NORTH RIDGEVILLE PLANNING COMMISSION
MINUTES OF REGULAR MEETING
TUESDAY, FEBRUARY 13, 2024

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, Council Liaison Bruce Abens and Chairman James Smolik.

Vice-Chairman Paul Schumann was excused.

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

MINUTES:

Chairman Smolik asked if the members had a chance to review the minutes of the regular meeting on January 9, 2024. He asked if there were any corrections. Hearing no corrections, the minutes were approved.

CORRESPONDENCE:

Master Plan Update

Chairman Smolik stated that the next steering committee meeting would be on February 21st at the Police Department training room on the second floor from 6:00 to 8:00 PM. He commented that they would be discussing round three of the public input, which was an online process where people discussed what they liked about the plan. He stated that they would review collectively the master plan as a whole. He asked Director Lieber if she had any other comments regarding the master plan.

Director Lieber stated that the committee would have the final draft available for review by Friday for some light weekend reading.

NEW BUSINESS:

1. **PPZ2024-0242: Liberty Elementary School, 5700 Jaycox Rd, PPN 07-00-020-113-005**
   Applicant: North Ridgeville City Schools, 34620 Bainbridge Rd, North Ridgeville, OH. Proposal consists of constructing modular classrooms at Liberty Elementary School. Property zoned R-1 Residence District.

Application was read.

Chairman Smolik asked Director Lieber for the findings of fact in the Administrative report.

Director Lieber stated that the proposal would add eight classrooms, office, breakout workspace,

restrooms, storage and a modular unit to the rear of Liberty Elementary School, that was necessary to support their growing enrollment. She discussed that schools and other public uses were permitted in the R-1 Residence District. She stated that the surrounding property was all residential on the northwest, west and south it was RS-2 General Residence and property to the northeast and east was also R-1 as was that property. She mentioned that for the purposes of that zoning review, Jaycox Road frontage was considered the front yard. She said that the required rear yard, the setback from the west property line was 50 feet and that modular classroom did just meet that. She added that they would be connected to the main building by an enclosed corridor with two additional means of egress at either end of the structure. She explained that at the staff review meeting and follow up to that through email, some commentary was shared by the Fire Department of the need to provide access to the rear of the property and so revised plans were submitted that should have been in follow up to their Planning Commission packet that did show that. She stated that if there was any lighting that would be installed, they would need to see those cut fixtures but they hadn't received that information to date.

Chairman Smolik asked if there was a representative regarding the application that wanted to provide some additional information to the Commission and asked the applicant to state his name and address for the record.

Matt Yunker, Director of Operations, North Ridgeville City Schools, 34620 Bainbridge Rd, North Ridgeville, OH 44039.

Mr. Yunker stated that they were a growing school district and although a bond issue had passed to build a new high school, it didn't address their needs at the elementary level, so they were looking to install the modular classroom units and tie them directly into the building through a connected corridor. He mentioned that they were working with Ely Construction on the project and that they met onsite with the Fire Department to talk through some of the concerns they had by means of needing to add a fire access road and additional fire hydrants. He added that they worked through and included those in the plans where they would like to have those installed and believed that they would meet the recommendations that the Fire Department put forth in terms of code and law from their end.

Chairman Smolik opened the floor to public comments. He explained that if they had a comment or question to come up to the podium and state their name and address for the record.

None were given.

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

Council Liaison Abens asked if there had been any consideration to putting the modular classroom down on grade rather than up on piers.

Michael Christman, 5860 Redrock Court, Seven Hills, OH 44131.

Mr. Christman stated that he was the general contractor for the project. He stated that no, they had not considered putting it down grades of full foundation. He commented that it was probably for the cost basis and that they weren't sure of the duration of the project. He stated that it was very costly to put that down grade in that area. He added that it was very wet in that area as well and the foundation would be

very close to the level of that drainage creek that ran across the back of the property. He mentioned that below grade would probably create some problems.
Council Liaison Abens stated that with his experience he discovered many times that there wasn't much more cost putting it down on grade when you figured in the skirting costs, ramps and that type of thing, plus maintenance that would be required for all of those items. He commented that he was anticipating that the classrooms would be there for a minimum of five years, but more like ten. He stated that by eliminating those skirts and ramps it eliminated quite a bit of maintenance that would need to be done down the road.

