schumann to approve the application with the following conditions:

1. Further investigation of the unclassified pipe on SR 83 and a resolution that is acceptable to Engineering.
2. Finish the construction of the concrete roadway.
3. A financial guarantee will be provided equal to the cost of all remaining items not constructed to the satisfaction of Engineering.

NOTE: All conditions must be fulfilled before the plat is signed and executed.

A roll call vote was taken and the motion carried.

Yes – 5 No – 0

PPZ2024-0308: Circle K, 34273 Lorain Rd, PPN 07-00-014-106-012

Applicant: Brett Lamb, Circle K Stores, 935 E. Tallmadge Ave, Akron, OH 44310. Owner: AGLR Investments, LLC, 36097 Westminister Ave, North Ridgeville, OH 44039. Proposal consists of a new Circle K gas station and retail store. Property zoned B-3 Highway Commercial District.

Application was read.

Chairman Smolik asked Director Lieber for findings of fact.

Director Lieber stated that the proposal consisted of a new Circle K gas station and a retail store at the southeast corner of Lorain Road and Root Road and it was about a 4.38-acre property in a B-3 Highway Commercial District. She discussed that surrounding the property were parcels that had a variety of zoning designations, mostly B other B-3 zoned property and to the south there was a parcel zoned R-1 and to the west there was some combination of I-2, which was limited industry and also B-1 Neighborhood Business District, so there was a smorgasbord of zoning designations in that area. She explained that an automobile service station was a permitted use in the B-3 District. She added that another way of saying permitted use, was a by-right use, and was explicitly allowed without needing any special approval as long as it complied with the standards of the zoning code. The applicable regulations might be setbacks, height, lot coverage and parking but it was different from a conditional use in that it might only be allowed if it could meet certain special conditions. She discussed that the code had areas that established prohibited uses that were expressly not allowed in certain districts, but in that case, zoning laws were established by council to define land uses that could be located in different areas of the community and that particular zoning designation that was previously established allowed for that use and fell squarely within the list of permitted uses in the district. She stated that for that project, proposed structures included a new close to 4,000 square foot store with 12 fueling stations covered by a canopy. She stated that on the site currently there was an existing house garage and several accessory structures that would be demolished. She indicated that the project was zoning compliant in terms of building height, lot yard requirements and lot coverage and that the building itself was comprised of various textures and colors of a Nishiha product, which was a fiber cement panel. On the outside of the building would be a propane tank, ice chest, and a seasonal display on the sidewalk outside the main entrance. She discussed that the canopy itself would be comprised of aluminum composite panel with steel supports and they provided for trash enclosure which would be constructed of a coordinating Nishiha brick to match the building. She explained that based on the retail use and also the size of the store, 23 parking spaces would be required and the plan showed 17

