

**NORTH RIDGEVILLE PLANNING COMMISSION
MINUTES OF
REGULAR MEETING AUGUST 14, 2018**

To Order: Chairperson Swallow called the Planning Commission meeting to order at 7:00p.m. with the pledge to the flag.

Roll Call:

Present were members Steve Ali, Alternate Council Liaison Michelle Hung, Vice Chairperson Jim Smolik, and Chairperson Jennifer Swallow.

Absent were Council Liaison Bruce Abens and member James Maleski.

Also present was Chief Building Official Guy Fursdon, Assistant Law Director Toni Morgan, City Engineer Dan Rodriquez and Deputy Clerk of Council Donna Tjotjos.

Minutes:

Chairperson Swallow asked if there were any corrections to the minutes of the regular meeting dated July 10, 2018. Hearing none, she stated those minutes will stand approved as presented and will be placed on file.

Correspondence: None

Chairperson Swallow asked the Deputy Clerk to read the application.

NEW BUSINESS:

APPLICANT: Joshua Baughman, Vans Tire Pros of North Ridgeville, 37775 Center Ridge Road

OWNER: 37775 Property LLC, 37775 Center Ridge Road

LOCATION: 37775 Center Ridge Road in a B-3/R-1 District

REQUEST: Approval to construct a 40 foot by 40 foot building addition and a separate 16 foot by 4 foot addition on an existing commercial building.
Permanent Parcel No. 07-00-034-000-133

Application was read along with comments from Administrative Officers including Chief Building Official Guy Fursdon, Police Chief Mike Freeman, Safety-Service Director Armbruster, Fire Chief John Reese, and City Engineer Dan Rodriquez.

Chairperson Swallow asked the applicant to come forward and give his description of the request.

Joshua Baughman, Vans Tire Pros of 37775 Center Ridge Road explained they are looking for approval of the 40 by 40 addition to the building. There were a couple of concerns mentioned and the first one was in regard to contacting the Chief Resident James Brewer. He spoke with him and he stated that there was no need to do anything specific as far as the water backflow

requirements because all this is, is storage area. There won't be any water added to the 40 by 40 part of the building. A tree planting was also mentioned and he stated he would do anything the city required him to do as far as planting any additional trees. They did do a survey by SESCO as far as the water flow and he wasn't sure who to present that to.

City Engineer Rodriguez stated he would take a copy.

Joshua Baughman presented a copy to the City Engineer. He stated that according to code, if the current property is less than one acre; there is no need to do a water flow chart. He stated it also doesn't matter because of the size of the addition. Currently the acreage of the property that he owns there is approximately 1.7 to 1.8 acres. However, the plan is that with the approval of this addition, the back lot has already been kind of zoned off to be sold to Rick at South of the Square and so, the plan is to give him the property he wants as long as he has the ability to put on that addition. He would no longer need that back property, which at that point would take him under one acre overall the total property that he would have.

Chairperson Swallow asked if that was only one lot.

Joshua Baughman stated that it is one lot right now that has already been surveyed and basically has a proposed split. It is his understanding that in order for him to split that off, it already has to be a sold agreement to someone else because of the frontage necessary, because otherwise it is a landlocked parcel and it needs to take place simultaneously; meaning that it gets split and gets sold off to Rick at the same time so that the separate parcel now links to him for the frontage. He addressed Chief Building Official Fursdon and asked if that was correct.

Chief Building Official Fursdon stated that it doesn't need to be rezoned. It needs to be split and attached so that it has frontage so that it isn't landlocked.

Joshua Baughman stated that Barbosa already did the survey to include those lots.

Chief Building Official Fursdon stated that the former owner showed that split to the City and never followed through with the property split.

Joshua Baughman stated that is correct. It was at that point that he came in and bought the property. He knew at that time that he would need additional storage and Rick from South of the Square spoke about the purchase and as soon as he receives approval for the addition, then he would give him the lot that he needs and they will do the split of the parcel.

Chairperson Swallow asked if there were any questions of the Commission.