Mr. Christman stated that the connecting corridor would be masonry and concrete, so there would be only one ramp assembly off of the back of the building.

Council Liaison Abens asked if the corridor was rated for one hour.

Mr. Christman stated that the corridor was actually a two-hour rating because of the structure of the existing building and then they would have a one hour rated corridor past a fire barrier wall. He said they would be twenty feet out to the fire barrier wall and a two-hour rated corridor and then they would have normal one hour construction to the building from there with two means of egress out of the corridor area with one out of the rear of the building.

Mr. Abens explained that a project that he had done for St. Martin De Porres in Cleveland required two hour rated walls or hallway.

Chairman Smolik stated that he had one question for clarity, the submission that was presented to the Commission had two options regarding fire hydrant and truck access. He asked if that meant the Administration was going to pick one and was that going to be a compacted aggregate path. He asked what that meant exactly.

Mr. Christman stated that initially they were just creating possibilities for a fire driveway before they met with the Assistant Fire Chief. He discussed that after meeting with the Chief, the road off of Aspen for a couple reasons, one because of the drainage ditch and the expense of trying to create a culvert bridge over that and also the fact that that would leave another opening into the school yard from another area, so they weren't going to put a driveway there or a fire road as it was shown on the initial drawing. He stated that in speaking with the Assistant Fire Chief, the hydrant on Aspen where they wanted to pull the one hydrant that they initially required, had a low flow. He stated that they were still going to pull one hydrant from there but they were going to pull another hydrant from the front where the flow was higher. He discussed that the plan they had resubmitted was more accurate as to what they were planning to do. He mentioned that they hired Lewis Land Professionals out of Wadsworth to do the civil drawings for the site, the designs for the hydrants and the SWP plan.

Chairman Smolik asked what the fire hydrant would be within.

Mr. Christman stated three hundred feet within the area of the building and the fire access road was within one hundred fifty feet of the area of the new construction, which would also now cover the back of the building that wasn't covered before. He added that it was definitely an improvement for the life safety issue.

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

None were given.
City Engineer Evanson stated that she had a couple comments. She mentioned that they had talked about the Assistant Fire Chief's concerns and she knew he had addressed those on his preliminary plans, but eventually when he did the final engineering review, she asked that he include in his site plans full utilities, grading and SWP, so that they could ensure all the details were met. She stated that she did reach out to the Service Department that day and she was going to offer some asphalt grindings that they might potentially have. She discussed that she didn't know if he had decided already what the material was going to be for the extension of his access drive but that that might be something that they could collaborate on to extend that driveway as well.

Mr. Christman said, absolutely. He stated that if they would allow them to put in eight or twelve inches of asphalt grindings and compact it, it would save the school a large amount of money and would be something that they could pave in the future if they wanted to. He commented that they could get a substantial road to carry the fire engines and also fairly smooth with the asphalt grindings.

City Engineer Eavenson stated that she thought that might be a possibility, so she had already put in the request in, in an effort to partner with them. She mentioned that she did notice that there was a significant amount of earth disturbing and a decent amount of impervious surface. She explained that normally they would require storm water management to be installed along with those improvements but she knew that it was hopefully a temporary measure. She stated that in working with them and their design team, she would ask that he potentially put in a good faith effort to put in a water quality measure of some sort, a bio tension or some impervious trench, an infiltration trench.

Mr. Christman said something like a curtain drain to collect the water and let it drain, evaporate or drain into the swale with a smaller pipe or something like that.

City Engineer Eavenson stated that she would be happy to work with him on the design element.

