

**NORTH RIDGEVILLE PLANNING COMMISSION
MINUTES OF REGULAR MEETING
TUESDAY, SEPTEMBER 9, 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 and Chairman James Smolik.

Vice- Chairman Paul Schumann was excused.

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

MINUTES

Chairman Smolik asked if the members had a chance to review the minutes of the regular meeting on May 13, 2025. He asked if there were any corrections. Hearing none, the minutes were approved as submitted.

CORRESPONDENCE

Administrative Approvals

Chairman Smolik noted the following administrative approvals:

1. PPZ2025-0362 Wendy's, 34273 Center Ridge Rd
Administrative Approval of a Planning Commission application to make exterior alterations.
2. PPZ2025-0364 The Davey Tree Expert Co., 34445 Mills Rd
Approval of a Certificate of Zoning Compliance for a landscape service company.
3. PPZ2025-0367 Studio Metamorphosis, 39160 Center Ridge Rd, Unit 2
Approval of a Certificate of Zoning Compliance for a salon and office space.
4. PPZ2025-0368 Moore's Family Automotive LLC, 33549 Liberty Parkway, Unit 2
Approval of a Certificate of Zoning Compliance for automotive repair.
5. PPZ2025-0369 Manning Law LLC, 36591 Center Ridge Rd, Suite 105
Approval of a Certificate of Zoning Compliance for professional offices.
6. PPZ2025-0370 Scale Technology Group, 36591 Center Ridge Rd, Suite 102
Approval of a Certificate of Zoning Compliance for professional offices.
7. PPZ2025-0371 Sculpted Symmetry North Ridgeville, 37723 Center Ridge Rd
Approval of a Certificate of Zoning Compliance for a medical spa.

8. PPZ2025-0373 Together In Play, 8540 Root Rd, Room, 220
Approval of a Certificate of Zoning Compliance for Nonprofit - playgroups.
9. PPZ2025-0375 Dent Solutions Now, 6287 Lear Nagle Rd, Unit 5
Approval of a Certificate of Zoning Compliance for automotive repair.
10. PPZ2025-0377 Jimmy John's, 34522 Center Ridge Rd
Administrative Approval of a Planning Commission application for exterior building alterations for new business.

OLD BUSINESS

NEW BUSINESS

PPZ2025-0366: Panda Express, 32429 Cook Rd, PPN 07-00-003-102-104, -045, -046

Applicant: Phillip Meador, Heights Venture Architects, 5741 Legacy Dr, Suite 320, Plano, TX 75024. Owner: BOBKOB 32425 LLC, 4343 Thorn Ridge Circle, Cleveland, OH 44135. Proposal consists of constructing a new drive through restaurant. Property zoned B-3 Highway Commercial District.

Application was read.

Chairman Smolik asked Director Lieber for findings of fact.

Director Lieber Director Lieber explained that the proposal involved a new drive-through restaurant, which is permitted in the B-3 Highway Commercial District. She noted that the project had previously come before the Commission earlier in 2025, and the applicant has since addressed many of the issues raised at that time, particularly related to site access and circulation.

She stated that the project site includes three parcels on Cook Road, all zoned B-3. These consist of a vacant lot east of Starbucks and two adjacent parcels currently occupied by an auto repair business, which would be demolished. The three parcels would need to be consolidated as part of this project. Surrounding properties are also zoned B-3.

Director Lieber reported that the building architecture remains largely unchanged from the earlier submission. She highlighted that the site design includes a double drive-through. Per code, drive-through stacking must accommodate at least ten vehicles and include an escape lane. The applicant's stacking exhibit demonstrates capacity for 15 vehicles fully on-site, with additional room if needed, and provides the required escape lane.

A detailed landscaping plan, reviewed by the City Arborist, was included. Irrigation will be provided. The lighting plan shows levels generally consistent with code requirements, with fixtures mounted at 18 feet. Cut sheets were submitted for pole lights and wall sconces, and the building will feature aesthetic LED rope lighting to create a wall-wash effect. An initial sign package was also provided; however, detailed sign review will occur during the permit phase.

Regarding parking, she explained that code requires one space per 100 square feet or one per three seats, whichever is greater. The site plan provides 40 spaces where only 27 are required. A sidewalk and

pedestrian route to the building entrance are included, though the final alignment may need adjustment to accommodate stormwater utilities and future sidewalk connections. Bike parking has also been incorporated.

Director Lieber emphasized that access and circulation were the primary concerns during the project's previous review. Cook Road presents challenges due to numerous nearby curb cuts and its proximity to the Lorain Road intersection. In the earlier design, the location of the drive-through exit and multiple curb cuts created conflicts and unsafe circulation.

The revised plan resolves this issue. The applicant worked with Starbucks to relocate and consolidate curb cuts, resulting in a single three-lane access drive placed as far east as possible on the site. This change improves on-site circulation, reduces off-site traffic impacts, and eliminates the problematic "no-man's zone" of isolated parking spaces. Staff determined that the original traffic study remains valid and did not need to be updated.

