

**NORTH RIDGEVILLE PLANNING COMMISSION
MINUTES OF
REGULAR MEETING AUGUST 12, 2014**

To Order: Chairman Larry Mollenkamp called the meeting to order at 7:00 P.M. with the Pledge of Allegiance.

Roll Call: Present were Planning Commission Members Tim Anderson, Jim Hurst, Robert Olesen, Vice Chairman Jim Rothgery, and Chairman Larry Mollenkamp.
Also present was Law Director Andrew Crites, City Engineer Scott Wangler, Safety-Service Director Jeffry Armbruster and Deputy Clerk Donna Tjotjos.

Minutes:

Chairman Mollenkamp asked if everyone had a chance to read the minutes dated July 8, 2014. He asked if there were any corrections or changes to those minutes. Hearing none, he stated the minutes will stand as written and will be placed on file.

Correspondence:

It was moved by Rothgery and seconded by Hurst to suspend the by-laws to allow the Clerk to read correspondence received after cloture and to read the correspondence after each respective case.

Chairman Mollenkamp asked the Secretary to call the roll.

Yes, 5 No, 0

Chairman Mollenkamp explained that due to the size of the audience tonight and the number of applications the Planning Commission has, he would like to limit to three minutes, any questions that need to be presented to the Planning Commission by anyone other than the appellant and or any member of the Board. If it goes on any longer than that, he explained, that the Commission will be here until breakfast tomorrow morning. He also asked that anyone who would like to speak to the Board to step up to the mic and stated their name and address and direct the questions to the Commission. He moved the meeting on to old business and asked the Secretary to read the first application under old business.

Chairman Mollenkamp then asked the Clerk to read the first application under old business.

Old Business:

APPLICANT: Jim Kilby, 35296 Chestnut Ridge Road
OWNER: Harvest Ridge Church, 35600 Lorain Road
REQUEST: Approval to extend Lorain Road Sanitary Sewer
LOCATION: 35600 Lorain Road in an R-1 District
Permanent Parcel No. 07-00-024-101-109

**APPLICATION WAS POSPONED AT THE JUNE 10, 2014,
REGULAR MEETING**

Application was read along with comments from the Administrative Officers. A letter received from Mark W. Smith, Lorain County General Health District was read.

Chairman Mollenkamp addressed the applicant and asked if they would step forward and stated their name and address and provide a brief description of their application.

Jim Kilby, 35396 Chestnut Ridge Road, North Ridgeville explained that Harvest Ridge is requesting to extend a sanitary sewer that will be a ten inch pipe, twenty feet on the north side of Lorain Road going from Stonebriar manhole westward and it would end at the west property line of Harvest Ridge Church. It will involve four to five manholes; no lift stations, 24 taps which include businesses. He believes that 21 of them are for residence and 3 are business taps. Right now this is the first step of the approval process. They have already consulted with the Engineer several times. As a result of the meeting in June, they had sent a letter and they had replied providing an explanation of everything and another set of revised drawings were sent back to the Engineer to satisfy those answers and so they went beyond to try and address all those things. The approval process will go to the EPA's Twinsburg Office and they have provided the application. He has sat with the Ohio EPA and this is nothing really out of the ordinary. They have no quarrels with what they are doing. They chose to hold back on the Ohio EPA application until after they received Planning Commission's approval.

Chairman Mollenkamp addressed Engineer Wangler and asked if they have met the requests made from him from the last meeting.

City Engineer Wangler stated that he had a few comments to their submittal, which there was nothing earth shattering in the comments. It is nothing out of the ordinary for a plan at this stage.

Chairman Mollenkamp asked if there were any questions from the Commission.

Member Hurst asked if the applicant could describe what the church addition would be used for and what the difference would be to cause for the new sanitary sewer system rather than modify the septic system.

Jim Kilby stated that based on what Mark said in his letter, the sanitation that is present there at the church is leech bed in the front along Lorain Road and it is based on certain criteria, which is part of the size of the sanctuary and that is already maxed out. He stated that there is no chance in trying to expand that system.

Chairman Mollenkamp asked if there were any other questions from the Commission.

Member Olesen asked if they were to get approval for this application, what would be their target date for completion.

Jim Kilby stated that if it moves forward, it would be next year.

Member Rothgery asked if the applicant still intends to run laterals across the street for the resident's.

Jim Kilby stated that the main trunk will go down Lorain Road and the laterals will have to go under Lorain Road to the south side and by engineering criteria, they have to go beyond the easement. Then the homeowner would have to pick up the lateral at that point and run it to their home.

Chairman Mollenkamp asked if the laterals would be bored under Lorain Road.