Member Smolik stated that he saw the survey of the property and asked what other improvements are being done besides the 40 foot addition. He asked if he was doing any parking lot work. He noted that the dumpster is being relocated and asked if the lot was going to be repaved.

Joshua Baughman stated it needs to be repaved and that was his initial plan to do so, but with this addition, not necessarily. He would have interest in talking to someone at the city in regards to the Race Road entrance as he has people pulling into his driveway; flying into the parking lot to do a turn around. He would love to have permission to shorten the entrance into their building and make more parking spots as opposed to it being a 60 to 70 foot entrance off of Race Road. That just means that people fly in constantly. He would love to redo the parking lot at some point.

Member Smolik clarified him to say that he would reduce the apron going out onto the road.

Joshua Baughman stated absolutely he would love to if that is agreeable to the city.

Member Smolik noticed that there is some encroachment on the parking. He asked if there were any problems with that encroachment.

Joshua Baughman asked what encroachment.

Member Smolik stated that it appears that there is parking on the adjacent property.

Joshua Baughman stated he wasn't aware of that and wasn't sure what he was referring to.

Member Smolik stated that there is a little sliver of the parking.

Chairperson Swallow explained that included in the drawing; on the east side of property line, it shows some of the parking spaces encroaching on the adjacent parcel.

Joshua Baughman stated he wasn't aware that he was encroaching there. He stated at one point that was all owned by the Johnsons and it probably didn't matter when he put the parking in. If it needs to be redone, they will definitely pull that when they redo that parking area.

Member Smolik stated that now that it is a known issue, he believes that it needs to be followed up on. Otherwise there could be some civil issues down the road.

Joshua Baughman stated he had no issue with addressing that.

Chairperson Swallow asked if there were any other questions or comments from the Commission. Hearing none, she asked if there were any comments from the Administration. Hearing none, she opened the floor to the audience and asked if there was anyone that would like to speak on this matter. Seeing none, she entertained a motion.

It was moved by Smolik and seconded by Swallow to approve the construction of a 40 foot by 40 foot building addition and a separate 16 foot by 4 foot addition on an existing commercial building.

Chairperson Swallow asked the Clerk to call the roll.

Yes, 3 No, 0 Abstain, 1 (Ali)

Deputy Clerk Tjotjos announced the motion was approved by a vote of three yes, zero no and one abstention.

Joshua Baughman asked what would be his next step as far as Race Road is concerned. He asked if the entrances are already predetermined as what they will be. He asked what would be the process if he wanted to shorten that entrance, redo the parking lot and put curbs in.

Chief Building Official Fursdon stated that he can bring in a plan for the Building Department and Engineering Department to look at.

Joshua Baughman asked if he would need a parking lot plot.

Chief Building Official Fursdon stated yes.

APPLICANT: Joe Molnar, Bob Schmitt Homes, Inc., 9095 Gatestone Road
OWNER: Same
LOCATION: Extension of Longbrook Drive, Ridgefield Subdivision No. 15 in an R-1 District
REQUEST: Final plat approval of Ridgefield Subdivision No. 15.
Permanent Parcel Nos. 07-00-001-000-380, 07-00-001-000-329, and 07-00-001-000-332

Application was read along with comments from Administrative Officers including Chief Building Official Guy Fursdon, Police Chief Mike Freeman, Fire Chief John Reese, and City Engineer Dan Rodriguez.

Chairperson Swallow asked the applicant to step up and give a brief description of the application.

Joe Molnar, representing Bob Schmitt Homes, 9095 Gatestone Road explained that as mentioned this is subdivision number 15 and is the extension of Longbrook Drive. It runs from just east of Hummingbird Lane to past the intersection of Meadows Edge Lane. It consists of 19 single family lots. He stated that Guy gave the information on this specific phase as to the number of units and density. He has numbers tonight to date for Ridgefield Subdivision including subdivision 15. They have 355 acres already approved consisting of 713 single family units with a density of 1.69 units per acre. They are well under the 2.3 required by ordinance.

Chairperson Swallow asked if there were any questions or comments from the Commission.

