

**NORTH RIDGEVILLE PLANNING COMMISSION
MINUTES OF REGULAR MEETING
TUESDAY, JUNE 14, 2022**

CALL TO ORDER:

Vice-Chairwoman Swallow called the Planning Commission meeting to order with the Pledge of Allegiance at 7:00 PM.

ROLL CALL:

Present were members Steve Ali, Vice-Chairwoman Jennifer Swallow and Council Liaison Bruce Abens. Also present were Chief Building Official Guy Fursdon, Planning and Economic Development Director Kimberly Lieber and Deputy Clerk of Council Tina Wieber.

Absent were Paul Graupmann and Chairman James Smolik.

MINUTES:

Vice-Chairwoman Swallow asked if the members had a chance to review the minutes of the special meeting on Thursday, May 19, 2022. She asked if there were any corrections. Hearing no corrections, the minutes were approved.

NEW BUSINESS:

Proposed legislation amending Chapter 1210 Planning Commission

Director Lieber explained that she would be introducing potential legislation for the chapters that were discussed at the joint work session with the Buildings and Lands Committee on May 10th. She explained that at that meeting they dove into all of the different changes in the chapters and the Commission and Committee members shared feedback about changes that they wanted to see. She stated that her intent was to go through and highlight the changes and if the Commission wanted to dive into any additional subject matter then they could have a discussion. She indicated that Chapter 1210 was the first chapter that was discussed and there was a recommendation to remove the sentence regarding the secretary being part of the unclassified service because that was handled through the Charter and Civil Service Rules. She mentioned that there was a recommendation that the Commission be more explicitly authorized to employ consultants as necessary to carry on their duties and that had been added in a new section. She stated that it was further recommended that determinations for similar use be a function of Planning Commission rather than an administrative function so there would be potential for the appeal process through BZBA and also that any final determination would go through City Council in order to have checks and balances and that it had been added to the section as well. She indicated that she had added a cross reference document. She explained that similar uses were in multiple places in the zoning code where it would indicate "as determined by Board of Zoning and Building Appeals" and there were a lot of different kinds of language she found throughout the code. She stated that she did a search to discover all of the places that would need

to be amended for consistency. She remarked that when there were things like similar uses or conditional uses that a lot of extra verbage wasn't added like "as determined by this board or that board or that official", so that when changes would be made you wouldn't have to chase them through the code. She indicated that it was much more streamlined.

Vice-Chairwoman Swallow asked if there were any comments or questions regarding the changes.

None were given.

It was moved by Ali and seconded by Swallow to recommend approval to Council.

A roll call vote was taken and the motion carried.

Yes – 3 No – 0

Proposed legislation amending Chapter 1242 Administration, Enforcement and Penalty

Director Lieber commented that Chapter 1242 was a chapter that had included the similar use determination as an administrative function and that had been removed. She stated that there was a question regarding who was the Planning Director's designee and there was a desire to specifically indicate that it would be the Building Official so that was added to the chapter. She explained that otherwise the chapter remained as originally proposed.

Vice-Chairwoman Swallow asked if there were any comments or questions regarding the changes.

None were given.

It was moved by Swallow and seconded by Ali to reccomend approval to Council.

A roll call vote was taken and the motion carried.

Yes – 3 No – 0

Proposed legislation creating a new Chapter 1243 Permits and Development Review

Director Lieber stated that Chapter 1243 was a newly created chapter and was a fairly substantial addition to the current code that outlined the process for, other than projects that would go through Planning Commission's review and other than subdivisions that would continue to follow subdivision regulations. She explained that Chief Building Official Fursdon made a recommendation that they separate out certificates of occupancy from certificates of zoning approval. She explained that they didn't want to provide for rules and regulations that differ from the State Building Code or the processes as required by the Board of Building Standards. She further explained that the thought was by issuing a zoning certificate of approval, that would be

something that the City could revoke, whereas, once that certificate of occupancy was issued something that the City could revoke whereas once that certificate of occupancy was issued there were State rules in effect that would make that difficult if not impossible to do.

Chief Building Official Fursdon commented that they would be rules that they would have to follow.