straight parking spaces and then there were the 12 spaces also at the fueling stations. She stated that imagining people would come for gas and then go in to get food or other retail items, Planning Commission could determine if those fueling station spaces could be counted to meet the demand for the store and she thought it was a reasonable request. She said that curbing was provided around the paved area of the site, there were bollards along the front of the building to protect the structure from those head on parking spaces and from those patrons on the sidewalk. She explained that two curb cuts were shown, one on each frontage and that the Lorain Road curb cut was a three-lane full access and the Root Road curb cut was right-in and right-out only. She said that a truck turn exhibit was provided, and sidewalks were provided along both frontages, and that a bike rack was required for that use. She stated that the landscape plan showed some plantings along the frontages and beds and also around the proposed ground signs and that Arborvitae screening was provided along the east property line and also wrapped the area where the dumpster enclosure was located. She stated that she recommended that Arborvitae not be planted within 20 feet of the sidewalk just to ensure driver visibility coming in and out of the site. She said that additional trees were located along Root Road driveway and landscape irrigation was provided. She added that there was existing natural vegetation, and there was a required riparian set back that provided some significant existing buffering to the vacant residential lot to the south. She indicated that the lighting consisted of a combination of building mounted light fixtures, pole and canopy lights, and they had an updated lighting plan that was submitted recently. She discussed that the site plan changed a bit and so the lighting plan caught up to that site plan and it appeared on her first review that mounting heights of the poles, the fixtures and illumination levels were code compliant. She stated that French Creek ran through that southern corner of the site, which required the riparian setback and mentioned there were also several wetland areas that had been identified. Wetland A would be preserved, and B was going to be removed. She stated that stormwater management was in a basin to the rear of the property and that staff had recommended the applicant add a maintenance access route to the parking lot to that area along that northeast side of the building. She stated that there was an exterior sign package provided that would require variances, but she really wanted to address a bit more about traffic and access as that was the key concern of City staff when the project was brought forward for consideration. She discussed that the applicant provided a traffic impact study and they submitted that study to the City's traffic engineer consultant who was very familiar with that particular area of town and as a result of their analysis and recommendations and also the internal dialogue with the applicant, they had had significant discussion between all the parties about existing traffic frustrations and considerations and also future traffic conditions that they could anticipate with growth not just in North Ridgeville, but in the areas surrounding North Ridgeville that impacted local traffic and that they were aware that they needed to anticipate potential future road widening or other safety or efficiency improvements at Root and Lorain because it was only getting busier and that project would certainly increase traffic. She mentioned that based on those discussions, they requested and the applicant updated, their traffic impact study and they also agreed to some significant modifications from the original site plan and some of those were that on the site plan that had some of the red line displayed on the drawing, with the first concession being the dedication of right of way to the City for potential future roadway widening and other improvements that would potentially include a future roundabout at Lorain and Root. She said that it wasn't necessarily a project that they had on the books, but they just wanted to keep the options open for the future. She stated that they knew roundabouts could create efficiency and also were aware that conventional road widening might be a possibility at that intersection, so the red lines along that showed the setback increased along both Lorain and Root and then the radius allowed maximum future flexibility for the City of North Ridgeville to determine the best potential future expansion at that intersection. She discussed that the property owner would dedicate a 20-foot-deep strip of property along both Root and Lorain and also dedicate property at the intersection to accommodate a roundabout that would be 200 feet in diameter that would include the sidewalks required around the roundabout. She stated that the property owners

were also providing a larger easement area for the culvert at French Creek than currently existed. The applicant agreed that the Root Road curb cut would be right-in, right-out only and also located as far south from the Lorain Road intersection as possible. She stated that they did discuss that the Lorain Road curb cut might be full access but with conditions, and some of the suggested conditions were that if there were to be a roundabout constructed at Root and Lorain in the future, that the full-access Lorain Road curb cut would be converted to right in, right out only because that roundabout would allow functionality traveling in all directions, therefore, left turns into and out of the site would no longer be required. She discussed that what if the roundabouts were not constructed and there were accidents, and had conversations that if significant traffic crashes resulted at that Lorain Road curb cut after the opening of the Circle K, that the applicant would agree to also convert the full-access curb cut to right-in, right-out and they established a metric based upon the uniform manual of traffic control devices and that specifically looking at angle or pedestrian crashes, five such crashes in a three year period would be that triggering moment. She stated that they also asked them to make, as part of their project, modifications to pavement markings because they knew that the northbound left turn lane from Root onto Lorain Road was undersized for the queuing capacity needed now and in the future, so that would be extended and they also had concerns about that Lorain Road curb cut and left in and traffic blocking that intersection for left-in and left-out, so some kind of pavement delineation that would prevent queuing up of traffic in that particular location. She mentioned that last was that if any signage or elements of the project were located within any future right of way, that if anything needed to be relocated as part of the project, that it would be at the owner's expense and not the City's expense. She stated that the City appreciated the applicant's willingness to work with the City through their significant concerns about traffic and believed that many of those conditions should be conditions of Planning Commission's approval, if they choose to grant it.

Chairman Smolik asked for clarification regarding the future road widening, either traditional intersection widening or roundabout, he asked if they were dedicating a portion of their land to the to the City for free.

Director Lieber stated that that was correct.

Chairman Smolik remarked that that was great partnership and asked if that was for both the roundabout and for traditional intersection.

Director Lieber stated that that was correct.

Chairman Smolik commented that they also agreed that if that one intersection had accidents, to go back and look at that.

Director Lieber stated that that was correct.

City Engineer Eavenson stated that the applicant had addressed all of engineering's preliminary concerns and the final remaining items would be reviewed during the final engineering permit. She mentioned that she would like to see the applicant prepare the right-of-way dedication plat and ensure that it got recorded at the county.

Chairman Smolik asked if there was a representative for the application present.

Brett Lamb, Circle K, 35 Hudson Common Dr. Hudson, OH 44236.