Member Smolik thanked Mr. Molnar for the calculations as that was one of his questions. He noticed there were some storm outlets going out to the retention basin and asked on the plat, why those weren't dedicated storm easements.

Joe Molnar referred to it as the common area and under their record plat all of the common areas are considered storm easements. The language is built in on the first page of the record plat.

Chairperson Swallow asked if there were any additional questions from the Commission. Hearing none, she asked if the Administration had any comments or questions. Hearing none, she opened the floor to the audience and asked if there was anyone that would like to speak on this matter. She asked that they state their name and address for the record.

Larry Adloff of 27506 Sprague Road, Olmsted Township introduced himself as well as his wife Diane. He stated they are the last house in Cuyahoga County. The Bob Schmitt development is located behind them. He asked if the developer was going to build the 700 homes he spoke about.

Joe Molnar stated they have already built 700 homes.

Larry Adloff asked how far south this development will be.

Joe Molnar stated that they will develop to the county line and he showed the area on the drawing.

Larry Adloff stated they will be in his backyard. He explained they have lived there 45 years. Bob Schmitt is not the only one who has put developments in there. On Sprague Road there are approximately five of them now and there is a new one going in. They have a Cuyahoga County ditch that ties in at their driveway to the Lorain County ditch and supposedly maintained by Lorain County. They have been to several meetings for the developments that were being developed in Olmsted Township and the engineers say that it is a state law that any water leaving the property now has to be the same amount that leaves the property after they build all their homes. He restated they have been there 45 years and over the last ten years; when all this development was going in, they get flooded with water to a half inch or an inch. He stated his wife has pictures on her phone. She showed those pictures to Chairperson Swallow. He stated that the one retention basin down the street on Sprague has a pump station. He explained the retention basins purpose and stated that they are pumping water into their ditch when it is still raining. Their yard is completely under water at that point. He stated the biggest problem them have is that the ditch is not being maintained and Lorain County put a guardrail from the county line down to Root Road. That ditch is full of weeds and he explained how they have to maintain it now that they put the guardrail in. He stated that the county worker said there is nothing they can do because it is flat land. He stated it was flat land 45 years ago and they didn't have this problem. He stated that his neighbor who lives in North Ridgeville on the other side of the county line had water up to her front door during this last rain and she is about 350 feet off the road. It started to pour into her basement which she has never had before. He explained his one neighbor has forty acres and has a tractor path through his woods. The other neighbor has fifteen acres and has a tractor path through his woods. People from the developments back there get on their four wheelers and think they can do anything they want. They go flying through the woods and make ruts so that you can't get a tractor

through there. They have called the police and they said they weren't going back in the woods and so, in other words, nothing can be done. There are only a few houses on Sprague Road that are affected by that. He stated they were there before any of those developments were and they believe they have just as many rights as they do.

Joe Molnar stated none of their water currently goes toward their property. All their water goes north and all the drainage goes north. They have a large retention system and everything drains to that. He showed the flow of water on the drawing. As far as the four wheelers, they have the same problem. They have had the same problem since they started this development. He has caught a couple of them personally and it doesn't stop them. Unfortunately, the police can't do anything because they aren't going to go back in there and get stuck. He again addressed the water flow and explained from the drawing how the water flows. He stated that the problem is that Lorain County won't clean the ditch from Root Road west. That is where the problem is and not in North Ridgeville necessarily.

Larry Adloff spoke from his seat in the audience and stated he was told by Lorain County that they don't want to release any more storm water into the Black River and so, everything backs up.

Joe Molnar stated that everything backs up to him and there are probably four or five houses that get flooded in the front. He goes by there every day about four or five times and knows exactly what he is referring to.

Diane Adloff spoke from her seat in the audience and was inaudible.

Larry Adloff asked the applicant if he was going to use that ditch.

Joe Molnar stated if they have to, yes.

Larry Adloff asked if he was going to maintain that ditch.

Joe Molnar stated it isn't on their property.

Chairperson Swallow asked if there was anyone else in the audience that had any questions or comments.

Audience member explained where he lives according to the drawing. He asked where the development would eventually be built.

Joe Molnar explained where the development would go in their last phase and how they plan on developing in phases near there.