She noted that staff considered—but ultimately did not recommend—the addition of a deceleration lane into the property. Relocating the curb cut provides greater circulation benefits without increasing pavement or reducing opportunities for sidewalks and pedestrian connectivity.

Cross-access between the site and Starbucks will remain, including shared parking spaces and drive aisles. Truck turn exhibits confirm that a 40-foot fire vehicle can navigate the site. The largest anticipated delivery vehicle, a semi-truck, can access the property by moving in reverse through the drive-through. Deliveries are expected only once or twice a week during off-peak hours, between midnight and morning.

In conclusion, Director Lieber stated that the applicant has addressed many of the concerns identified in the previous submission. She recommended that approval include conditions requiring lot consolidation and coordination with the Engineering Department during permitting to finalize sidewalk and pedestrian connections to the surrounding road network.

Chairman Smolik asked City Engineer Eavenson if she had any comments.

City Engineer Eavenson stated that stated that the applicant had been very amenable in providing additional documentation since the last meeting including the improvements made in traffic circulation as well as some stormwater measures they had indicated which will be reviewed during permit review in detail along with some other documentation that was requested including the easements.

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

Philip Meador, Heights Venture Architects, 5741 Legacy Dr, Suite 320, Plano TX 75024.

Daniel Stern, 3310 Stockholm Rd, Shaker Heights, OH 44120.

Mr. Meador stated that the most significant change from the previous plan was the elimination of Starbucks' current entrance and the consolidation of access into a new three-lane driveway. This design includes one inbound lane and two outbound lanes (one left-turn, one right-turn), which will improve

traffic flow. The entrance has been relocated as far east as possible to increase distance from the intersection.

Regarding the sidewalk, Mr. Meador explained that the development team discussed the possibility of following Starbucks' approach, which involved contributing funds to the City for future road improvements, at which time the sidewalk could be constructed. If that is not an option, they are prepared to work with the Engineering Department to determine the best alignment and install the sidewalk as part of the project.

On truck access, he noted that the truck-turn exhibit included the largest truck used by the distribution company, which required navigating through the drive-through. However, smaller delivery vehicles, including non-articulating box trucks similar to U-Hauls, can access the site without using the drive-through. He added that Starbucks confirmed their deliveries are made with similar vehicles, typically around midnight, and these trucks would not interfere with operations at the Panda site.

Mr. Meador also mentioned that the neighboring property to the east still maintains part of an existing driveway, though they have alternative access from the other side of their building. The project proposes shifting the shared drive further east while maintaining a visual barrier to discourage cross-traffic. Options for this barrier were evaluated, and spring-loaded bollards were identified as the safest solution—preventing vehicles from crossing over while also minimizing damage risk in winter conditions.

He concluded by stating that these represent the most significant changes made since the project's last appearance before the Commission.

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

Bryan Weber, 28820 Lorain Rd, North Olmsted, OH 44070.

Mr. Weber asked if he would be able to still get trucks in and out of there, semi-trucks, because they did go back there and asked how that would work. He asked if they were proposing to build on the west half of the easement and if so, did the easement, then come off of the east half that he had and asked how that worked. He stated that who owned the easement for the longest time was CBS, it was Osborne and somehow or another, they were acquiring this property and the easement and asked how that would work with them now having that property and the easement on the east half.

Mr. Meador commented that without talking to the legal team because they're the ones who looked into it. So well traffic is 1 consideration.

Mr. Weber asked if going forward was there any way that he could ensure that that didn't completely hinder truck traffic into his rear parking lot as they had had since the 70s.

Chairman Smolik asked what type of trucks he was talking about.

Mr. Weber stated that there were 18-wheeler delivery trucks that came to the back of the property. He stated that the way the easement was originally set up, Osborne had a batch plant, and they had stone back there and all kinds of building products, so they had trucks running in and out of there constantly

up and down that driveway for the longest time.

Chairman Smolik asked if during the whole design process, had anyone contacted him.

Mr. Weber stated that no, not until the letter he received a few days ago.

Chairman Smolik commented that the easement was sort of an important piece of this puzzle.

Mr. Weber stated that he stopped into City Hall because somebody had mentioned something about Panda Express, one of his tenants did, and he said, how the heck was he not made aware of any of that. He stated that he had stopped in City Hall and was told that he would be sent a notice, so that was the letter that he had brought in. He stated that he had not been made aware of any of it until today or until that letter. He indicated that the other thing he wanted to talk about was the heavy rainfall and the sewer system, the storm water system would get overwhelmed at right off of Cook Road towards his building and you can tell when you get those hard rains the catch basin out by the road all of a sudden will stop flowing downward and start to build up. And then the catch basin in his parking lot in the back between the two buildings where it would be flowing and it starts to build up and the whole back parking lot starts to flood.

Chairman Smolik stated that the parcel would have retention built in. He stated that he believed it was sharing a retention basin with the Starbucks parcel and basically it would be a giant bathtub built to hold the water back during a rainstorm.