Jim Kilby stated they would have to be. He explained how.

Member Hurst asked where the access will be to the property on the north of the new 480 or 10.

Jim Kilby stated that the church already owns access from Route 83. The problem in trying to run sewer that way is that it is further away and the master plan for the sewer system was to run down Lorain Road before it hits Route 83. He stated that a few meetings occurred with the Mayor and that was the preferred means to access at that time.

Chairman Mollenkamp asked if that was the same spot that the utility building received approval.

Jim Kilby stated at one time, yes.

Chairman Mollenkamp opened the floor to the administration.

City Engineer Wangler stated that with regard to the flows, there is a flow meter currently at Jaycox and Mills and that interceptor. He believes a lot of people in the audience are adjacent to that interceptor and are experiencing some degree of flooding under wet weather and to try to shed some light on the scales that we are talking about here, that line flows at 2 million gallons a day in dry weather and with the INI problem that we have it is flowing at 21 million gallons a day. The additional flows for this line, if they use a standard guideline which are 400 gallons per day per house, which he feels

is very conservative. He believes that a lot of houses use a whole lot less than 400 gallons per day, but even if each house used 400 gallons a day the dry weather flow would go from 2 million gallons to 2.01, which is essentially immeasurable for the flow meters he has and so, the real thing that the City is suffering from is INI and it is not the dry weather flows that are really causing the grief.

Chairman Mollenkamp opened the floor to the audience. He asked if they would come up to the podium and state their name and address for the record and you will have three minutes to provide your questions.

Nita Morrison of 34939 Northview Circle explained her flooding concerns as well as her opposition to adding additional people onto the flow of the sanitary sewer lines.

Chairman Mollenkamp asked if there were any additional comments from the audience.

Ana Wismer of 34934 Northview Circle spoke her concerns in adding additional homes to the sanitary sewer and what that might do to add to her flooding problems. She asked that the City be given a chance to correct the problems and then Planning Commission could consider this application.

Pat Wysocki 7480 Noll Drive stated she was in attendance for the last meeting and it seemed that the EPA permit was a big concern and wondered if the EPA permit was provided. She believed that the INI issue needs to be taken care of before you add more people. The repairs need to take place first.

Chairman Mollenkamp addressed the Engineer and asked if the EPA permit was provided.

City Engineer Wangler stated no.

Jim Kilby reiterated that he sat with the EPA official from Twinsburg numerous times and their main interest is in the main trunk. Their main concern is leakage because they have requirements for sealing everything with modern construction and their main concern is the capacity at the French Creek Wastewater Sewer plant. They say little about the six inch laterals, but they want those sealed also. He was prepared to issue the PTI permit through the EPA and they have to have signatures in order to do that. They felt it would be a waste of money to get the permit first before they received the approval from Planning Commission.

Arnold Dejong of 35431 Lorain Road stated that he is not aware of what INI is and he is still a little confused as to what it might cost him to hook into that type of system. He would like some kind of a bracket in terms of dollars. He asked if it was possible for

two people to use one tap to connect.

City Engineer Wangler explained that INI is storm water getting into the sanitary through cracks, leaky manhole lids, cross connections, thousands of little imperfections in the system that add up to something big.

Chairman Mollenkamp stated that he didn't think that the Commission could provide a cost of what it would be for the tie-ins.

Member Olesen addressed Safety-Service Director Armbruster and stated that earlier a discussion was held regarding dates for completion of this application's installation, which would be next year. Those that are involved would have to tap-in a year after. He stated that the City is working diligently on the storm water management and asked where the City will be as far as infiltration is concerned in another year and a half.

Safety-Service Director Armbruster stated that based on a timetable that truly is going to be set by City Council; they will have the funds to move forward on sub basins 5, 6, 7, and 8 with the engineering sometime this year, if it goes through City Council. Legislation was introduced and Dennis Boose's committee will be meeting on that discussion on Monday. The \$50,000 for the EQ Basin study is also in that Committee. We are hopeful that that legislation will come out of there and get adopted to authorize URS to complete the study. He stated six months from now the City is going to be substantially down the road on sub basins 5, 6, 7, and 8 with the repairs next spring or summer and probably a year from now, depending upon the location, for the EQ Basin. He explained that North Olmsted uses the EQ Basin to store the sewer water during a storm event which is 1.5 million gallons in one area and another 2 million gallons are held in another. He stated that Lorain has built tunnels and Cleveland has built tunnels. The City will have the funds because City Council has moved forward in raising the sewer rates to \$9.00 beginning August 1; per home from \$1.82 and six percent in sewer rates in order to go ahead with these projects. He stated that the City is moving very quickly with legislation already introduced.

