

**NORTH RIDGEVILLE PLANNING COMMISSION  
MINUTES OF SPECIAL MEETING  
TUESDAY, SEPTEMBER 27, 2022**

**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 Paul Graupmann, Vice-Chairwoman Jennifer Swallow, Council Liaison Bruce Abens and Chairman James Smolik. Also present were Planning and Economic Development Director Kimberly Lieber, Assistant Law Director Toni Morgan 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 August 9, 2022. He asked if there were any corrections. Hearing no corrections, the minutes were approved.

**CORRESPONDENCE:**

Chairman Smolik asked if everyone had reviewed the Charter amendments and if there were any questions or comments.

Vice-Chairwoman Swallow stated that they all made sense.

**NEW BUSINESS:**

**Culver's Restaurant, 32574 Lorain Rd, North Ridgeville, OH 44039, PPN 07-00-003-101-010 & 07-00-004-109-043**

Applicant: Joshua Clark, 216 Dirt Holdings, LLC, P.O. Box 591, Rhinelander, WI 54501.  
Proposal consists of a lot split to create a 1.7431-acre lot and development plans for a 4,393 sq. ft. single story Culver's Restaurant with 58 parking spaces. Property is zoned B-4.

Application and Administrative comments were read.

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

Aaron P. Appell, Bramhall Engineering, 801 Moore Rd, Avon, OH 44011.

Mr. Appell stated that also in attendance was Doug Lehar representing Culver's who was one of the franchisees and part of the ownership. He explained that they had a proposed site off of Lorain Road and the current site was part of the Iannelli Group. He stated their was a

representative of that ownership group present as well. He stated that the lot would be split off. He indicated that the site was an existing gravel and asphalt grindings parking lot and it would become the new Culver's site sandwiched between the existing McDonald's to the east and the auto dealership would remain to the west and to the north of the proposed lot split.

Chairman Smolik stated that along the Turnpike there would be a forty foot sign and asked if there was an easement for utilities or if it would be purchased property along with the lot split.

Mr. Appell explained that it would be an easement. He mentioned that they showed an easement on their plans that would be for the electric that would run to that sign and for the sign itself.

Chairman Smolik stated that on the site plan there was some buried AT&T and asked if they had reached out to them because the dumpster enclosure would be going over their utilities and if they were ok with all of that.

Mr. Appell stated that they reached out to them starting four months ago and that they were aware of the project. He explained that they had sent them plans and requested any easement documentation but had been unable to get any kind of an existing easement that's in place currently. He discussed that the line would be verified by the contractor and that they were aware that they had possibly one buried manhole on the site that would be adjusted to grade once they found it.

Chairman Smolik stated that the only experience he had with Culver's was the location in Avon where the drive through was always backed up and the applicant's plans appeared to show parking after the drive through. He asked if they could explain the difference between their drive through and the one in Avon that was always backed up and how their's would perform better.

Doug Lehar, 7296 Pinewoods Way, Olmsted Falls, OH, 44138.

Mr. Lehar stated that it would have two order posts on it instead of just one and that they would be able to push them through twice as fast. He mentioned that regarding the parking spots after the window, that they would actually cash them out, give them their drinks and then have them park and they would bring their food out to them as soon as it was ready. He showed on the map where the two order posts would be and stated that they would have two order takers instead of one.

Chairman Smolik asked if Avon waited for their food at the drive through window as opposed to having the parking spots.

Mr. Lehar answered, no.

Chairman Smolik asked if they had the same set-up.

Mr. Lehar stated that they did.

Chairman Smolik asked that if ever the order wasn't ready, would a carrier bring it out to them.

Mr. Lehar stated that very seldom were they served at the window unless it was just custard or drinks.

Chairman Smolik asked if the post drive through was for eleven cars.

Mr. Lehar indicated that was correct and then stated that they would never grow over that. He stated that past the window was six to eight cars and that was it.

Vice-Chairwoman Swallow asked what the average service time was.

Mr. Lehar stated that it would be about five and a half minutes.

Vice-Chairwoman Swallow asked if there would be eleven stacking spaces.

Mr. Lehar mentioned that there would be eleven post the window stacking.

Vice-Chairwoman Swallow asked how many stacking spaces there were in the drive through.

Mr. Lehar stated that before the order post going out to the road there was probably twelve to fifteen.

Mr. Appell stated that there was fourteen from the window to the back of the drive through without backing up into their own internal aisle.

Chairman Smolik explained that on the apron when exiting, he noticed on the McDonald's parcel to the east that there were pine trees and asked if they had looked at the line of sight issues of those

Mr. Appell mentioned that they had not but that it was something that they could take a look at.

Chairman Smolik asked if there was correspondence from McDonald's. He asked if they were acquiring any property from them.