Mr. Weber asked if the requirement was to contain a 100-year storm and asked if he knew how they were doing it.

Chairman Smolik stated that he would defer to the City Engineer.

Mr. Weber asked if the if the property then would be the Starbucks and the Panda is that storm system, the retention system designed to contain 100-year storm.

City Engineer Eavenson stated that as already communicated with the applicant, the Starbucks retention wasn't enough for both sites. It wasn't originally designed for the entire parcel, so during engineering review they would have to look at additional measures which they had indicated preliminarily that there would be additional measures to address stormwater management.

Mr. Weber asked what the requirement was for that.

City Engineer stated that anything over an acre was a 100-year critical storm to meet the ordinance.

Mr. Weber asked following up on the driveway and the easement, where he would go from there and how it would work.

Chairman Smolik stated that the Commission understood his concerns and would take them under consideration and to leave his name and number with one of the representatives that were there. He asked if there was anyone else in the audience that had any questions or concerns on the project.

None were given.

Chairman Smolik stated that the project had come a long way, and he definitely liked what he saw and that it was a good idea shifting with the existing Starbucks and combining them all into one. He commented that he thought they were almost there, but he was a little startled that no one got ahold of that owner in regard to the easement and that it was an important thing to make sure that his truck traffic was not interrupted. He stated that he knew that there was some discussion with Starbucks and assumed that all of their easements were squared away and asked if that was a correct statement.

Mr. Meador stated that was correct.

Chairman Smolik asked regarding the stormwater management, did Starbucks have any issues with them expanding there. He stated that he was assuming that there was going to be some type of easement there allowing them to use their stormwater facility.

Mr. Meador stated that the original owner who did the car wash coming around actually put in place when he built the Starbucks, that was where the storm came in and some of the agreements for the storm water, so it was designed to take up a little bit of this and some of their preliminary calculations that they did have, they were going to have to expand that and Starbucks was aware that they were going to have to make modifications in order to get it to work. He mentioned that they were actually trying to do some of it more directly on the Panda side so that they were not doing as much to the Starbucks if they could.

Chairman Smolik asked him to comment regarding effecting the adjacent parcels truck access.

Mr. Meador stated that the original access easement was intended to provide access to the site to the south. While he was not certain of the exact process required to remove the easement, he confirmed that another 40-foot truck access easement exists on the east side of the building. This easement still provides access to the rear of the site. He added that they would work with the appropriate parties to follow whatever process is required.

Mr. Stern explained that Panda is an owner-operated organization that strives to be a good neighbor and steward of its brand. He committed to reaching out to adjacent property owners to begin communication and coordination. He emphasized that Panda works diligently during construction to maintain good relationships with neighboring businesses.

He also addressed the question regarding sidewalks, noting that the intent of bonding would be to ensure that work is completed at the city's preferred timing. If the city requires Panda to construct the sidewalk, they are willing to do so.

Chairman Smolik stated that he is not in favor of deferring sidewalk construction, as he believes sidewalks are important for pedestrian safety, especially in a commercial district such as this one. He expressed support for requiring sidewalks to be installed immediately rather than postponed.

Director Lieber noted that the Commission does not have the authority to approve a fee in lieu of sidewalks; that decision lies with the City Engineer. She emphasized the importance of coordinating the sidewalk alignment with Starbucks' planned sidewalk to ensure consistency. She also clarified that the

Planning Commission cannot alter legal easement rights. Before permits are issued, Panda must provide proof of the authority to use the easement for construction as represented.

Council Liaison Abens expressed concern about the easement issue, citing a prior situation in the area where a secondary access road was never built due to unresolved property rights, leading to traffic problems. He suggested that the easement matter be fully resolved before construction begins, possibly as a condition of approval.

Chairman Smolik asked if there were additional questions or comments.

Member Toth raised concerns regarding circulation flow. He noted that vehicles exiting the drive-through would cross paths with traffic from the Starbucks property, as well as dine-in customers leaving the site. He questioned how traffic would be managed where the 24-foot drive aisle meets the left-turn queue heading north. He asked how vehicles would safely exit the drive-through if stacking occurs in the left-turn lane on Cook Road. He suggested that signage or, during peak times, on-site personnel directing traffic may be necessary.

Mr. Meador shared an example from a project in Minnesota where a similar traffic concern occurred. In that case, two restaurants shared the same entrance lane, creating stacking issues. The solution included temporary cones and staff directing traffic as needed. He explained that Panda also uses exothermal plastic striping for long-lasting, high-visibility markings, along with clear signage, and works closely with cities to ensure safe coordination of drive-through entrances and exits.

Member Toth expressed concern that the proposed left-turn lane would directly oppose the BP station's apron. Based on his observation of midday peak traffic, most vehicles exiting the site turned north, with very few heading south. He worried this would worsen stacking issues and block vehicles attempting to leave the drive-through. While he appreciated the adjustments made—such as shifting the island and moving the curb cut further east, he cautioned that these changes may have solved one issue but created another. He also noted that relying on staff to direct traffic during peak times is not a reliable long-term solution.