Chairperson Swallow asked the audience member to state his name and address.

Scott Morris of 9485 Root Road introduced himself.

Diane Adloff of 27506 Sprague Road, Olmsted Township asked what legal recourse they have against Lorain County Engineers. They laughed at them when they came out to look.

Chairperson Swallow stated she didn't know if anyone here could give her legal advice about what their recourse would be.

Diane Adloff explained how badly the water flooding has affected her home as well as her neighbor who is 90 that lives in North Ridgeville. She doesn't like when people say there is nothing they can do. If the developer can't maintain the ditches, someone is legally responsible for taking care of the common ditches.

Assistant Law Director Morgan stated that is a big question and just on the face of it, she would not be able to answer that question at this time.

Chief Building Official Fursdon asked if they have spoken to County.

Diane Adloff stated they were out last week.

Larry Adloff spoke from his seat in the audience and it was inaudible.

Diane Adloff stated that her neighbor who is in his 80's tried to clean that ditch as well as her husband who is over 70.

Chief Building Official Fursdon stated that North Ridgeville can't dictate to the county. They would have to stick with the County to find out what they can do to try and resolve it.

Chairperson Swallow asked if there was anyone else in the audience that would like to speak.

Bill Setter of 31678 Sprague Road stated that where the two future cul-de-sacs are scheduled to be built, you can't go through there right now as it sits when it rains. He stated that if they are going to put homes there he is assuming they will have to bring the grade up. All of the houses there that are lower than that will have standing water.

Joe Molnar stated they wouldn't necessarily be lower than their grade as the natural grade is south to the north. Right now, they are basically at the highest point in North Ridgeville. The grade flows down to the north.

Bill Setter stated they would build up their land higher than that. They already take on a significant amount of water to the point they have a river going through their yard.

Joe Molnar stated that they cannot let out any water more than what is there now in its existing state.

Bill Setter asked if they would be utilizing that ditch as he stated earlier.

Joe Molnar stated they will have a retention basin that will be utilizing that ditch, but they will not be dumping water directly to that ditch other than through the retention system required by EPA.

Bill Setter stated that it would end up in the ditch.

Joe Molnar stated that there can't be any more water than what is going in there currently.

Bill Setter asked when the last phase of the project will be completed.

Joe Molnar stated it could be ten to fifteen years as it depends on the sales. He showed the phases again on the drawing.

Diane Adloff stated she thought that area was considered wetlands and according to the EPA you aren't supposed to be building in that area.

Joe Molnar stated that they won't be disturbing the wetlands.

Larry Adloff spoke from his seat in the audience and it was inaudible.

Member Smolik addressed the Chair and stated that if anyone would like to see him after the meeting, he has a good contact at Lorain County who may be able to help them.

An audience member spoke and asked if this area was in wetlands.

Chief Building Official Fursdon stated that none of this phase is in wetlands or in flood plains, but farther south is.

An audience member asked if they could build in a flood plain.

Chief Building Official Fursdon stated they can build there under certain guidelines. They would have to be at certain elevations and they couldn't build any basements in there and you aren't allowed to build in the flood way according to the flood maps, but you can build in a flood zone.

Chairperson Swallow stated that those future phases will come before the Commission. That is not part of what is being considered this evening.

Audience member asked what part is that.

Chairperson Swallow stated the highlighted part shown on the screen. She asked if there were

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any other comments or questions from the audience. Seeing none, she asked if there were any other comments or questions from the Commission. Hearing none, she entertained a motion.

It was moved by Smolik and seconded by Hung to approve the final plat of Ridgefield Subdivision No. 15.

Chairperson Swallow asked the Clerk to call the roll.

Yes, 4 No, 0

Deputy Clerk Tjotjos announced the motion was approved by a vote of four yes and zero no.

ADJOURNMENT:

Chairperson Swallow stated there was no other business. She adjourned the meeting. She announced the next regular meeting is scheduled for September 11, 2018.

Meeting adjourned at 7:36 p.m.


Chairperson


Deputy Clerk of Council, Donna Tjotjos


Date Approved