Mr. Christman asked if she was familiar with Lewis Land Pros.

City Engineer Eavenson stated that she wasn't.

Mr. Christman said that they had done a lot of work for them out of Wadsworth. He stated that he would definitely let them know and incorporate that.

City Engineer Eavenson remarked that perhaps the school could even use that as a storm water education component and that would help with their storm water utility fee and they could get some credit that way.

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

A roll call vote was taken and the motion carried.

Yes – 4 No – 0

2. **PPZ2024-0244: Luai Abuasi, 35970 Center Ridge Rd, PPN 07-00-021-102-040**

Applicant: Khalil Ewais, Pioneer Engineering, 3490 West 46th St, Cleveland, OH 44102. Proposal consists of repurposing vacant auto repair shop for retail use. Property zoned B-3 Highway Commercial District.

Application was read.

Chairman Smolik asked Director Lieber for a brief description and the findings of fact.

Director Lieber explained that the project consisted of making building and site improvements to the existing commercial property at the northeast corner of Center Ridge and Avon Belden Roads. She stated that it had been vacant for quite a while. She discussed that the proposed use was grocery retail, which was permitted in theB-3 Highway Commercial District, and was what that property was zoned. She stated that the surrounding properties were also commercial and either B-3 or B-2. She discussed that previously the building was used for auto service and was a very small building, just over 1,200 square feet, and would be renovated to accommodate to run a food mart. She stated that the overhead doors on the west face would be replaced with an entrance and windows with brick below to match the existing masonry. She discussed that on the south face, one man door would be removed and filled with brick and another door would be replaced. She added that one of her requests was to make sure that any brick would be toothed in so that you couldn't really see where the old window or door was and that it really matched the building. She stated that the existing windows would be replaced and the brick extended and the siding would be repainted. She described it as a pretty significant facelift to the building, which sorely needed it. She stated that there were also site improvements proposed like a six-foot wide walk around much of the building, a new curb asphalt parking lot, a new wood dumpster enclosure and new landscaping. She added that the wood fence that was falling down had been removed recently as well. She explained that the site was very challenging from a zoning perspective because it was an undersized lot that had two frontages on both roads and that the lot had shrunk as a result of the Center Ridge Road widening project. She stated that the code required ten feet of open space along each road frontage, which had been provided but it had shrunk the parking lot. She explained that code required one parking space per 200 square feet of gross floor area and in that case, seven spaces would be required but eight were provided. She mentioned that there was still available asphalt to maneuver vehicles through. She said that they did speak with the Fire Department and they would not be bringing in a big truck on that site. She added that an ambulance could get to the site but any type of fire fighting vehicle would use the street and shut down the road as their point of access. She commented that there was no way they could maneuver vehicles of that size around that site. She said that there would just be the one existing curb cut onto Avon Belden to be reused and no additional curb cuts would be warranted in that case. She stated that the applicant did propose to install a sign on the brick wall extension above the roof and that would be an issue for the BZBA, as the updated sign code did not permit roof signs. She said that was something that would head their way once they made application for that. She said that they had discussed with the applicant in the staff review meeting, if there were any new site lights and they stated that they intended to reuse the building lights. She added that they had also discussed along with water quality issues, any potential changes to the landscape plan. She stated that the Fire Department had some concern regarding tree placement and visibility of getting in and out of the curb cut and it was suggested to look hard at the location of the landscaping to make sure that there was visibility. She commented that she was happy that there was at least a plan for some landscaping at that corner in the center of town.

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

City Engineer Eavenson stated that she shared Director Lieber's concerns regarding access and asked that

the applicant also include some kind of striped out area for maneuverability, just for the patrons alone to ensure that there was accessibility and maneuverability to get in and out of the site. She stated that they had also made the applicant aware that they would like to have a water quality measure be implemented since they were doubling their impervious surface with the existing condition.

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

Khalil Ewais, Pioneer Engineering, 3490 W. 46th St, Cleveland, OH 44102.