Robert Wellert, 5136 Beach Rd., Medina, OH 44256.

Mr. Lamb stated that they were really excited about the partnership and working with the City had been truly a good partnership and that Circle K was trying to build that community in North Ridgeville. He stated that his job at Circle K was real estate development and one of the things that they were excited about was bringing their best in class and best foot forward in building prototype to a city like North

Ridgeville. He discussed that they hadn't done a lot of new development in Ohio in the past 5-10 years, but Ohio had always been an area where we they have had good customer loyalty, good brand recognition. He mentioned that they had a lot of older tired assets throughout the State of Ohio, and they were just excited about what they were bringing to the future in North Ridgeville. He stated that the new prototype was going to bring their full food offer and would have all the bells and whistles of a best-in-Class-C store gas station and hopefully it would be something the City could be proud of for many, many years to come.

Chairman Smolik asked if there was anyone from the public that had any comments or questions.

Kitty Salyer, 8605 Root Rd, North Ridgeville, OH 44039.

Ms. Salyer stated that her property was near the intersection and across the creek from the property where they wanted to build this gas station and she was opposed to building it or any other gas station at that corner because the gas station would bring even more traffic to an already heavily congested area at different times of the day and one concern she had was safety. She discussed that she was also concerned about the reduction in the property values due to the proximity of a gas station that very few people would like to live next to not only because of the traffic issue, but because of litter, crime, odor and lack of visual appeal. She stated that there were already gas stations in the area that people could go to and that did not benefit the neighborhood. She mentioned that from her short period of time living in North Ridgeville, there were things she really liked about the City, however, as a person who also came from Hudson, she would love to see a solid plan of creating a nicer commercial district that appealed to people who can come from out of town and spent money in the City. She said that she didn't think a gas station would be as beneficial at that end of Lorain Road as another business would be and they already had three gas stations on Lorain Road within a mile and a half of that location. She asked if they created an area with multiple gas stations strung all the way down the road, how attractive would that be.

Barbara Ackerman, 8578 Root Road, North Ridgeville, OH 44039.

Ms. Ackerman stated that she lived in North Ridgeville for 40 years and her husband had lived there his whole life. She mentioned that she wanted to tell a story that happened about 10 years ago. She said that a semi was driving down Root Road and semis weren't allowed on Root Road, but he was driving down Root towards Lorain Road and made a left turn in the Baptist Church and he had three rows of coil of steel. She stated that the semi flipped, and her husband went and got the guy out of the cab. She said that diesel fuel went down in the ditch and remarked that it could happen that the gas tanks could leak and then once the gas station was there the value of the property wouldn't be worth anything. She stated that regarding the traffic on Root Road, the traffic on Saturdays was horrendous and on Sundays from 12 to 6 o'clock traffic was backed up to the end to past development to get out of there. She discussed that her husband worked late at night and there were always police at Sheetz and asked if that was what was going to happen there. She said that she grew up in the City of Avon and it was known that there were as many bars as there were churches and that people would go to the bars on Saturday and on Sunday, they went to church to repent. She stated that North Ridgeville had Mexican restaurants and gas stations and thought that they could do better than that to bring people and money into the city.

Chairman Smolik asked if there were any other audience members that had any questions or comments.

Holly Swenk, 36259 Center Ridge, North Ridgeville, OH 44039.

Ms. Swenk asked what the repercussion was if they agreed that three years from now, they had 16 car crashes in a week and they refused to make it a right turn. She discussed that there was a development going in down Reed Road by Sprague Road and they would have that influx of development coming to that gas station and they were going to only be able to make a right out of there, but they needed to go

left to go home, so then they were going to have to go out to Lorain, make a left, make a left on Root Road, and that it was going to be a traffic nightmare. She mentioned that she stated that when they put Sheetz in and look at that intersection.

Chairman Smolik asked if there was anyone else from the general audience.

James Bart, Faith Baptist Temple, 601 Bowling Green Circle, Elyria, OH 44035.

Mr. Bart stated that he was the pastor at Faith Baptist Temple there on that corner and that they were concerned with the traffic and the safety there. He stated that he had a person living across the street there that came every Sunday and that he was walking across there. He discussed that regarding the creek that came behind there, since all of the developments had been built, that when it rained it would come underneath their bus barn and washing out that area under there and it was a big concern because if the flow got bigger, they were going to have a barn in the creek.