Mr. Appell stated that they weren't. He stated that it was an existing apron and it was right where the proposed apron was going but that was a current apron that was out there.

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

None were given.

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

Director Lieber explained that she appreciated Culver's willingness to work with staff through the preliminary review process. She stated that they were responsive to the comments and

requests for additional information. The follow-up information that was submitted was details for their proposed fencing, cut sheets of the light fixtures and they had relocated the ground signs to comply with code. She explained that they hadn't fully vetted their sign package and believed it would require sign variances. She recommended excluding the sign package from the development plan approval just because they believed there would be a trip to the BZBA for that. She also explained that their motion should either be separate or include both the development plan and the lot split as two distinct titles that were being requested.

Mr. Appell mentioned that he did just want to point out that on the signage packet, they did provide that kind of for information purposes so that they could get a feel for what was proposed. He stated that they were aware that they would be going to BZBA. He stated that they had two signs proposed with one on Lorain Rd and then a pylon sign in the back. He remarked that the one on Lorain Road they did relocate that so that it wouldn't require a variance and initially it was to close to the road. He stated that they located it on the southwestern side of the site now and that they met the setback requirements.

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

None were given.

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

None were given.

Moved by Swallow and seconded by Graupmann to recommend approval of both the development plan and the lot split with the condition that they meet all the requirements for the sign package including any necessary zoning.

A roll call vote was taken and the motion carried.

Yes – 4      No – 0

## **OLD BUSINESS**

### **1. Review of Proposed Planning Commission Bylaw changes**

Chairman Smolik asked if the Commission had a chance to review the proposed Planning Commission Bylaws and changes and if there was any discussion. He asked if there was a cut off time for correspondence or extra submittals.

Director Lieber stated that there wasn't.

Assistant Law Director Morgan asked if he meant that they had to be in before a certain time.

Chairman Smolik stated that was correct. He discussed that the sign package was a good example. He mentioned that the sign package came in forty eight or twenty four hours of the actual meeting. He wasn't sure that that was enough time for the Commission Members to look at it. He asked if they wanted to have some type of discussion regarding that so that if something came in late, it wouldn't be up to them to look at it last minute.

Vice-Chairwoman stated that she didn't have an issue with that because they only met once a month and she would hate to bump someone if they were substantially there with their submittal to the Commission unless it was creating issues for staff. She indicated they were pretty quick with forwarding that to the Commission. She explained that she would hate to either not go forward with consideration of an application or like the current meeting because they didn't have a quorum last time, to have a special meeting in order to try and accommodate their time line.

Director Lieber mentioned that they were continuing to refine the process under the new code. She stated that even that day they were discussing a deadline for an upcoming applicant where they could submit supplemental information and the recommendation was the Friday prior to the meeting so that they would have the weekend to review. She indicated that staff would tell the applicants during their pre-hearing review that that date is the deadline to get additional information to the Commission. She added that if they felt comfortable, they could always add something to the Bylaws that sets that as a recommended deadline that would allow the Commission during exceptional circumstances to accept additional information as well as concern to not push something off because there's a hard and fast rule but any supplemental submissions would be received in time for member packets the Friday before the meeting or what have you.

Chairman Smolik remarked that given the fact that they were actually giving the applicant a deadline, he felt that was good enough. He added that if something did come up that was major they could just have a discussion on it or exclude it.

Assistant Law Director Morgan stated that in that particular case it still had to go to BZBA anyway even though the Commission had gotten it. She remarked that when the packets go out was ideal when possible so that there are few changes to look at and it wouldn't be just seeing it for the first time.

Vice Chairwoman Swallow remarked that to her a sign package wasn't as substantial as major changes to a site plan or something like that. She added that they were much different.

Director Lieber stated that there would be issues that would require variances in the future that were not signage and would be routing those to BZBA first. She mentioned that they shouldn't have things sprung on them at meetings that would have fundamental changes or shifts to their sight plans.

Chairman Smolik stated that that was good because it was always "which one happened first".

Director Lieber stated that she was of the thought that already approving something with a bow on it and sending it to the BZBA was kind of sending a message of just approve this and it didn't allow them to do their job and vet as carefully as she felt they should before and it helped the Commission.

Chairman Smolik stated that he had a question for the Administration as to whether the subdivision sign, landscaping plan and the street lighting could be administratively approved.

Director Lieber remarked that was correct, that if the Commission was agreeable to the applicant stating that the sign and landscaping would match, then they could just verify that that's the case when it would be submitted.

Moved by Swallow and seconded by Smolik to adopt the Bylaws as presented.

A roll call vote was taken and the motion carried.

