

**NORTH RIDGEVILLE PLANNING COMMISSION
MINUTES OF
REGULAR MEETING – TUESDAY, SEPTEMBER 10, 2019**

CALL TO ORDER:

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, James Maleski, Vice-Chairman James Smolik, Chairwoman Jennifer Swallow and Council Liaison Bruce Abens.

Also present was Chief Building Official Guy Fursdon, Law Director Brian Moriarty, Alternate Council Liaison Michelle Hung and Deputy Clerk of Council Michelle A. Owens.

MINUTES:

Chairwoman Swallow asked for questions, comments or corrections to the minutes of the regular meeting on Tuesday, August 13, 2019. No discussion was offered. The minutes are approved and placed on file.

CORRESPONDENCE:

None

OLD BUSINESS:

None

NEW BUSINESS:

APPLICANT: Gary Smitek, North Ridge Pointe, LLC
36715 Avalon Court, Avon, Ohio 44011

OWNER: Same

REQUEST: Final plat approval for North Ridge Pointe Subdivision No. 5

LOCATION: East of Stoney Ridge Road, extending Capri Lane to the west; a portion south of Capri Lane; in an R-1 zoning district.
Permanent Parcel Nos. 07-00-029-000-198; 07-00-030-000-277;
07-00-031-000-120

Application was read.

Chairwoman Swallow asked that the applicant come forward and provide an explanation of his application.

Gary Smitek, 36715 Avalon Court, Avon, Ohio 44011, stated he was present to discuss North Ridge Pointe Phase 5, consisting of 47 lots: 21 cluster lots; 26 standard lots, each measuring 85-

by-151 feet or more. He explained that the city does not allow cluster lots smaller than 55 feet wide. The cluster lots being proposed are 60 feet wide. He indicated that a turning lane would be installed in one or two months, as Ohio Edison and other utilities finish moving wires and poles. He proposed a final cluster area on Appian Way and a final single-family area on Capri Lane.

In response to the administrative comments, he clarified that no variance would be needed as there had been an oversight on the plans. He spoke of the overall density of the development, which was submitted to Chief Building Official Fursdon and Deputy Clerk of Council Owens, and stated it would be approximately 2.0, with more than enough greenspace. Regarding concerns with the cluster lots, he stated that the rear setback would be 35 feet.

The phase is planned to start in the winter. He explained that the previous phase took longer due to weather. Since many of the homes were pre-sold, he anticipated a need for them next year.

Chairwoman Swallow noted the email correspondence from Ron and Hallie Krueger, residents in the development. She explained their concerns with construction vehicles using and parking on development streets; using residential driveways as turnarounds, causing damage to curbs and driveway aprons; and clogging traffic flow on residential streets. She asked Mr. Smitek for a response to these concerns.

Mr. Smitek remarked that it was the tradesmen; and that they are constantly telling them to park on the side without fire hydrants. He stated that he cannot comment on or control driveway turnaround but was unaware of any curb damage. He believed that the through street would alleviate quite a bit of these issues.

Chairwoman Swallow asked if the street was complete and drivable.

Mr. Smitek responded that it is being driven on.

Chairwoman Swallow asked whether it was open to the public; or was being used by construction vehicles. She stated that she lives in the area and it does not appear to be open to the public.

Mr. Smitek replied that the turning lane is going in and, between the asphalt and concrete, there is approximately five or six feet of stone. He stated that people are cutting through and moving the barrels, which were requested by City Engineer Rodriguez in order to block traffic until completion of the turning lane. He stated that he was aware of the issue and, in general, most of them know to use it. He was unaware of damage to aprons; he felt he would have heard otherwise since his brother is building there and said nothing.

Chairwoman Swallow asked about damage to trees and lighting poles.

Mr. Smitek was unaware of this and stated this was the first he heard of it. He stated that they should speak with the builders since it was their tradesmen; not his.

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Chairwoman Swallow asked Mr. Smitek to provide contact information so it could be given to the Kruegers. She clarified that the Kruegers seemed to be serving as representatives of the neighborhood; and Mr. Krueger was unable to attend the meeting.

Mr. Smitek indicated that he drives through the development every day. He stated he would say something if he saw something; but everyone is aware and has been told repetitively.

Vice-Chairman Smolik expressed initial concerns with the 35-foot rear yard setback, which he understood had been taken care of with a new plat.

Mr. Smitek responded that there was no variance; everything was to code.

Vice-Chairman Smolik stated that they have to vote on what is presented to them.

Mr. Smitek replied that it had been taken care of and submitted to Chief Building Official Fursdon.

Vice-Chairman Smolik understood but asked if he would like to resubmit. He stated he was concerned with the clusters to the south, which would set the tone for the rest of the lots going west.

Mr. Smitek indicated that no variance would be needed; that the plans had changed based on the administrative comments.

Vice-Chairman Smolik responded that the members do not have these changes in order to review them.

Mr. Smitek stated that revised plans were submitted to Chief Building Official Fursdon.