Mr. Ewais stated that in addition to the improvements mentioned, they were also doing interior improvements like updating the HVAC, the electrical and drywall. He commented that they would accommodate the comments from the City as far as the striping plan for the parking lot. He said that regarding the water quality, they were able to reduce the impervious area in excess of 30%, so it was their understanding that no water quality measures would be required.

City Engineer Eavenson commented that that would be an option.

Mr. Ewais stated that there was a previous roadway project that reduced the lot area and acquired right-of-way for the project, which made it challenging to make things work on that site. He added that that was pretty much their improvements and project.

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

None were given.

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

Council Liaison Abens commented that quite frankly he was glad that someone was looking at that property, but in looking at the plan, his concern was getting out of that parking lot and that it would be difficult at times for folks to do and he wasn't quite sure what the answer to that was. He asked that when they said food mart, if they would explain because he wasn't quite sure what that would mean.

Mr. Ewais explained that the food mart would basically be a small grocery store with beverages, coffee, donuts, chips and things of that nature and maybe a small deli case.

Chairman Smolik stated that during the staff meeting the owner discussed the possibility of a food and restaurant tenant going into that space and asked if that had now changed and streamlined into what was before them.

Mr. Ewais stated that as of now, nothing had materialized as an alternative use, so they proceeded with the mercantile establishment.

Chairman Smolik stated that he noticed there were some coolers inside there.

Mr. Ewais said there were no coolers in there.

Chairman Smolik clarified beverage coolers and not the walk-in coolers.

Mr. Ewais stated that no, there was nothing in there and that what was shown in there was proposed stuff and asked if that was what he meant.

Chairman Smolik responded yes.

Mr. Ewais stated that it was all proposed and just a layout of what they envisioned in the interior to accommodate.

Chairman Smolik asked that if perhaps they put some type of coolers in, where would the condensers go.

Mr. Ewais stated probably on the north face wall.

Chairman Smolik asked if that would take up a parking spot.

Mr. Ewais stated that there was a three-foot sidewalk area there, they would probably use that area for that purpose.

Chairman Smolik stated that his concern was the parking as well. He stated that there were some projects that they were trying to jam too much into one space and he thought that project happened to be one of them. He added that he realized that the code required a certain amount of parking but he didn't know how usable that parking was. He thought that at times there would be a lot of congestion in there with people not knowing where to go. He remarked that when a dumpster needed to be picked up, there could be a car in front it. He said that he wasn't really in favor of the application and he understood the constraints associated with the roadway widening but he thought as a community, they shouldn't lower their standards when they couldn't have a business where parking and maneuverability just wasn't right for the motoring public.

Mr. Ewais stated that they had done an exercise for the City as part of the review process and they utilized a turning radius for a front load dump truck and they showed that it could maneuver properly in the parking lot. He explained that it was a small, challenging site and with what they were working with, but they believed it could work. He discussed that it would be a grocery store with people in and out and stated that people wouldn't come all at once. He added that it wouldn't be like a really busy establishment and they believed that the eight spots provided were sufficient. He stated that in his experience with dumpster pick-up, it was usually early morning hours when there really wasn't much traffic at the site. He said that with all due respect, they felt confident with their layout.

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

None were given.

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

A roll call vote was taken and the motion carried.

Yes – 3 No – 1 (Smolik)

3. **PPZ2024-0245: Wink Bell, Inc., 36885 Center Ridge Rd, PPN 07-00-028-103-001, -002**
   Owner: Wink Bell, Inc., 5640 Broad Blvd, North Ridgeville, OH 44039. Proposal consists of an addition to existing building, parking expansion and lot consolidation. Property zoned B-5 Architectural Business District.

Application was read.

Chairman Smolik asked Director Lieber for her insight on the application as well as findings of fact.