Douglas Connor, 445 Railroad St. LaGrange, OH 44050.

Mr. Connor stated that he was a trustee of the church across the street and his concern was the storm footprint that they were going to try to use because they were going to have surface water that they were going to have to control and he knew there was a retention there, but previously with all the upstream of the development, they had a tremendous amount of water coming through their property, which was that ditch line and they had erosion issues. He discussed that a while back the City put in a new 24-inch corrugated pipe discharge at an angle through that ditch line, which was even creating more surface water and was causing erosion, so they were going to have to build something. He mentioned that he didn't know if the City had anything in the engineering for that ditch and he didn't know what the easement was on that ditch line, whether the City had direction or if that was the church's responsibility as far as taking care of the erosion problems because of the storm. He stated that he didn't know if there was an easement on that ditch line or not.

City Engineer Eavenson stated that North Ridgeville did have maintenance right-of-way over that ditch line that was 75 feet, so centered on the ditch, so they did have access and availability to get in there. She stated that she couldn't speak for Public Works if there was any planned maintenance for that particular section of the ditch line, but she would have to inquire with them.

Mr. Connor stated that as they could see the ditch line that existed there came in at an angle now, and that angle was right into their property where their building was. He stated that more surface water now was going into the ground and if hard surface down was put down, they had to control that water, water off of the pump area, water off of the building area, water off the concrete surface and even though they had a retention basin there, he was hoping that it was big enough. He stated that they were still going to have water coming out of that retention basin, maybe not all at one time, that was the whole purpose of it, but there was still the volume of water that had to go somewhere and it was going to go to that ditch line because that property fell towards the ditch and then it would go right across their property and they would have to deal with the issue of more water. He mentioned that the ditch would rise 4 feet with all the rain that they had had and it had been a really wet spring. He stated that that as well as the traffic were their concerns.

Mr. Bart stated that he got the letter from the state about alcohol, regarding its distance and so on, and asked was this the alcohol that was going to be 500 feet from his property. He stated that the letter said that if he objected, he had three objections that were: 1. Do you want to call a hearing, 2. Do you want to go to Columbus and have a hearing or 3. Do you just want to object and not have a hearing. He stated that he called the man and put down object and sent it to Columbus.

Chairman Smolik asked if he was talking about a liquor license.

Mr. Bart stated that he was.

Chairman Smolik stated that it wouldn't have a liquor license because that was more or less for a bar or restaurant.

Director Lieber said it was for retail sales.

Chairman Smolik asked if they had a separate liquor license and stated that it wasn't like the one that only had so many per city.

Mr. Bart stated that he wanted to know where the alcohol was going to be sold, was it going to be 500 feet from his property, which he was right on the corner on the other side of the street. He explained that when the road was widened before, it took 10 feet of their property all along that side there. He asked how close the building that would be selling the alcohol would be to his property.

Assistant Law Director Morgan asked if he received the letter because it was less than the required amount of footage from his establishment.

Mr. Bart commented that he thought it was just telling him that somebody had made an application or something and they had a license to sell a liquor there and the letter stated that 500 feet from a church or school you couldn't sell alcohol and that was why he called his lawyer who said that he could object but as long as they met that 500 feet.

Assistant Law Director asked if they did meet the 500 feet.

Mr. Bart stated that he didn't know, he was guessing that they did.

Mr. Fischbach stated that anytime they got a retail sales license, so it was a C1 and C2 license, which was just for beer and wine consumption, but off site and that one could buy a six pack of beer and take it out and that was the license that they got at their convenience stores and that those licenses a C1 or C2, were controlled by how many you had. He stated that they would run those by their attorneys and they would get the licensing and he believed that there were two permits available to them even if they were within 500 feet of a church or a school in the state of Ohio. He stated that they were allowed to sell, within those two C1 and C2 permits, they could sell beer and wine, but they were not selling any hard liquor and that was a different permit. He explained that they were required to send notice to a church or a school notifying them, but barring some very, very hard thresholds of abusing those permits, one could object, but it was difficult, from what his attorney said, to challenge those.

Chairman Smolik stated that regarding some of the questions about the underground storage tanks, Ohio had established BUSTR and if he would discuss that a little bit.

Mr. Fischbach stated that he was going to let his engineer speak to the BUSTR rules.