Margaret Fink of 35295 Lorain Road explained she was at the last meeting and she didn't feel any more informed than the last meeting. She stated that the church will be putting \$400,000 into this project and the residents are unsure of what it is going to cost them. She asked if this will cover any damage done to Lorain Road and can they be assured they won't have flooding. She stated that the flooding problem needs to be solved first.

Bernard Fate of 35541 Lorain Road asked what depth the sewer will be at the church.

Jim Kilby stated that the invert at the main trunk is close to six feet down.

Jim Larosa of 35199 Lorain Road explained that he has been a mail carrier for North Olmsted for 30 years and he watched what they have had go on. He continued to explain what North Olmsted has done to help resolve the issues and did find out during a conversation with the Lorain County Health District the cost for the tap in fee was approximately \$7,500.

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

Member Rothgery addressed the Administration and asked what the current tap in fee is.

City Engineer Wangler stated that the tap in fee is based on your water meter size and in the event that you do not have a water meter, the utilities department makes an attempt at what your water usage may be and calculates a tap in fee that way. So, it does vary. The numbers that were in the report were ball park numbers that would capture the whole range of variables along the road there.

Member Rothgery asked if that would be roughly \$7,000, plus construction costs.

City Engineer Wangler concurred.

Member Rothgery asked if there was anything that the City can do about the tap in fee.

Law Director Crites stated as a creature of ordinance that the City has had for quite some time, anyone who has a septic and a sanitary is run within 200 feet from the house, there is state law that requires that person to tap in. If that person comes to the City Treasurer's office, there is a program where the City essentially allows one to finance that tap in fee over ten years. There is a choice to either pay it all up front or the person can come in and sign a note that will be certified through the County Auditor's Office who will then place that note on the tax duplicate and it will be added to your property tax for the next ten years. If there is a \$7,000 tap in fee, over ten years, your property tax would increase by \$700.00 per year. There are no hurdles to get that and you don't have to pass any criteria of indigence. You just have to come in and ask for it. He explained that the resident would have to pay two things. They would have to pay the tap in fee to the City and they would also have to pay someone to dig the lateral and what that cost is dependent upon how far the house is from the street, where the septic tank is located and who you hire. Its a few thousand dollars.

Member Hurst stated that recently a developer extended the sewer at his own cost of \$1 million and a half bucks or so and it was his investment. They were able to negotiate with the City where the developer received the tap in fees. He asked if there were any

possibilities where the church would do something similar here.

Chairman Mollenkamp stated he believes that would have to be negotiated between the applicant and the homeowners.

Law Director Crites stated in that situation the developer not only installed the core interceptor and not the six inch lateral, which is a component of everyone's tap in fee. The tap in fee is made up of four components and one of those components is the interceptor fee and in consideration; done by ordinance, of that developer coming in and installing a long length of interceptor down route 83, where we needed it, he then for every home that was built in his development, that portion of the tap in fee would be removed because they paid to put it in.

Member Anderson addressed the Law Director and asked if he knew if there was any intention of the EPA outlawing septic systems.

Law Director Crites stated that they sure would love to, but he couldn't see that ever happening. He agreed with the woman who spoke and restated that when they work, they work great. He personally has one that works fabulous. It is accepted through both federal and state EPA that the goal is that any chance there is to eliminate a home waste treatment system in favor of a chemical system that treats it and turns it back into water that is what you want to do. Is it outlawed? No, but they push hard to get everyone hooked in.

Safety-Service Director Armbruster stated that this is unique from the stand point of finishing out the master plan in installing that sewer down Lorain Road. The sewer does not come down Route 83. It was intended to come down from Island Road and come down that way. This is an opportunity for the home owners down there who have very nice homes; they have lived next to and across the street from businesses and some of that land across the street will give the City the opportunity to develop with the sewers there. It isn't like hundreds of homes are being built down there. It is an opportunity and if this isn't approved it won't stop it from possibly happening sometime down the road. There has been some interest in that property there and there is no way to really develop it unless there is a sanitary sewer.

Member Rothgery addressed the Safety-Service Director and asked if this sewer line is to go all the way to Route 83, then why aren't we making it.

Safety-Service Director Armbruster stated that because the request at this point is for this applicant. You can't force someone to take it beyond their property. There are rules that you have and it just doesn't go down that far.

Law Director Crites stated that if the City had the funds, they would and the City could use eminent domain to get the right-of-way to drop it in. Wealthy cities do that. That is our plan, but we don't have the wherewithal to make it happen.

Member Hurst addressed the audience and asked if anyone could tell him where the discharge goes from their septic systems and if there have been any problems in the recent past.