Director Lieber stated that the proposal consisted of a building addition and site improvements to this existing commercial property at the southeast corner of Center Ridge and Maddock Roads. She explained that the building was originally built and operated by AT&T as a relay station. She discussed that the proposed use was office, which is permitted in the B-5 District and that just to clarify the report, for the purposes of the project, because there was no tenant signed yet, they looked at office use, which had a highish office parking ratio to determine what would be adequate parking for that rather sizeable building. She mentioned that it could be office tenants but it could be anything else that might be permitted in a B-5 District. She explained that surrounding property on the north, east and west were also zoned commercial and that the property to the south was zoned R-1 Residence District, which kicked some buffering requirements into effect in that case. She stated that the applicant was proposing to make the building more usable for commercial use by constructing an addition that would house an elevator, restrooms, a main entrance lobby and utilities serving the building. She discussed that the addition would be made of split face block in a light white color with steel siding and a metal roof and that the parapet would be tall enough to hide any mechanical equipment. She added that colors were picked not to match the existing building, but to respect the existing building and to complement it. She stated that the parking lot was a significant improvement and was designed on a 50/50 split of medical office and general office use. She explained that the applicant had used pervious pavement to promote drainage and that there weren't any storm sewers in that area. She said that sidewalks would be incorporated on Maddock and there would also be an extension of the Center Ridge trail across the frontage of the property, that would be a 10-foot-wide asphalt path. She discussed that they incorporated the decorative post-style lighting that was required in the B-5 District to illuminate the parking lot. She mentioned that they had ensured that they had met the height requirement for lights because the southern bank of lights was within 50 feet of residential property. She said that some of the existing wooded area to the east would be removed for the parking lot; however, existing trees to the east and south would be preserved. She mentioned that the applicant proposed buffering along the south property line, with concentrations of plant materials that was closest to the house and accessory structure to the south. She explained that the B-5 District was unique amongst all of the City's commercial districts with its design requirements. She said that it did indicate that parking areas should be buffered from the front of the street; however, the Commission had some discretion to interpret what was sufficient in terms of plantings between the parking lot and the street. She commented that the Commission could also consider if additional screening would be needed to fill in any the gaps along the southeast corner if there were any openings, to protect that next door neighbor. She added that the applicant had included a couple potential locations for two ground signs, which would be permitted on that corner because of the road frontages, but no sign package had been submitted and of course there weren't any tenants yet, so it would be premature. She stated that one of the issues that was brought up in staff review was to just make sure any sign would be set back far enough from that Center Ridge Road trail and that the sign wouldn't get to close to where pedestrians and bikes might be zinging by, just for safety.

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

City Engineer Eavenson explained that Engineering had been working with the design team and the plans were progressing quite nicely. She stated that they were taking advantage of the sandy soils in that corridor. She mentioned that along Center Ridge they did have a lot of sandy soils and they were implementing the previous pavers, which would look similar to the LCCC parking lot and thought it would be a nice addition to the project. She discussed that they had asked them to put in the 10-foot multipurpose trail along Center Ridge and their hope was that there were less than a dozen properties between where the asphalt trail ends with the Center Ridge Road widening project and that particular project, that hopefully they could fill in within the next few years.

Chairman Smolik asked if there was a member in the audience that represented the application.

Cliff Winkel, 5640 Broad Blvd, North Ridgeville, OH 44039.

Mr. Winkel thanked the Commission and members of the Administration for letting him talk about his project. He explained that what they were trying to do was to take a building that had not really had a discernable use for decades and try to make it useful again. He discussed that the building was a split level, so the grade level was actually between the basement and the first floor, which created a problem with ADA access. He said that that was the reason why they wanted to put a tower on the back to house an elevator, another stairwell and they would also house mechanical infrastructure in that tower, meaning bathrooms on each floor, HVAC and mainly the ADA access the elevator would provide. He commented that they did decide to use permeable pavers for reasons stated earlier and he thought it added to the spirit of the B-5 area that they were trying to accomplish there. He stated that he knew they might be putting the cart before the horse in a way because they didn't have a tenant, but they were trying to make the building presentable to find one. He discussed that the building was not capable of being used currently. He mentioned that currently there were six parking spots in the back and no ADA access, so that was what they were trying to accomplish first. He mentioned that regarding the signs, they would definitely go before the City and pull the full permits and make sure that they were code compliant with everything.