Dale Haywood, Engineer, 7100 E Pleasant Valley Road, Suite 220, Independence, Ohio 44131, indicated that they had not been submitted.

Chief Building Official Fursdon stated that the revised plat with the required rear setback could be submitted to Planning Commission now so it would reflect any comments that he made; and show that they are code compliant. He commented that it should not be a problem.

Vice-Chairman Smolik asked how they could vote on something that had never been seen by the Commission.

Chief Building Official Fursdon responded they could review the changes now.

Vice-Chairman Smolik responded that there is due process and, if there is a change, they have to allow the members ample time to look at it.

Chief Building Official Fursdon stated that there was not that much to look at. He felt the idea was not to slow the contractor down, but rather to get them to comply with the ordinance.

Vice-Chairman Smolik stated it was not his fault he did not have the drawings.

Mr. Haywood provided a revised plat to Chief Building Official Fursdon.

Chief Building Official Fursdon reviewed the revised plat. He asked Mr. Haywood to submit them to the members for their review.

Member Maleski asked if that was the only change to the plans.

Mr. Haywood answered that there were two changes of no consequence.

Chief Building Official Fursdon discussed the importance of accessibility to fire trucks and ambulances.

Vice-Chairman Smolik stated that the revised submittal still shows 30-foot rear setbacks.

Mr. Haywood commented that there are two different lot sizes: standard and cluster. He explained that the cluster lots require 35-foot rear setback; the standard lots still show a 30-foot rear setback, which is code compliant.

Chief Building Official Fursdon clarified that the 35 feet is from single-family lots, as required by ordinance. Single-family lots have a required 30-foot rear setback. The difference is the size of the lot: 12,800 square feet or more is a single-family lot; less than 12,800 is a cluster lot.

Chairwoman Swallow asked Vice-Chairman Smolik if he was satisfied with the revisions.

Vice-Chairman Smolik believed so. He stated that he did not like to be put in a position like this; and wanted the Administration to know it is not fair to the Commission.

Law Director Moriarty stated that, if there will be a supplement to the record, it should be done to give them notice to take a look at the change. Planning Commission could accept it as a supplement to the application now just to complete the record, if satisfied with the changes.

Chairwoman Swallow commented that they continually hear that they do not want to slow down development. She stated that Mr. Smitek had indicated there was no need until next year; and felt this would not necessarily slow down development. She believed they should be thoughtful about what they are doing and the impact on neighborhoods that are created; and not feel pressured when the Commission may still have questions.

Mr. Smitek agreed in that there is no rush. He stated that, when they received comments, they addressed them. His view was that he came prepared with the necessary changes, which were minor; and that, if they were major changes, he would have postponed to a later meeting.

Chairwoman Swallow understood and was satisfied with the information that was provided at the meeting. She explained that it would not be fair if there were a room full of people and several

other items on the agenda. She asked for any other questions or comments from the Commission. No discussion was offered.

Vice-Chairman Smolik asked about the grading plan. He stated that some of the rear yards on Appian Way appear to have a deep slope because there is a drainage channel in the back. He asked if this had been approved by the Engineering Department or was still under review.

Mr. Haywood responded that the engineering has been reviewed and approved.

Vice-Chairman Smolik stated that it seemed as though additional drainage may be required to get rid of the deep ditch behind sublots 149 through 151 because it goes into the retention basin.

Mr. Haywood explained that there are drains in the back of the lots; and a pipe connecting to the storm sewer pipe. He stated that there may have been a previous iteration showing a drainage swail without a pipe beneath it; but there is a pipe beneath it now and it should not appear as a deep swail. He indicated that the lots will be like the rest with their own drain in the backyards.

Mr. Smitek stated there is no ditch; rear yard drains, like the rest. The only ditch is behind the end of the cul-de-sac. Responding to questions concerning easements, he stated that the city requires blocks. He explained that the homeowners' association will own all the common area but there is language stating that the city has a right to go through it. He stated that the upkeep and maintenance would be the responsibility of the homeowners' association. In the previous plat, language had been added at the request of the Engineering Department. He stated that the added language allows for access by the city for maintenance; for which the city may then back charge the homeowners' association.

Vice-Chairman Smolik indicated that the grading plan submitted does show a deep swail without any drains in the back.

There was discussion surrounding the comments from City Engineer Rodriguez. It was noted that plans are currently under review.

Chief Building Official Fursdon remarked that all approvals are based upon the City Engineer's approval as well.

Vice-Chairman Smolik responded that they should still have the most updated drawings.

Chief Building Official Fursdon stated that the applicant could re-submit the drawings to the Commission so they would have them on file.

Mr. Smitek stated that he does not submit to Planning Commission until there are almost no comments from the Engineering Department, which has had the plans for three to four months. He was unsure why the members were provided with old plans.

Mr. Haywood explained that the current plans have been approved; and they have water, sanitary

and storm-water permits from the Ohio EPA.