Devona Grundy of 35635 Lorain Road stated her septic system has been working since 1955. She has not had any problems with it. It drains back in her field. She stated that the developer is going to find once they start digging on Lorain Road that they will run into water because there is an underground river there and you can't dig a hole without it filling up with water. They are going to have a lot of trouble with that. She asked if she put the tap in fee on time payments what would happen when she sells her home.

Law Director Crites stated that it is a voluntary assessment. It is collected as a tax but it is not a tax. It is money owed to improve that property. So, it would be collected upon the sale of the property. It would be taken from the gross purchase price before he net proceeds.

Member Mollenkamp stated that the buyer is not going to be charged.

Law Director Crites stated unless they negotiate otherwise.

Chairman Mollenkamp stated that if there were no other questions of the Commission, he would entertain a motion.

It was moved by Hurst and seconded by Olesen to approve the application to extend the sanitary sewer.

Yes, 4 No, 1 (Anderson)

Motion was approved by a vote of four yes and one no.

APPLICANT: Chris Taylor, Pikeview Materials, LLC, 7719 Race Road

OWNER: Race Road, LLC, 37000 Center Ridge Road

REQUEST: Approval to operate existing temporary structure as a permanent facility and to install additional asphalt pavement in an I-2 District.

LOCATION: 7719 Race Road in an I-2 District.

Permanent Parcel No. 07-00-034-000-134

**APPLICATION WAS POSPONED AT THE JULY 8, 2014,
REGULAR MEETING**

Questions submitted to the Applicant along with some responses to those questions

were read.

A letter received from Larry and Marie Kane was read which informed the Commission of the operations at that facility which may not be following code.

Chairman Mollenkamp addressed if there was a representative and asked if they would state their name and address for the record.

Clarence Watkins of Bramhall Engineering representing Pikeview Materials and Race Road, LLC. He explained this application was before the Commission a month ago and as was discussed at that time, Pikeview Materials operates a crushing operation within the limits of Race Road, LLC property. Over the course of the last year and a half there was correspondence with the EPA. The EPA required action on the part of both Pikeview and Race Road LLC. Pikeview Material crushing operation was required to obtain an industrial SWM (Storm Water Management) plan and submit a permit request to the State of Ohio, pay a fee, develop a plan and that was all done. That plan is a matter of record and is maintained at the facility. He believes that copies were provided to the City Engineer this evening. In addition to that, Race Road, LLC is required to provide a Storm Water Pollution plan for the entire site outside the limits of the industrial operation. That plan was submitted to the EPA. That plan was ultimately approved and what they call the best management practices that were required by that plan were installed. There were comments during the last meeting from the Commission and they tried to address some of those comments prior to the meeting. Hopefully they can address some of those other comments this evening. There was a comment made regarding the runoff from Race Road LLC going down the slope that was mentioned and going into the ditch flooding the property. The applicant had some people visit the site at the far end of the ditch which is rather shallow at approximately six to nine inches deep. The applicant is willing to deepen that ditch to allow for additional capacity beyond what existed a month ago. That site was a fly ash site and digging down into the fly ash is not a solution. They made recommendations that the ditch be widened and that ditch be staked along the slopes so that would preclude the water from just running freely down into that ditch. They looked into the matter of whether or not it could be burned on the east side to protect the neighbors, but while they would be protecting them, they would also be obstructing the free drain of their property because the rear of their lots also goes to that ditch. They have provided those plans to the Engineer and so, they are addressing these things. They do know that ditch is of adequate capacity and that will answer the question one of the residents had. He explained the storm water management plan best practices. He continued on and spoke of the buffer requirements noting that there is a significant amount of trees on approximately three, four or five properties to the east on Maddock Road. There is one property that is open and the owners are willing to add whatever ordinances would require by way of screening or buffering. They would like to not put it where it is not

necessary and there may be a judgment call and the City could be the arbitrator of that. He stated that if there is a need for screening to meet the code, the owners and the operator are more than willing to do that. He stated that if there are additional BMPs the Engineering Department feels is necessary, through the design process to provide further protection on the storm water management front, the owners will be willing to work with Scott Wangler and do what he wants. He explained that they want to get Planning Commission approval to this permanent building facility. He stated that he is aware of how this was originated, but they have been crushing concrete at that site for years and years and even prior to this operation. The crushing of concrete on race road is not a new activity. It was may be done by different people, but it is gone on. Many of the questions that were brought up relate more to the building department and the making of this structure permanent. Whatever electrical changes that are required by the Building Department will be done by the owner. They will submit plans through the Building Department once they have received approval from this Commission. Some of those questions were explained and detailed out, but they will continue to work with the Building Department. There was a question about the need for a permanent restroom facility. Currently it is handled with a port-a-potty. That usually works with construction sites and he does understand the question on the nature of the site. He stated that if the owner is required to add something more permanent, there are some options they would consider with the City. They want to find a way to satisfy the City to have that restroom facility in a less visible and make it more of a permanent rather than temporary. Primarily they wanted to add the asphalt for dust and dirt control. There is a large trailer there that is parallel to Race Road and they will be removing that.