Director Lieber explained that they created a separate and distinct certificate of zoning approval requirement and then created guidance of when that would be required, the application procedure, how it was to be issued and then revocation conditions. She stated that at the work session there was a recommendation to limit projects that would qualify for administrative review, specifically additions, to reduce the square footage from 1,000 square feet to 500 square feet and that had been added. She mentioned that she tweaked the language around exterior alterations to buildings that would be substantially consistent with the existing building design. She indicated that she added the wording substantial exterior alterations for Council review types of projects. She advised that the Chairman had indicated that if there was a significant height of a building or a façade change that that would be something that Planning Commission might want to see. She discussed that she tried to create more roads that would lead through Planning Commission to Council for exterior changes. She explained that there was also a recommendation that if an amendment were proposed, that the Planning Director should act as the person that would solicit input from other impacted City Departments as required, whether it was Building, Engineering or Fire and stated that language had been added. She mentioned that it was not simply the Planning Director that would approve amendments but in consultation with the impacted or appropriate other City Officials.

Vice-Chairwoman Swallow asked if there were any comments or questions regarding the changes.

None were given.

It was moved by Swallow and seconded by Ali to recommend approval to Council.

A roll call vote was taken and the motion carried.

Yes – 3 No – 0

Proposed legislation amending Chapter 1244 Board of Zoning and Building Appeals

Director Lieber explained that the singular change to the section was to remove the last sentence of 1244.01 again regarding the secretary and the unclassified service because that was already addressed through the Charter and Civil Service Rules.

Vice-Chairwoman Swallow asked if there were any comments or questions regarding the changes.

None were given.

It was moved by Swallow and seconded by Ali to recommend approval to Council.

A roll call vote was taken and the motion carried.

Yes – 3 No – 0

Proposed legislation amending Chapter 1246 Amendments

Director Lieber explained that the chapter governed how the zoning map and the zoning code can be amended. She further explained that the change in that section they had discussed was that there was a conflict between the Charter and the Codified Ordinances. She stated that currently the Charter establishes a minimum notification period of 10 days and the Codified Ordinances had a 30 day requirement and they discussed how that creates confusion for which rules to follow. She stated the recommendation was to remove the sentence out of that section which was 1246.03(d)(2). She mentioned that if they took out the sentence that referenced the 30 days it would still be subject to the Charter requirement of a minimum of 10 days and they discussed how it could be greater than 10 days but not less than 10 days for the purposes of notification and posting.

Vice-Chairwoman Swallow asked if there were any comments or questions regarding the changes.

None were given.

It was moved by Swallow and seconded by Ali to recommend approval to Council.

A roll call vote was taken and the motion carried.

Yes – 3 No – 0

Proposed legislation creating a new Chapter 1247 Conditional Uses

Director Lieber explained that currently the zoning code didn't contain any guidance on how conditional uses should be evaluated by Boards, Commissions & Council. She stated that Chapter 1247 would create the procedure, review standards, submission requirements and also the ability to revoke in case any of the conditions of approval were violated. She mentioned that the recommendation from the work session was that Council had been established as the hearing authority for revocation and there was a suggestion that Council should be able to delegate to the Buildings and Lands Committee. She explained that she added "The hearing would be held by Council or could be delegated to the Buildings and Lands Committee". She indicated that she added an Exhibit B that was the cross reference document for conditional uses throughout all the other sections of the zoning code where conditional uses are brought up and she deleted any reference to the Board of Zoning and Building Appeals. She explained that in the different

chapters there were different methodologies in which conditional uses were approved but that would take out anything that would be in conflict with the new chapter.

Vice-Chairwoman Swallow asked if there were any comments or questions regarding the changes.

None were given.

It was moved by Swallow and seconded by Abens to recommend approval to Council.

A roll call vote was taken and the motion carried.