Mr. Wellert stated that the underground storage tank system would all conform to federal and Ohio State requirements and that they would obtain appropriate permits for that. He explained that they were double wall tanks, double wall piping, so that if there were some type of leak, they had the outer containment vessels for that, and it was a continuously monitored system. He stated that it was the newest and greatest systems out there and was pretty standard industry for all new gas stations, not like their fiberglass tanks. He mentioned that it was not like the old steel tanks that they would have back in the 40s and 50s even in the 60s, that seemed to fail on their certain periods and lifespans that especially a company like Circle K was very aware of that and they monitored and took care of those systems right.

Chairman Smolik asked if they would discuss storm water control and how retention, once the site was developed, the outfalls would be actually less than it was before.

Mr. Wellert stated that as shown on the plan, they did have a stormwater basin that was preliminary

sizing right now but was probably in the ballpark of where it would end up being and that all of the stormwater for the paved areas would go into that basin. He stated that it was held temporarily, that the rate of runoff was slowed down, and was discharged at equal to or less than predevelopment rates. He discussed that however that final design ended up, there was still some massaging they would have to do to get it there, but it would be in conformance with the City of North Ridgeville and State of Ohio EPA requirements. He explained that the State of Ohio had water quality requirements, and they would meet those also with this basin.

Chairman Smolik stated that regarding the question that came up regarding the difference between that project and Sheetz was that Sheetz a full food preparation area and asked if Circle K was more or less of a convenient store.

Mr. Fischbach stated that Sheetz was essentially a gas station and a Taco Bell. He stated that they had a full drive through, they had a full kitchen, they were cooking food on site and Circle K did not do that. He explained that they had a program that internally meant nothing to the Commission but was called fresh food fast, and it meant that they were cognizant of the fact that they wanted to have a better food offer than the “C” stores of the past. He stated that they wanted to offer freshly made salads and freshly made wraps and sandwiches that they could grab and go, but they would not be cooking those on site.

Chairman Smolik asked if they were heated.

Mr. Fischbach stated that they would have pizza that was heated and they could grab and go by the slice or a full pizza and same with the sandwiches. He discussed that those would be heated in essentially a convection oven type of thing that warmed those up. He said that they would warm up the breakfast sandwiches at a certain time in the morning so they were ready to grab and go and they also provided the ones that they could heat them up themselves if they took them to work and had a microwave kind of thing. He added that their food program was more convenient, more grab and go for the customer that was trying to get in and out because they didn't have a drive through and were not making food on site. He stated that part of the reason that Sheetz had the police there was because of that program. The kids love hanging out at Sheetz and they didn't have that same problem.

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

Council Liaison Abens stated that one of the concerns he had and was sure that they realized was that they were deep in no truck zone area, and that the only legal way that he saw for their trucks to come and service that store was from I-480 Lorain and his concern was that he was going to be finding Circle K trucks on Sugar Ridge, Root, Reed and all of those asked how they were going to control that.

Mr. Fischbach asked if he was speaking specifically about their delivery trucks.

Council Liaison Abens stated yes, their delivery trucks.

Mr. Fischbach stated that they had provided that truck turn plan and they showed the City and City Engineers to ensure how they were going to have those trucks move in and out of the site safely.

Council Liaison Abens stated that he was just concerned because, believe it or not, he had seen 18-wheel tanker trucks on Sugar Ridge Road. He remarked that he understood that they weren't servicing Circle K, but that when they came in from 57, they liked to use Sugar Ridge. He added that he also believed that Circle K used a lot of spot gas, which meant they may be using some of the terminals that were along 83, which meant they would be coming down 83. He explained that it was not legal for them to come down Lorain and that if they used 82, they would try and use Root or Reed or something like that and he was just wondering how they were going to prevent the drivers from doing that.

Mr. Wellert asked if he could state specifically where it was not legal for the trucks to drive.

Council Liaison Abens stated Lorain from 83 and any place on Root.

Mr. Wellert stated that the way they modeled it to date, assuming north is due up on the plan, they modeled trucks coming on Lorain Road from the east and they would head westerly to the site, enter the Lorain Road drive, drop fuel or supplies at the site, and then exit on the Root Road drive to get right back to the intersection, so they needed that 150 feet to head back to Lorain. He mentioned that it was his understanding that Circle K, and he had heard this at other locations with them, that they can control their truck deliveries, at least with respect to the fuel. He explained that they transported their own fuel, and they would tell their drivers that that is the route they had to take to get in and get out but regarding other vendors, he couldn't answer that.