Yes – 4      No – 0

## **2. Discussion of other zoning update implementation tasks**

Director Lieber explained that she thought it would be good for the Commission to see what was going on behind the scenes. She stated that they had been doing updates after the August 1<sup>st</sup> approval by City Council, the seven zoning Chapters. She discussed that there was new information on the website and that there was a Zoning and Planning page that had the new forms and applications. She stated that they had a development flow chart to encourage applicants to understand the process before they submit, a recommended pre-application meeting for commercial projects with her so that she could go through which process, whether it be Administrative or whether it be through Planning Commission and Council. She mentioned that they were developing a series of checklists that would be sent to applicants so that they would know all the things that needed to be included in there submission and that hopefully it would be more complete with fewer of the last minute additions. She explained that they were working on the software side of implementing some workflow between the Building Department, Planning and the Clerk of Council's office. She added that she updated the fees and that they had been implemented. She stated that they had also updated the applications and that there was a new Planning Commission application and a new BZBA application. She explained that if the Planning Commission were to see things on the application that they wanted changed or added that could certainly be done. She added that she saw it as an Administrative tool but that she thought fourteen pages of application was too many. She mentioned that it was now one page of fillable fields and one page of instructions with the ability to add a checklist relevant to the project or supply a fee chart or supply additional information as required rather than a thick packet where the applicant would be left not knowing what applied to them. She indicated that they had taken away from the applicant the requirement for them to supply addresses from the surrounding property owners and that was a couple pages of the application. She stated that she

was streamlining a way that was useful to applicants and that hopefully that would mean that they would get more complete plans and packages in advance of Planning Commission's meetings. She explained that she would be happy to take the Commission's feedback as they see the application in circulation if they thought there were areas that they'd like to see amended, added to, changed or clarified in anyway.

Chairman Smolik asked that as far as the address populate if the City had a GIS program and if that was how it was populated.

Director Lieber stated that through Lorain County Auditor's Office there was a tool that someone could either go in by hand and identify the parcels and create a spreadsheet or could create a little buffer whether it was adjacent parcels or five hundred feet for rezoning notifications to download. She remarked that it seemed silly to have applicants do that when we were checking them all twice with the Building Department and the Clerk of Council's Office. She stated that it would be much more efficient.

Chairman Smolik asked if there were any other questions or comments regarding the Administrative changes.

None were given.

## **NEW BUSINESS**

### **Proposed Zoning Amendment**

An Ordinance amending Sections 1266.04 and 1268.04 of the North Ridgeville Zoning Code to update lot and yard requirements.

Director Lieber explained that the amendment originated with a conversation with Councilman Winkel and Chief Building Official Fursdon that specifically concerned the City's B-3 District and the requirements for side yards. She stated that currently in the side yard section in the B-3 District it indicated that there were two side yards for every lot and the sum of which had to be thirty five feet minimum and that not one side yard could be less than fifteen feet. She added that it then said that where it abuts a residential district, the sum of the two side areas shall not be less than fifty feet and each side yard not less than twenty five feet. She mentioned that what they thought the framers meant was that where someone abuts residential, they want to have a greater setback but what it did was that it just said for any lot that abuts a residential district and it didn't say how it abuts or where it abuts. It could abut in the rear and now they would be implementing greater side setbacks. It wasn't like if it abuts a residential district and abuts a side, that side shall have a greater setback. She explained that it just said for any lot which abuts any residential district and that was creating situations where it would actually be providing a greater setback possibly adjacent to commercial property just because in the rear there was a residential property. She stated that that wasn't what they thought the framers really meant by doing that. She mentioned that the other thing the code did was to say that even if a property was zoned commercial, if the use on it was residential, a house in a commercial district, that house would be