Chairman Smolik asked if there were any questions for comments from the general public and if so to state their name and address for the record.

Wayne Fox, 36777 Center Ridge Rd, North Ridgeville, OH 44039.

Mr. Fox explained that he was the property just east of the project and that it was zoned B-5, but was grandfathered from residential. He discussed that on the overhead photo, his house was on the corner of the lot that was to the right of the yellow box shown, that the parcel that was not in the yellow box was just consolidated. He said that at the corner of where the additional parcel was, it showed just a little gray box but that corner of that building was his bedroom. He stated that somehow, he was overlooked and didn't receive a letter about the meeting but found out from the south neighbor, who was also there. He commented that according to the blueprints, the tree line that would be staying that was on the southeast, not really the corner of that property, showed it as a tree line but it was a bunch of dead trees and brush that would have to be cleaned out. He added that on the west side of that tree line, 94 feet from the corner of his house, was the proposed dumpster area. He said that if it was medical, there wouldn't be any type of odors associated with it, but if it happened to be any type of food place, restaurants or bars or anything like that that came in, all odors from the garbage would go straight into his bedroom and above him was his daughter. He added that regardless of the businesses that would go in there, he counted about 85

parking spaces in there, there were a lot of little kids on the south property and he had a child as well. He stated that the box shown to east of his property, there were several little kids that lived there and then off screen there were also children that lived there. He commented that there was a lot of concern of what would happen with the development of it all like lighting coming into his bedroom and noise and sound. He mentioned that he worked some midnights and during the day there would be issues with that. He discussed that the blueprints showed some buffering for the south property, because they were residential but because the City at some point, before they took ownership of the property, relisted his as B-5, it wasn't being acknowledged that he needed to have some type of privacy buffer, instead of a dilapidated tree line that wouldn't be able to stay. He stated that 95% of all of those trees were dead.

Chairman Smolik asked the Administration about what could go into a B-5.

Director Lieber stated that many kinds of retail and consumer services and restaurants. She added that because there was a dwelling next door, buffering was still required, even when it's a commercially zoned property, it was a residential use. She discussed that the Commission had some discretion as to combination of existing plant materials and proposed plant materials in order to create a sufficient screen.

Chairman Smolik asked if the applicant had any comments regarding the questions posed on the floor.

Mr. Winkel explained that he had talked to Mr. Fox a couple of times on the phone and had shared the drawings with him. He stated that he was all about wanting to be a good neighbor to everybody around him and if there was any sort of lack of natural buffering on the east side because there were dead trees or things that created an open area, then he would just plant what he needed to in order to make sure there was a natural buffer like they proposed on the south side. He discussed that when they designed that, he asked his civil engineer and architect that he wanted at least 50 feet and no less between himself and the east property. He said that he thought the closest point was 55 feet for that reason.

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

None were given.

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

Chairman Smolik asked that from the staff report regarding the overhead utilities that needed to be buried in a B-5 District, was there any leeway with the utility companies in getting those buried.

<u>David Bradt, Bowen & Associates, 2019 Center Street, Cleveland, OH 44113.</u>

Mr. Bradt stated that all the utilities to the building currently were underground and so they had no intention of changing those.

Chairman Smolik explained that he had seen it in the staff report and he thought on the plans it showed overhead but he could be wrong. He asked if anyone else had any questions or comments.

None were given.

> Moved by Smolik and seconded by Graupmann to approve the application with the condition that the Administration would look at the buffering requirements along the south property line

and along the existing dwelling to the east to provide additional buffering with evergreens and or other planting materials they deemed fit.

A roll call vote was taken and the motion carried.