Chairman Smolik asked if the applicant wished to respond to that concern.

Mr. Stern replied that Panda would be happy to further review the traffic conditions and explore alternative solutions. He noted that Panda works closely with municipalities during development and values feedback from the city to improve site design and operations.

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

None were given.

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

1. Lots are consolidated.
2. Engineering will coordinate the sidewalk alignment along the frontage.
3. The easement on the adjacent parcel currently used for truck traffic will be coordinated with the property owner.

A roll call vote was taken and the motion carried.

Yes – 4 No – 0

PPZ2025-0372: Kaitlyn Culp, White Rose Ballet Academy, 6287 Lear Nagle Rd, Unit 4, PPN: 07-00-008-115-067

Owner: Liberty Parkway HRD LLC, 25255 Center Ridge Rd, Westlake, OH 44145. Referral from Director of Planning and Development for similar use determination. Property is zoned I-2 Light Industrial District.

Application was read.

Chairman Smolik asked Director Lieber if she would give her findings of fact.

Director Lieber that the Commission was being asked to make a *similar use determination* for a proposed use in the Industrial District—an authority the Commission has held since 2022, when it was transferred from the BZBA. This process is different from a development plan, zoning review, or legislation; it involves determining whether a proposed use is similar to those already permitted in the district.

She reported that the city had received a new business application from White Rose Ballet. In reviewing the code, she could not find a listed use that matched or was similar to a ballet studio. While researching past records, she found that two businesses were applying for space in the same building: White Rose Ballet Academy and Gym Skills, a gymnastics facility.

Lieber noted that the gymnastics facility was easier to classify, since gyms and fitness-related uses have historically been located in North Ridgeville’s industrial districts. For example, the BZBA approved Gymnastics 10.0 on Taylor Parkway (Heavy Industrial District) in 2004, and subsequent approvals were granted for Method Sports & Fitness on Victory Lane in the I-2 District. Based on these precedents, Gym Skills was approved as a similar use.

The ballet studio required further consideration, as it differs slightly from a large gymnasium or sports training center. However, Lieber stated that in her opinion, a ballet studio functions in the same way—as a place for physical activity, instruction, and recreation—comparable to a CrossFit gym, yoga studio, martial arts school, or gymnastics center.

She recommended that the Commission affirm and approve ballet studios as part of a broader “Indoor Fitness and Training Facility” category. In her memo, she proposed the following definition:

Indoor Fitness and Training Facility means a building or portion thereof used primarily for participatory physical activity, fitness, or instructional training, whether operated for profit or nonprofit. Examples include, but are not limited to, dance studios, yoga studios, martial arts schools, gymnastic centers, fitness studios, or indoor sports training facilities.

She clarified that this would be distinct from “Commercial Recreation, Indoor,” which covers spectator- or entertainment-based uses such as bowling alleys.

Lieber explained that if the Commission approves this similar use determination, it will not be a zoning amendment or use variance, nor will it apply only to this application. Instead, it will be considered an *interpretation* of the zoning regulations and codified in the code for the entire I-2 District. This ensures that staff and applicants will not need to research past meeting minutes in the future to find precedent.

Chairman Smolik asked if anyone else from the Administration had any other comments.

Assistant Law Director Morgan stated that one of the reasons that sports facilities and dance studios end up in industrial areas was because they needed a lot of space and that was where the large spaces were, so that made sense.

Chairman Smolik asked if there were representatives of the application present.

Kristie Culp, 2816 Kettering Ct, Avon, OH 44011.

Tim Culp, 2816 Kettering Ct, Avon, OH 44011.

Dominic Cancelliere, 6287 Lear Nagle Rd, North Ridgeville, OH 44039.

Mr. & Mrs. Culp stated that their daughter was the owner of White Rose Ballet Academy, and they were the financial backers of the business.

Mr. Cancelliere stated that he was part-owner of Liberty Parkway and manager of that facility. He stated that Director Lieber did a good job explaining what they were trying to do with the business.

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

None were given.

Moved by Smolik and seconded by Toth to approve the similar use determination of Indoor Fitness and Training Facility with the condition that the following definition shall be included with the use: "*Indoor Fitness and Training Facility*" means a building or portion thereof used primarily for participatory physical activity, fitness or instructional training, whether operated for profit or not-for-profit. Examples include, but are not limited to, dance studios, yoga studios, martial arts schools, gymnastics centers, fitness studios or indoor sports training facilities. This use is distinct from *Commercial Recreation, Indoor*, which refers to facilities intended primarily for entertainment, amusement or spectator-based activities.

A roll call vote was taken and the motion carried.

Yes – 4 No – 0

O 2025-110 An Ordinance amending Sections 1268.02, 1270.02, and 1272.04 of the North Ridgeville Zoning Code to update use regulations for automobile service stations and gasoline stations.