entitled to that same greater setback as it would if it were on a residentially owned lot. She stated that she had some concerns about that in the long run but in the meantime, they were proposing a temporary fix that they thought was a vast improvement. She discussed that they could address that residential zoning district issue in the future if they do a more major code update. She indicated that they were proposing to keep the thirty five foot sum of side yard and then scratch out the part about when any lot abuts any residential district and instead would be saying where any side lot line adjoins a residential district, the sum of the side yard adjacent to that lot line shall not be less than twenty feet. She explained that they would be specifically saying that on that side where it abuts, if it abuts residential, then it would be increased. She stated that it would have five additional feet for buffer and not the twenty five feet as the next section currently required. She added that they were splitting the difference with the minimum fifteen feet and twenty five feet and saying twenty feet seemed appropriate so that that applicant could still have a total sum of side yard of thirty five feet and one side could be twenty and one side could be fifteen. She mentioned that she thought it was a good solution unlikely to make anything currently in place non-conforming and wouldn't put additional burden on commercial applicants if they happened to be located next to a residential house on a commercial lot. She stated that in also looking at that section it had that buffer strips shall be provided as required as in 1266 but there was a whole buffer strip section that set out when they were required. She thought they really didn't need to include that particular language. She explained that buffer strips were also in 1288 and said buffer strips as provided in 1266, which is the B-2 District. She asked why were they going to B-2 and in trying to understand what buffer was required in the B-3, they went back to B-2 and in reading that, it had an even different calculation for how to calculate side yards, which seemed very confusing. She indicated that their goal was to make B-2 and B-3 harmonious and have a similar side yard calculation and not have one based on the height of a building and the next one just a set number (setback). She stated that she was proposing they include B-2 in the amendment and then have that same language where when any side lot joins a residential district, the side yard adjacent to that lot line shall not be less than twenty feet so consistent B-2 and B-3 would have that twenty foot. She mentioned that there used to be some residential uses that were permitted in B-2 and B-3 but those were kicked out through legislation in 2014 and some references to those residential uses were not kicked out. She explained that the permitted and conditional uses were changed but all the other regulations related to those residential uses were just kind of left there. She added that she was proposing to just strike those out since they bared no relation to uses which were currently permitted in the district. She discussed that it started out as a side yard setback issue of B-3 and kind of grew some tentacles into B-2 and then just cleaned up the particular sections as she went along.

Chairman Smolik stated that it was correcting the setbacks but there would still be buffering like mounding and landscaping that would still be the Commission's authority.

Director Lieber explained that Chapter 1288 specifically outlined when buffer strips would be required based upon the districts and the adjacent uses, how wide those strips have to be and what had to be planted in them. She stated that they could probably do a better job of articulating those keeping them up a little bit but they were still there and were still applicable to any commercial project that abuts a residential district. She commented that if you change the code in



one place and you don't change it somewhere else you may have inconsistencies and was why she was referencing bumper strips in the B-2 District instead of buffer strips in the buffer strip chapter.

Chairman Smolik asked if it was in a committee or Council.

Director Lieber explained that she prepared it in ordinance form so that it was ready to go but it was starting with Planning Commission and if they recommended it then it would be introduced at the next Council meeting for first reading and then it would go through the normal three readings and public hearing process.

Vice-Chairwoman Swallow asked if there had been any discussion on rear yard setbacks where it abuts a residential property.

Director Lieber stated that there had not. That it was just regarding the side yard.

Vice-Chairwoman Swallow remarked that she wondered if they should be providing some sort of protection for the residential properties that abut commercial on the back side of the commercial lot as well for future discussion.

Director Lieber discussed that it would probably be the buffer strip. She stated that the buffer strip chapter for any abutting residential districts on any side or rear property lines, so it would cover any of those circumstances.

Vice-Chairwoman Swallow stated that sometimes when there was a lot like the last proposal they had just seen, they had two speakers back there and if it were too close to a residential line, it wouldn't matter how much buffering they had because that noise would be in somebody's backyard.

Director Lieber mentioned that there were other areas of code that might be relative to the drive through, uses of drive throughs and cut back distances from speakers or if it pointed to a residential property that they needed to think about.

Member Abens asked that regarding the setbacks if they made sure that they conformed with the fire code separations.

Director Lieber remarked that they had not specifically matched zoning to fire.

Vice-Chairwoman Swallow asked if they would just require additional firewall. She stated that they could have them abutting each other as long as they had the proper fire rating.

Member Abens stated that he believed they would need fifteen feet from a center line for a total of thirty feet between the two buildings if they weren't fire rated walls. He explained that if it were fire rated walls that would change a little bit.

Director Lieber mentioned that Building and Fire Codes wouldn't always perfectly align with Zoning. She stated that if the zoning setback was a minimum of fifteen feet or in some cases twenty feet from the side property line and if there were already a dwelling or a commercial use that was on the neighboring property, the new use would have to build with the material that would be permitted within that distance if they were within the zoning setback.

Vice-Chairwoman Swallow stated that they were talking about new construction and weren't changing anything with existing so that would have to be reviewed and approved by Building for a new structure with a firewall rating.

Director Lieber stated that was correct and the burden would then be on the new developer.

Chairman Smolik asked for any further questions or comments.

None were given.


Moved by Swallow and seconded by Graupmann to recommend adoption of the changes to Sections 1266.04 and 1268.04 of the North Ridgeville Zoning Code to update lot and yard requirements.


A roll call vote was taken and the motion carried.

Yes – 4      No – 0

**ADJOURNMENT:**

The meeting was adjourned at 7:35 PM.

  
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**James Smolik**  
*Chairman*

  
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**Tina Wieber**  
*Deputy Clerk of Council*

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Tuesday, October 11, 2022  
**Date Approved**