Yes – 4 No – 0

4. **Ordinance No. 2024-4,** An ordinance amending the zoning map of the City of North Ridgeville such that permanent parcel number 07-00-023-101-074 located at 8371 Avon Belden Road be rezoned from R-1 Residence District to I-2 Light Industrial District.

Application was read.

Chairman Smolik asked Director Lieber for her insight and findings of fact on the proposed project.

Director Lieber explained that the City had recently entered into an agreement with the owner to purchase the 46-acre parcel off of Avon Belden Road and the long-term intent of the City was to foster some new economic opportunities by developing the property for potential light industrial use. She stated that presently the area wasn't served by utilities and there were still some long-term plans that would need to come together. She discussed that they had no immediate development plans and their intent would be to allow the property to continue to be farmed until they could create a development ready site. She stated that at that time, they could bring forward those plans to the community for their detailed scrutiny, so that they would be able to see a site plan, the development of any roads, how any surrounding properties might be impacted, screens, etc. She commented that typically when they looked at rezonings, they always asked themselves "Was it consistent with the comprehensive plan of the City". She stated that being currently on the steering committee, they were currently in the process of updating their master plan, so they didn't really have an adopted master plan that spoke to that, but their draft plan did. She mentioned that their draft plan had acknowledged the feedback that they received from the community and the over abundance of housing that had taken place in North Ridgeville in the last 20 years, some of the stress and burden that that could put on city services and the need to preserve lands for economic generated land uses. She explained that that was the City's proactive attempt to provide opportunity for economic development in a location that seemed well suited to it and would be consistent with the master plan if it should be adopted as currently drafted.

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

None were given.

Chairman Smolik asked if there were any questions or comments from the general public and if so, to please state their name and address for the record.

Larry Liszeski, 8225 Avon Belden Road Rd, North Ridgeville, OH 44039.

Mr. Liszeski commented that he was happy that that was happening more than a development being put back there. He stated that because he was kind of new at the process and had enjoyed the view of that property, he knew somebody would eventually do something with it and he understood that, but he was just concerned that what if there were salt trucks and he heard the beeping all night long or lighting of an area and that he would be living in an airport environment, and he wanted to know what his

environment would look like with buffering and things like that because he wasn't familiar with the process. He indicated that those would be his concerns.

Chairman Smolik asked if the Administration had any comments.

Director Lieber stated that she had mentioned that any project that would come before the City would go through a detailed planning review, so they couldn't envision today who might be interested in that property what kind of businesses there would be, but there would be every opportunity to listen to resident's concerns to ensure that they lead by example as a City, that kind of high-quality development that they wanted to see. She explained that in the time frame that they were planning for utilities for that area, they were also going to be going through a comprehensive zoning update and one of the problem areas that she saw with the current industrial district was that there wasn't as much protection for surrounding neighboring properties as there could be. She further stated that perhaps they could add in some development standards to ensure that there were appropriate setbacks, enough buffering, that they capped the height of lighting and some of those concerns that the neighbor brought up. She stated that she felt like the time it would take to make a development ready site, would also take the time needed to update the zoning code to make sure the code reflected the kind of development that neighbors would support.

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

None were given.

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

Council Liaison Abens stated that the comment he had was that the residential properties that boarded the site, he was thinking that the City might be interested in purchasing those properties as they became available, which would alleviate some of the issues. He added that it wouldn't mean they would force them out but would be just when they came up on the market that the City would be interested in purchasing that property.

Chairman Smolik stated that he was the Planning Commission member on the Master Plan Steering Committee and had been through all of the sessions where they learned the status of the City. He stated that it was no secret that currently North Ridgeville was a bedroom community and in order for a community to be successful, they had to have a balanced mix of residential, commercial and industrial. He explained that the decisions that they made now would affect them 20 years from now, but it was important that they made the correct decisions so that the City continued to flourish. He discussed that he thought that was one of them where he thought there was a unique opportunity there where they could provide an industrial area or commercial area and then provide some economic development. He went on to state that otherwise, it would be turned into a subdivision and as everyone knew, currently they had all kinds of subdivisions and it was definitely a strain on the public streets and the emergency services. He commented that he thought it was a move in the right direction and like he said, they would be challenging decisions to make on rezoning, but he thought now was the time where they had to start.