Yes – 3 No – 0

Proposed legislation creating a fee schedule for zoning-related applications and reviews

Director Lieber discussed that the last piece of legislation was to create a fee schedule for all of the zoning related applications and reviews. She explained that currently the fees were scattered through the zoning code which made it difficult for any applicant to know what all fees might apply to their project. She stated that it also made it difficult to update them over time and some of them hadn't been updated since 2005 and 2008. She added that any code amendment even if it was a fee, still had to go through Planning Commission review, legislative review, public hearing and it discouraged real time updates as the cost of business increased. She discussed that she went through the code to find all the areas where fees were located and consolidated them into a zoning schedule that would be separately adopted. She mentioned that part of that piece of legislation would be to repeal those sections in the building code that talk about zoning related fees and that would be the first part of the ordinance. She explained that appeals of decisions from the Chief Building Official would come out because that was a BZBA item and also parcel divisions because that would be a Planning Commission application. She stated that those were items being removed. She added that she put together a proposed fee schedule. She explained that she reviewed around 15 other communities fees in the area as well. She described that one of the things that was currently being charged was per notice sent out, which made it difficult because currently the applicants have been submitting the adjacent properties and for each adjacent property there is an extra dollar that gets tagged onto their fee. She explained that now they wouldn't have the applicant provide the adjacent property owners anymore because the clerk's office would handle that notification. She stated that rather than a dollar per notification, just increasing the fee somewhat to cover general mailings seemed appropriate. She explained that at times they may have included an extra property so would we refund them a dollar or if they failed to include a property, now we would have to charge them an extra dollar. She added that those kind of fee calculations were impractical for staff. She discussed that she tried to create a fee structure that was reasonable with round numbers that account for their time and administrative effort. She stated that Exhibit B was a proposed general fee schedule. She remarked that by way of comparison currently the fee for Planning

Commission was \$100 for a single lot or \$300 for more than one lot but sometimes a project may involve two parcels that they are putting together and would that be one lot or two lots, was it one project or was it split. She explained that she thought just a general application fee made sense and if there was a special meeting request or if there was a specific level of review required, then having additions to that might make sense. She stated that regarding BZBA, there was a difference between a resident coming in with a request for a fence and maybe a large scale subdivision where they're asking for many variances because it was a large scale commercial project that involved a lot of zoning review and many variances. She added that having a rate for the residents that would be a bit lower than it might be for a large scale development or a commercial project. She indicated that she was adding in a new business application fee since they were going to require zoning review for any application, for any new business and there would be a fee attached to that. She explained that there would be a reduced fee if someone was filing for an amendment, not a full Planning Commission Review, but if it was an administrative amendment, they would still be able to charge a fee for that. She stated that the rezoning request fee was only \$235, which was really low for all the work that went into rezoning, especially the large notifications like 500 linear feet instead of just adjacent property owners because there was more staff time is invested in that. She mentioned that another thing that should be done was charging for the credit card fees. She stated that everyone uses credit cards and that was great for the convenience factor but the City is taking the hit on whatever that percentage is. She added that she thought that they should have the ability to pass on the credit card fees if people choose to pay that way. She stated that that was the proposed fee schedule.

Vice-Chairwoman Swallow asked if there were any comments or questions regarding the fee schedule.

Chief Building Official Fursdon asked where the fees would be listed.

Director Lieber explained that it would be within the ordinance and then on the website they could attach it to the application. She stated that it wouldn't be an ordinance but would be a separate fee schedule. She added that in Chapter 12 where it says "Council may establish a fee schedule" would be the reference.

Chief Building Official Fursdon asked if she had the amount for the credit card fees and stated that because he tried to do that as well and it was not well received.

Vice-Chairwoman Swallow stated that those fees added up on large projects.

Director Lieber remarked she had not but that there will always be an opportunity to pay with cash or check to avoid the fee.

Vice-Chairwoman Swallow asked if there were any comments or questions regarding the changes.

None were given.

It was moved by Swallow and seconded by Ali to recommend approval to Council.

A roll call vote was taken and the motion carried.

Yes – 3 No – 0


Director Lieber stated that as previously discussed, the Commission had made a recommendation to update the City's fence ordinance and City Council did pass that legislation and it would become effective July 6th.

ADJOURNMENT:

The meeting was adjourned at 7:22 PM.



James Smolik
Chairman



Tina Wieber
Deputy Clerk of Council

Tuesday, July 12, 2022
Date Approved