Council Liaison Abens stated that his main concern was their fuel delivery trucks.

Mr. Fischbach stated that one of the benefits of being a corporately run store with its own fleet of drivers was that they did have control over how they were delivering and what route they were taking.

Council Liaison Abens stated that there was a trucking firm over on Taylor and they told their drivers that if they used Sugar Ridge Road, they would be in big trouble and his understanding was that not one of their trucks had been spotted on Sugar Ridge and that there were people there that would give him daily updates. He stated that his other concern was that not all cars were maintained properly and were dripping fluids, oil, gas, and God knew what else. He discussed that his concern was that when it rained, water runoff would go into that creek. He stated that he knew it went into the detention pond first, but that detention pond did not treat that water and asked how they could prevent their runoff from their pavement from those fluids that were leaking onto their pavement from going into that creek.

Mr. Wellert stated that there were potential methods for that to happen, but there were no specific regulations that were required at a gas station for that. He discussed that what he had seen at gas stations was some stained concrete, but he didn't know where it had come from but over the years that could happen. He said that the detention pond did control runoff, and it retained it and it was meant to treat the water. He stated that he couldn't guarantee it treated 100% of any type of petroleum release, but he was not aware of any regulations that were required for petroleum.

Council Liaison Abens asked if they would be setting something up in the detention pond to help treat some of those areas.

Mr. Wellert stated that yes, the general design of the detention ponds was that as the water came in, there was a deeper area for that water to pool and settle in and be still for a while and things could settle down before it discharged to where it was going to, such as a creek or ditch or receiving stream. He stated that it was designed by EPA regulations for water quality, but there was not a specific item for petroleum.

Council Liaison Abens stated that he also noticed that they had a grease trap and asked what the grease trap was for.

Mr. Wellert stated that it was for food and that there were still sugars and things that could be in the water interior to the store. He stated that he did have a question for Mr. Abens and asked if the City had a specific map with truck restricted routes, because he wasn't aware of where those were. He stated that Root Road was mentioned and asked if it was the full length of Root Road

Council Liaison Abens stated that he could depend on just about every road in North Ridgeville being restricted except for the State Routes and those would be 83, 20, 10. He stated that Lorain Road from the Turnpike east was the truck route, but the Turnpike west on Lorain was no trucks allowed. He mentioned that within the ordinances they were allowed to, but they had to use the shortest route to get to their location.

Assistant Law Director Morgan stated that they could talk to the Police Department, too. She mentioned that they were very good enforcing if they weren't supposed to be there, but they were very helpful in helping them plan a route as well.

City Engineer Eavenson stated that she did have a map that she could get him.

Mr. Fischbach stated that that was something that Mr. Wellert needed as well as himself to be able to provide to their operations folks so that they understood that and abided by it.

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

Member Ali commented that by being a past gas station owner and at present a mechanical owner, with their retention pond they could put an oil water separator in that that would take care of what Mr. Abens was talking about, so any kind of diesel or any fluids would be caught in the oil water separator and that was EPA certified.

Vice-Chairman Schumann asked if that was something that the Commission could insist upon or make the recommendation.

City Engineer Eavenson asked Mr. Wellert if he was obligated to have a spill prevention.

Mr. Wellert stated that the site had to prepare a spill prevention, containment and countermeasure plan, which identified what would happen in the case of a spill, but there were no written regulations that required an oil water separator for a gasoline filling station. He stated that he agreed with Mr. Ali that one could be designed to do that, but it could be kind of challenging for that site and there would be a fair amount of regrading, a lot of piping, things that would have to happen. He added that it was not impossible to do, but there was a balance between what was required by law or code and maybe what was good practice. He stated that he didn't know where that fine line was there on that decision, but there was not one proposed with that current plan.

Vice-Chairman Schumann asked if it would be cost prohibitive to do something like that.