(Introduced by Councilman Abens; First Reading on 07-21-2025; Council referred to

Planning Commission and Building and Lands on 07-21-2025; to Building and Lands on 08-18-2025)

Legislation was read.

Chairman Smolik asked Director Lieber for findings of fact.

Director Lieber stated that she would Council Liaison Abens present his legislation first.

Council Liaison Abens stated that explained that the proposed legislation stemmed from the city's recent review of the Circle K project. While Circle K itself would not be affected, the process highlighted broader issues with vacant and aging gas station sites across North Ridgeville.

On Center Ridge Road alone, he identified three closed gas stations contributing to blight, including the former BP site. Another property across the street, once a gas station, had been forgotten until the city discovered underground tanks and contaminated soil that remain unresolved. He also noted several other active and smaller stations along Center Ridge that may soon become obsolete.

Abens emphasized that gas stations pose unique long-term challenges compared to uses such as car washes or restaurants. Once a gas station closes, redevelopment is difficult due to soil contamination and abandoned tanks. He pointed to intersections such as Cook and Lorain Roads where multiple stations exist and noted that the Sheetz station has complicated roadway expansion. He cautioned that if new gas stations continue to be approved, the city could face widespread blight from closed stations in 20–40 years, especially as the economy shifts and fuel demand changes. He also predicted that EPA regulations will only become stricter, further complicating redevelopment.

He shared a comparison to Parma, Ohio, where closed gas stations from decades past remain unusable due to contamination. This legislation, he explained, is intended to prevent similar problems in North Ridgeville by discouraging the clustering of gas stations on every corner.

Abens acknowledged concerns that such legislation could discourage certain types of development, such as grocery stores that often include auxiliary fuel stations. However, he clarified that the legislation would still allow gas stations as a secondary service to larger developments, like grocery chains, while limiting stand-alone stations. The goal is to encourage a greater variety of businesses on prime corner lots rather than additional gas stations, which often drive older ones out of business and leave behind blighted properties.

He cited the example of an old Marathon station on Lorain Road, which took years to remove despite the owner removing tanks and attempting soil abatement. Because the remediation was not certified, the property remains undesirable. In contrast, he noted, the city addressed an overabundance of car washes in the past, but those were easier to eliminate since they do not involve soil contamination.

Abens concluded that this legislation is a forward-looking measure designed to avoid long-term blight, protect property values, and diversify the city's commercial development.

Director Lieber provided an overview of the proposed zoning changes and led a discussion on their potential impacts.

- The proposed legislation makes changes to three business districts: B-3, B-4, and B-5.
 - B-3 Highway Commercial District: Gas stations would move from a permitted use to a conditional use, with a one-mile spacing/separation requirement.
 - B-4 Districts: Gas stations would remain a permitted use but would also be subject to the one-mile spacing/separation requirement.
 - B-5 Districts: Gas stations, currently a conditional use, would be removed entirely (no longer permitted or conditional).
- She noted that these are the key features of the legislation currently under consideration.
- Director Lieber compared the proposal with the city's ongoing comprehensive code update. She explained that the update is consolidating five business districts into three broader categories:
 - Neighborhood Commercial (B-1, B-2, and B-5 combined)
 - Corridor Commercial (similar to B-3, e.g., Center Ridge Road)
 - Highway Commercial (primarily along highways, Turnpike, and Lear/Lorain Roads)
- Under the draft code update:
 - Gas stations would be permitted in Highway Commercial districts (similar to B-4).
 - In Corridor Commercial areas (similar to B-3), gas stations would be conditional with standards.
- She emphasized that the draft code does not include spacing requirements but instead focuses on use locations, building materials, and services provided.
- She noted that B-2 currently allows gas stations as a conditional use with access management requirements and enhanced setbacks for residential areas. These provisions were not carried over in the legislation, and she questioned whether that was intentional.
- Director Lieber raised the issue of non-conformities. If a spacing requirement is adopted, many existing gas stations could become non-conforming. Under current code, if a non-conforming use is vacant for a year, it cannot be reestablished. This could significantly impact existing stations, and she stressed the importance of understanding those implications.
- She also noted the lack of defined conditional use standards in the current code, making it unclear what criteria should guide such approvals.
- Regarding the spacing requirement, she advised caution:
 - Car washes are not essential services, so spacing restrictions may be more reasonable.
 - Gas stations, however, are essential for drivers. Restricting them to one per mile in heavily trafficked areas (e.g., near I-480 or Turnpike interchanges) may not be appropriate.
 - She suggested a flexible approach, with different standards for highway interchanges compared to neighborhood or local commercial areas.

Director Lieber concluded by stressing that a “one-size-fits-all” approach may not serve the city well and encouraged consideration of context when applying spacing and conditional use standards.

Chairman Smolik asked the Administration if they had any further comments or questions.

Assistant Law Director Morgan stated that additional information was needed in order to make determinations about the proposed ordinance.