Vice-Chairman Smolik commented that he did not know how he could vote when he had not been given the final plans.

Chairwoman Swallow asked for any other comments or questions from the Commission. No discussion was offered. She asked for discussion from the Administration; and noted that City Engineer Rodriguez was not present to discuss the drainage plan. No discussion was offered. She asked for comments or questions from the audience. No discussion was offered.

It was moved by Maleski and seconded by Ali to approve [the application as presented].

A voice vote was taken and the motion carried.

Yes – 3 No – 1 (Swallow) Abstention – 1 (Smolik)

Chairwoman Swallow indicated that her vote in opposition of the motion was due to continually having to request information from the Administration. She stated that it was no reflection of the plan but, without having all the information in front of them, felt they were not doing a service to the city for which they were appointed. She commented that City Engineer Rodriguez was not even present to be able to speak to the matter that it meets the standards that are required.

Member Maleski stated that the applicant saw the comments and made changes in response. While these changes were provided to the Commission today, he would trust that it had been reviewed by Chief Building Official Fursdon and other Administration; if they say it is being done and it is in the plan, that is how it will be done. He felt that, should there be any issues in the plan that is under review with the Engineering Department, they would be corrected.

APPLICANT: Matthew Wolf; Matthew Wolf Architecture
1814 East 40th Street, Cleveland, Ohio 44103
OWNER: David Gunn
8810 Root Road, North Ridgeville, Ohio 44039
REQUEST: Construction of a pavilion
LOCATION: 39421 Center Ridge Road, zoned in an I-3 Heavy Industrial District.
Permanent Parcel No. 07-00-046-108-005

Application was read.

Chairwoman Swallow asked that the applicant come forward to provide an explanation of changes and additions to their proposal.

Matthew Wolf, 1814 East 40th Street, Cleveland, Ohio 44103, stated his proposal was to build a pavilion. He explained that there is a pond located on the property, which had previously been the site of a dilapidated bar that would be torn down. He stated that it would be a simple, open building with a fireplace at one end.

Chairwoman Swallow asked if it was stated in their plan that the single-story building on the property would be torn down.

Mr. Wolf responded that it was; that the building is in rough shape and there would be no interest in keeping it.

Chairwoman Swallow asked if there were currently any tenants in the building.

Mr. Wolf responded no, not permanent.

Chairwoman Swallow asked about the proposed use for the pavilion.

Mr. Wolf stated that the long-term goal was to potentially construct another building after the current structure is demolished. It would serve as a retreat for company employees; and it would eventually be an outdoor area or breakroom for what is forthcoming.

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

Vice-Chairman Smolik asked Chief Building Official Fursdon about the required proximity of fire hydrants to a structure.

Chief Building Official Fursdon indicated that it would have been addressed in the comments from the Fire Department.

Chairwoman Swallow cited the comments of Fire Chief Reese.

Vice-Chairman Smolik asked if there would be an issue with providing a fire hydrant.

Mr. Wolf responded yes, that they would be required to run a fire line across the road, which would cost five times more than the building; that it would potentially be a deal breaker. He stated he met with the Fire Marshall and had discussed alternative means of suppressing the building.

Vice-Chairman Smolik responded that the Commission has no impact on Ohio Building Code or city ordinance.

Chairwoman Swallow addressed security gates and the concerns expressed by Fire Chief Reese. She stated that it seemed as though they would need separate approval, and to possibly have a key box installed. She asked if this would be an issue.

Mr. Wolf answered that it would not be an issue.

Chairwoman Swallow asked Chief Building Official Fursdon if the pavilion is permitted as a primary structure; and if there is an approval process for issuance of a demolition permit.

Chief Building Official Fursdon responded that there is a demolition permit. He stated that

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paperwork must be filed with Lorain County to ensure they are not continually taxed for the existing building once demolished.

Chairwoman Swallow inquired about compliance with Zoning Code. She understood that a stand-alone pavilion in a commercial district is not a permitted use, but would be a permitted accessory use.

Chief Building Official Fursdon indicated that this was addressed in his comments. He explained that, in I-1 districts, this is a conditional use requiring the approval of the Board of Zoning and Building Appeals. As a like use, this type of use is intended for employees and management. He stated that they have no idea where the company is located and the Board of Zoning and Building Appeals would have to determine if this was a like use.

Chairwoman Swallow asked for any other questions or comments. No discussion was offered. She opened the floor for public comment. No discussion was offered.

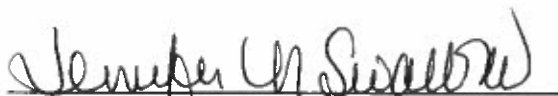
It was moved by Smolik and seconded by Maleski to approve [the application as presented].

A voice vote was taken and the motion carried.

Yes – 5 No – 0

ADJOURNMENT:

The meeting was adjourned at 7:36 PM.



Jennifer Swallow
Chairwoman



Michelle A. Owens
Deputy Clerk of Council

Tuesday, October 8, 2019
Date Approved