Mr. Wellert stated that it could get pricey and stated that he was working on a project in another state where it was required in that community that they had to do it and that the separator itself was upwards of \$150,000 and then they would still have the installation, the maintenance and it was a pretty expensive venture. He mentioned that the other issue with the oil water separators was they did have a limited capacity and that they couldn't just put one in and contain all of the storm water for the site. He stated that when he said that it would be somewhat challenging, a separator that would handle that whole site would be too big and it was not really feasible to do so. He indicated that they would end up containing a smaller area, which was generally under the canopy in the fueling area. He stated that it was rare, and he couldn't think of an instance where he'd seen it at a gasoline fueling facility, but that it was a little more common at truck stops because the diesel was just a little dirtier fuel and the rates of flow in a diesel dispenser were much higher than a gasoline dispenser. He added that when they had done it, it was almost exclusively at truck stops under their high flow diesel.

Assistant Law Director Morgan commented that generally speaking, in order to add conditions, they had to be reasonable, and they would need some kind of fact-based evidence that it was necessary in that applicant's circumstances as opposed to that there was something different about that application compared to other ones. She stated that they needed a little bit more.

Vice-Chairman Schumann stated that anything that was going to fall on that concrete at that site was the same stuff that was going to hit the road.

Assistant Law Director Morgan stated that he had to comply with engineering requirements and the EPA requirements and as stated previously, they would need additional evidence that that was going to be

more contaminated than other similar sites in order to require that.

City Engineer Eavenson stated that she believed due to the nature of the project, he would have the spill prevention that was talked about and asked if they had a kit or material on site so that if there was at the hose some discharge on to the pavement, they had the material or the netting or whatever it was that they used on site at all times.

Mr. Wellert stated that the spill prevention plans were not something that they prepared as part of the development, but they were part of Circle K's operational procedures and required with their new sites. He mentioned that she was right, that they had spill kits with methods to clean up any spills and believed that there was generally a manual available with emergency contacts and procedures there to follow in case of a spill. He stated that the things that they would see from automobiles would be no more than what they would see at a Walmart parking lot or Rite Aid or some other parking area. He discussed that it seemed the general concern was what would happen if the gas dispenser started spewing fuel. He mentioned that they had all been to a gas station and they had to physically hold that handle open and someone would have to be deliberate for it to be overfilling. He stated that there were overfill releases in cars that shut those handles off and that there had been instances where someone would put a nozzle in the car and forget and drive off, but if they had ever looked at the black hoses at those dispensers, there was a stainless-steel collar further up and that was a breakaway. He added that if that hose was pulled, that it would break away and it closed a valve, so the only fuel that they would lose was that amount in that dispenser hose. He explained that there were methods in the fueling system to limit any type of release generally. He stated that he had heard of releases before, and they had been relatively small like 20 gallons or something. He stated that it may sound like a lot, but it was not like they were talking about hundreds of gallons or a whole gas tank from a semi spilling on the ground.

Member Toth asked if they would confirm the hours of operation and if it was going to be open 24/7.

Mr. Wellert stated it was.

Member Toth stated that Administration spoke regarding the northbound Root Road left turn lane queuing and mentioned an extension to that lane and asked when that would occur and if it would be prior to construction or would be concurrent.

Mr. Wellert stated that it would be concurrent with construction. He discussed that the current queue length for the left turn was about 50 feet, and they were proposing to extend that to 150 feet of left turn queuing and that would be part of that project.

Member Toth asked if that land would be coming from the Circle K property and not the church's side.

Director Lieber stated that it was available in the current right of way and just needed to be restriped.

Mr. Wellert stated that any dedication would be only from the Circle K side for property dedication for future use.

Chairman Smolik asked if there were any further comments from the Administration.

None were given.

Moved by Smolik and seconded by Ali to approve the application.

A roll call vote was taken and the motion carried.

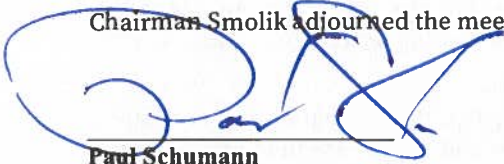
Yes – 5 No – 0

**NORTH RIDGEVILLE PLANNING COMMISSION
REGULAR MEETING—TUESDAY, MAY 13, 2025**

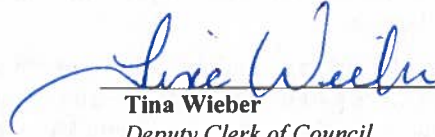
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ADJOURNMENT

Chairman Smolik adjourned the meeting at 8:41 PM.



Paul Schumann
Vice-Chairman



Tina Wieber
Deputy Clerk of Council

Tuesday, June 10, 2025
Date Approved