She explained that if the primary concern was situations where gas stations close and leave behind underground tanks or contamination, it should be considered whether limiting new gas stations through spacing requirements was the best way to address that issue. She suggested exploring whether a more targeted approach—such as regulations directed at tanks or property conditions—might be more effective.

She noted that when ordinances are drafted, the analysis often considers whether the regulation creates a disparate impact on certain businesses, and whether there is a less restrictive way to achieve the same goal. She questioned whether the one-mile spacing requirement was the best solution, or if another approach might be more appropriate.

Another concern she raised was the practical effect of spacing requirements. If the spacing rule left little to no property available for new gas stations, it could amount to an effective ban, even if that was not the intent. She emphasized that the impact of the spacing requirement should be carefully analyzed in each district to ensure gas stations were not effectively prohibited, as such a restriction could be vulnerable to legal challenge.

She also asked how many existing gas stations would become nonconforming under the proposed rule. For example, if three stations existed in close proximity, would two immediately become nonconforming? She suggested that this issue may require a different treatment in the ordinance.

Additionally, she raised the question of how the ordinance would treat gas stations differently depending on whether they were freestanding or attached to another business, such as a grocery store. Since both types of stations create similar issues, she asked why one should be treated differently from the other.

She cautioned that treating gas stations differently, combined with the possibility of leaving no viable sites for new stations, could lead to a disparate impact and legal challenge. Because gas stations provide an essential service, she stressed that these issues must be addressed.

In conclusion, the Assistant Law Director recommended that these concerns be more fully evaluated and resolved before moving forward, to avoid adopting legislation that may not withstand challenge.

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

None were given.

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

Member Toth commented that it stated in their notes that the State puts some types of restrictions on putting tanks into the ground and asked if someone explain exactly how the State did that and if there was room in there for a municipality to lay an additional layer of bonding over top of that so that they wanted to put a tank into the ground, they were committed to exercising some type of instrument that assured that the monies were available to remove those tanks should the business fail.

Assistant Law Director Morgan stated that those were BUSTR regulations and she didn't know how much further they could go. She mentioned that sometimes the regulating agency will say they are the regulating agency, and they don't leave room for municipalities to work. She said that she couldn't

answer that question specifically, but it was something else that they needed to look at possibly before going forward.

Council Liaison Abens stated that existing gas stations could not be forced to close under the proposed legislation. He explained that if a station closed for more than a year, it was likely because it was no longer profitable, as was the case with the Marathon station on Lorain Road. He noted that existing stations with valid permits would still be able to remodel.

He remarked that the city currently has more gas stations than it can support, and many appear to be struggling financially. He gave the example of a proposed station at Ranger Way and Center Ridge, which was technically permitted under zoning but ultimately redirected, as it was not a good location. He stated that the proposed legislation would help prevent similar situations in the future.

Abens expressed concern that a major new station in that area could have forced smaller stations along Center Ridge out of business, leaving multiple vacant properties. He emphasized the importance of foresight, noting that past lack of planning has already created challenges for the city, not only with gas stations but with other issues as well.

Regarding the one-mile spacing requirement, he described it as a reasonable distance, roughly equivalent to a 15–20-minute walk. He stated that any closer spacing would fail to achieve the legislation’s goal of limiting the growth of gas stations in North Ridgeville.

Chairman Smolik stated that he noticed this legislation went to the Building and Lands Committee and assumed that it was a subcommittee of City Council. He asked if they made any changes to the legislation or if they offered anything regarding it.

Director Lieber stated that no, the referral was to Planning Commission and she thought the intent was for council to reconvene whether through public hearing and she didn’t know if the committee would meet again, but they discussed it at some length, but at that point didn't have the benefit of the Planning Commission recommendation, so could not take action on it, so they referred it back to council who wouldn't have voted to recommend or not recommend because they were missing public input and also Planning Commission’s input.

Chairman Smolik stated that the one thing that stood out as an issue was the interchange. He said that interchanges were always known to have gas stations because they had a lot of transportation moving back and forth, so that might be the only spot that maybe the one-mile rule might be able to bend at. He commented that it was tough because you don't want to limit businesses coming into the city and didn’t know if the legislation would automatically just ban it everywhere. He mentioned that they needed to take a look and plot where all of the gas stations were to make sure that they still had usable space for future development as the Assistant Law Director stated. He stated that City Council tasked them to take the first look at it, and they could have the administration do some additional leg work if they wanted.

Member Toth asked the Assistant Law Director Morgan regarding the existing gas stations as they had them right now, should they impose the ordinance with the one-mile rule, they would have to make decisions on which stations were conforming and which ones were non-conforming, if that was correct.

Assistant Law Director stated that at some point it would force that decision because there was obviously

not a mile between them.

Member Toth asked if that would then be considered a devaluation of those properties that were deemed non-conforming because if my gas station is conforming but yours wasn't.

Assistant Law Director stated that it would probably only come into play if you wanted to do some kind of change to the property, which in gas stations they change hands and they change their look fairly frequently, so it would become an issue fairly frequently.