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

None were given.

Moved by Smolik and seconded by Abens to recommend approval of Ordinance 2024-4.

A roll call vote was taken and the motion carried.

Yes – 4 No – 0

CORRESPONDENCE:

Administrative Approvals & Zoning Certificates

1. **PPZ2024-0240: Tesla EV Charging Station, Starbucks, 32435 Cook Rd**
   Administrative approval of a Planning Commission application to install an electric vehicle charging station.

Chairman Smolik asked Director Lieber to give a brief description of the Administrative approval.

Director Lieber stated that recently approved was the future installation of a Tesla EV charging station at Starbucks. She discussed that it was the first of what she believed would be many such applications to retrofit parking lots in the City with EV charging. She mentioned that there was another pending application for another at Super 8 Motel on Lorain Road. She stated that typically those installations occurred in existing parking stalls, just adding equipment and didn't really rise to the level of a detailed Planning Commission review but if substantial parking lot changes would be made, those would certainly be brought to the Commission. She said that it was also another topic to bring to their zoning update list as new technologies emerged, the codes didn't often keep up and they needed to think about where the most appropriate places for those were in the community.

Ohio Sunshine Laws

Chairman Smolik stated that he asked the Administration if they could provide some guidance and or possibly some literature on the Sunshine Laws so that the Commission members could update themselves on the Ohio Sunshine Laws and they provided a great document with bunch of text on exactly what the Ohio Sunshine Law was and what the duties for a Commission member were in regards to that.

Assistant Law Director Morgan stated that she had put together a few notes. She mentioned that when she was asked about the Ohio Sunshine Laws, she didn't know exactly what they wanted to hear, so she gave everybody a copy of a handout that was only about five or six pages long. She explained that for something that was so brief, it had generated a lot of case law and controversy. She stated that she thought it would be more interesting if she went over what it was and also gave an outline of a couple of cases that had been decided in the courts, some of the more interesting ones.

Chairman Smolik stated that for clarity, elected officials had to do the training but volunteers on the Commission level, didn't actually have to formally have that formal training, so he thought it would be good for them.

Assistant Law Director Morgan explained that the Open Meeting Act or the Sunshine Law in the ORC was 121.22 and that was what she had given the Commission a copy of. She stated that generally speaking, it had very limited requirements, which were that it had to be an open meeting by a public body and a

requirement that the members had to be present. She said that it was lifted for a little bit during Covid but you never knew when that could happen again. She discussed that they had to be present in order to make up a quorum. She stated that there were actually smaller requirements because minutes were a requirement as well. She explained that they could violate the Open Meeting Law by not doing minutes or not doing sufficient minutes. She went on to say that it had to be in person, it had to be public, so they couldn't make a room so small or remote that no one could get to it. She explained that there were notice requirements to the public that they had to go by and a meeting was something that they considered to be prearranged. She added that it would have a certain time that it was set for and a certain location, so that it was a prearranged meeting. She stated that they would see as she presented a couple of cases to review, that law could be liberally construed. She said that it wasn't like it had to be the exact letter and that prearranged could be something that was a little looser than what they might think of. She discussed that it had to be a discussion of public business and it had to be by a majority of the members. She explained that those were the basic requirements and that what she wanted to do for the Commission was to go through a couple of cases where the requirements weren't met. She then went on to discuss cases that were found to have not met the Open Meeting Act requirements.

ADJOURNMENT:

Chairman Smolik adjourned the meeting at 8:07 PM.

James Smolik
Chairman

Tina Wieber
Deputy Clerk of Council

Tuesday, March 12, 2024
Date Approved