Member Toth asked if it could be considered a devaluation of the being non-conforming versus conforming.

Assistant Law Director Morgan stated that if they wanted to upgrade their appearance, she was sure that they would consider it that they were devalued if they couldn't do that because they were non-conforming or add on or some feature, they wanted to add to their gas station.

Member Toth commented that seeing that Center Ridge seemed to be a focus of the legislation, when ODOT did the widening project, a lot of the right-of-way that was taken from properties in order to execute the project, that was turned back over to the City of North Ridgeville at the completion of the project, so we do as a city own some small slivers of land at a lot of those intersections which essentially gave them control to some degree over what could be put at that corner or not and asked if that was correct.

Assistant Law Director Morgan stated that she was not sure and asked when he said sliver, was he talking about a non-buildable piece of property.

Director Lieber stated the right-of-way, yes, from either the widening or the realignment at certain intersections there. She stated that it was not everywhere, but they were in the widening area. She added that there were some locations where the city did own a sliver and it may or may not be fully developable itself, but the City Council did have the ability to sell or not sell to an end user that they would approve or not approve.

Member Toth stated that it would give some degree of control at that point.

Director Lieber stated that to the extent the property was used for a gas station, yes. She added that gas stations liked corners because they wanted access on multiple streets and so often, they might just have access on the one street, the side street for example, tended to be the frequent scenario that he had mentioned.

Council Liaison Abens stated that, under U.S. law, ordinances cannot be applied retroactively. He noted that the only historical exception was Prohibition in 1919. Therefore, existing gas stations would not be affected by the proposed legislation. However, if a station closed for more than a year, it would lose its protected status, which he said he did not oppose.

He commented that there are already more than enough gas stations along Center Ridge Road to meet demand and that the city should focus on encouraging a greater variety of businesses rather than additional gas stations.

Regarding concerns about selling small parcels of land, he explained that if the city refused to sell to a gas station while zoning laws still permitted that use at the site, the business could challenge the city in court for discrimination.

Abens emphasized that the purpose of the legislation was to encourage broader commercial development and prevent gas stations from dominating prime locations. He noted that gas stations often outbid other businesses for highly visible corner lots, such as the intersection of Ranger Way and Center Ridge. He recalled the controversy surrounding the Circle K project, where residents strongly opposed the project, but the city had little ability to intervene, and stated he did not want to see a similar situation repeated.

Mr. Toth stated that he agreed with Mr. Abens' comments regarding encouraging different businesses to build on those corners rather than gas stations, however, he had a concern over using something as indiscriminate as a distance between properties being the contributing factor as a go, no go decision on a business. He discussed that he thought with the revisions being made to the zoning code, it was going to give the city the opportunity with individual properties to dial down to a granular basis and look at what they can provide to the city, what services they could give to our residents, rather than having a strict aerial view where we take a scale and we look if it's within a mile and say, well, no, we can't have it. He commented that he also could see that with turning the other property, the existing properties into nonconforming uses, he thought it would be opening up a can of worms there that they may not really need to open up if they can execute the recreation of the business districts into those three districts that the Director had out to them. He said that while he agreed with him that it was a problem and agreed with him that gas stations with their tanks in the ground become problems, he thought that they were using a club where a scalpel might be the preferred instrument.

Council Liaison Abens stated that in his experience with the rezoning and re-establishing new zones, his guess was that consolidating the zones, and eliminating B-2 and B-3, the new B would still include gas stations. He stated that that particular argument was a red herring and that they had been waiting for the rezoning for quite a while. He commented that he had legislation that they passed in April of 24 for a moratorium on different businesses thinking that they were going to get the rezoning done and it was still not done. He said that he was looking at currently the different parcels that were available and were prime for gas stations and if they continued to wait, it would be too late, and they would be there.

Assistant Law Director Morgan stated that regarding the land that the city owns, they had a huge amount of control over whether they sold or didn't sell. She explained that her concern about the one mile spacing was that they didn't have enough information and that they needed more information as to how much property was then left where they could develop before they would say a yes or no on it. She discussed that they just didn't know, and she didn't think it was something they should guess at because if they inadvertently eliminated them essentially from existing in those districts, then she would be concerned about a legal challenge in that case.

Chairman Smolik stated that the Commission had to decide if there was enough information within the legislation to move forward or would Commission like the administration to do more legwork on it. He commented that he personally thought that they needed to know what was going on those other lots as the Assistant Law Director stated, just to make sure that this legislation just doesn't wipe out gas stations off completely. He asked what the rest of the Commission was thinking.

Member Toth agreed.

Director Lieber stated that once any zoning ordinance was referred to Planning Commission, Planning Commission had 60 days to return their recommendation, otherwise the ordinance was deemed to have their approval. She stated that because it was referred July 21st, but they didn't have an August meeting, by the time their October meeting would roll around, if the intent of the Commission was to consider tabling or to consider some of the issues that have been brought up a little bit in more detail, if that was the direction that the majority of the group wanted to go, then she recommended that their motion be to request council to extend their review period so that they didn't run up against the end of their 60 days and that at their next meeting they could grant it or if they don't grant it, then taking no action was the same as recommending approval.

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

None were given.

Moved by Toth and seconded by Smolik to request that Council extend the review period on the legislation.

A roll call vote was taken and the motion carried.

Yes – 3 No – 0 Abstained – 1 (Abens)

Ridgeville Farms Senior Housing, 7691 Avon Belden Rd, PPN: 07-00-022-101-103

Applicant: Bramhall Engineering, 801 Moore Rd, Avon, OH 44011. Owner: SLK Capitol Holdings, LLC, 28400 Hilliard Blvd, Westlake, OH 44145. Requesting a street name change.

Application was read.

Chairman Smolik asked Director Lieber for findings of fact.

Director Lieber stated that they were aware that the request was coming but it officially came in that day and apologized for the addition to the agenda that day. She explained that Ridgeville Farms was under construction and they had let staff know that the Thibo Trail Street name that had been selected had already started causing some confusion amongst service providers, future residents that people couldn't say it or spell it or it makes a TH combination or if you're not a native and you don't know the Thibo family, but they felt that given their population, that it could wreak some havoc and so they requested a street name change to Ridgewood Way. She stated that there was no other Ridgewood Way in North Ridgeville or a street like it and that the plat that had been recorded but did not have street names nor are there residents on the street because there were no occupied buildings on the street. She added that the other residents that exist along the entrance drive had Avon Belden addresses and would be maintaining those Avon Belden addresses. She said that there was some dialogue as to what the correct process is when something hadn't been platted or recorded, and her suggestion was to bring it to the Planning Commission for at least their recommendation. She stated that if they needed to do public hearings or do more official legislation, they would go that route, but since they had an opportunity at the meeting for what she thought was a relatively minor issue to get that in front of the Commission for their eyes and recommendation.

City Engineer asked if it was a private street.

Director Lieber stated that it was a private street.

City Engineer stated that she wouldn't think that additional re-plating needed to happen because there wasn't a dedicated right-of-way for the street, it was just information that they chose to provide for the subdivision itself. She stated that she had no issue with the name change.

Assistant Law Director stated that she had a concern and again needed more information. She asked if it was already named and did people think of it as a street or an alley.

City Engineer Eavenson stated that as Director Lieber noted the existing houses were using the Route 83 address because it was just a cross-access easement and that it manifested from the highway after it went in, so it was just a cross-access easement that they had and still have with the new owners as well as the farm. She stated that it was entirely private beyond State Route 83.

Assistant Law Director Morgan asked if it connected to Route 83.

But is there like a sign there that says what it is?

City Engineer Eavenson stated that it did.

Assistant Law Director Morgan asked whether there was a sign identifying the roadway in question. She explained that if it was known or referred to as a street or alley, Chapter 1022 would apply, which outlines the process for renaming and notifying abutting property owners.

She noted that while Chapter 1022 does not define "street," Chapter 1020 defines it broadly as anything that can be driven on. She stated that she was not certain if that definition directly applied to the street name change process but emphasized that the ordinance specifically references streets and alleys.

Morgan further explained that if the roadway was considered a street or alley—particularly if it had a posted sign naming it—then the formal process under Chapter 1022 would need to be followed. This process includes preparing a petition and notifying the affected property owners, as the roadway runs through two or three parcels.

She added that while those properties currently use Avon Belden addresses, the narrow strip in question functions as a roadway, and therefore the Chapter 1022 requirements may apply if it is determined to be a street or alley.

Chairman Smolik asked if there was anybody in the audience representing the application.

No one was in attendance.

Chairman Smolik asked if there was anybody in the audience who had any questions or comments in regard to the application.

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None were given.

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

Council Liaison Abens stated that he wanted to point out there was a Ridgewood in North Ridgeville that was in the mobile home park.

Director Lieber stated that they had Center Ridge addresses, Ridgewood Estates.

Council Liaison Abens stated that there was a road that was called Ridgewood in that development according to his map.

Director Lieber stated that they had the building department check that and they said there was no such street. She mentioned that there was an entrance sign for the development, but it was not the street name.

Chairman Smolik stated that one of the issues that came to mind when street names were changed was emergency services, not only North Ridgeville, but mutual aid. He stated that he didn't know if when someone Googled Ridgewood, it took them to the trailer park, and he didn't know if it did but there might be an issue with that.

Council Liaison Abens stated that he would also point out that they had Cypress. He stated that they had a Cypress Avenue and a Cypress Station, which was a development and sometimes caused confusion.

Chairman Smolik asked if the Commission have any further questions or comments.

None were given.

Moved by Smolik and motion died.

ADJOURNMENT

Chairman Smolik adjourned the meeting at 8:30 PM.


Paul Schumann
Vice-Chairman


Tina Wieber
Deputy Clerk of Council

Tuesday, October 14, 2025
Date Approved