Chairman Mollenkamp addressed the Commission and asked if there were any questions or comments.

Member Olesen asked how many acres the applicant has to work with right now.

Clarence Watkins responded 58 acres.

Member Olesen asked what the primary recycling materials are that are being received right now.

Clarence Watkins stated that they take concrete and crush it and make products to sell. Primarily it is number one and number two stone and number 57 stone. It is a recycling operation in the industrial area. In addition to that, Race Road LLC is trying to fill that site and fill the fly ash ponds and some day build an industrial park there and sub divide the land or lease the land. Those are options that are out there but what they are really trying to do is prepare the site for future development.

Chairman Mollenkamp addressed the applicant and asked how they know what type of concrete is coming in. In other words, he explained that any contractor could be hauling concrete into that facility that is contaminated. If that is the case and they crush this contaminated concrete, he asked how they can let that concrete leave that facility to be installed in foundations that is in the home building industry. He explained that is his concern because he has seen them pull concrete out of the Ford Plant and some of the other industries and that stuff is contaminated.

Chief Building Official Fursdon stated that in North Ridgeville they will not let them put recycled concrete inside the residential structure or commercial structure.

Chairman Mollenkamp asked how that is policed. He stated if that comes out of there on a dump truck, he didn't know where it was going.

Clarence Watkins stated that he didn't know that the occurrence of contaminated concrete is very prevalent, but he did acknowledge that it could happen and probably does happen. He explained generally, this is just construction debris that is recycled for use and people are trying to make a living at it. He added that the EPA has inspected this site and that is why the storm water permits; both the Race Road construction site and the Pikeview Industrial site were required and they now have plans that are in place and the EPA will monitor and see that they follow those plans and there was a situation with material that was brought there that shouldn't have been brought there and was removed as a result of an EPA comment which went to Race Road LLC and from there it went to the trucking company that brought it there without their full knowledge and was ordered to remove. John Zabo of the Lorain County Health Department was involved, who made several trips to the site and saw that the material was removed. Lots of paperwork was involved was sent to the Lorain County Health Department demonstrating the compliance. EPA is watching what is going on there and the Lorain County Health Department is watching and North Ridgeville is watching. They are being more stringent on what is allowed to be brought there. He explained that construction debris is not allowed to be brought there only hard fill is allowed to be there. The Health Department has to be notified that it is going there and they have the right to inspect it and require its removal if it is not according to the standards. He stated that there is a gatekeeper and that gatekeeper is the Lorain County Health Department.

Chairman Mollenkamp addressed the applicant and asked why it has taken so long to come to the Planning Commission when they were requested to come previously.

Clarence Watkins stated he didn't have all the answers for that and believes that some of it is just trying to get everything done and they realized that the City wanted asphalt pavement and they got themselves in a place that they could do that. He stated as soon

as he was involved they met with Mr. Fursdon and prepared a plan. There may have been some history prior to that. There may have even been a naiveté that even a permit was required. Once it was brought to their attention it was addressed.

Chairman Mollenkamp stated that was eighteen months ago.

Clarence Watkins stated he wasn't aware of that.

Chairman Mollenkamp asked if there were any other questions from the Commission.

Member Olesen addressed the Engineer and Building Inspector and asked if there was anything they want to add before the Commission considers approving this operation.

City Engineer stated that the EPA permits were received today. They have received a Storm Water Management Plan and an Erosion Control Plan. He could not provide a review of those documents before this meeting but it is pretty complete. He stated that they will need to meet items not in compliance before the permit can be completed.

Chief Building Official Fursdon stated that they were trying to seek Planning Commission approval because it was brought to their attention that this was not going to be a temporary facility which would require Planning Commission approval. Once that is obtained, they will address all the building code issues, electricity, restroom requirements, etc.

Chairman Mollenkamp added that if Planning Commission approves this application, it will still need the final approval from City Council before they can do anything.

Chief Building Official Fursdon stated that all Planning Commission action needs to be approved by City Council.

Member Rothgery addressed Chief Building Official Fursdon and asked if they received a temporary permit then how long is that temporary permit good for. The only permit that was found was a temporary electric permit and that was done in 2006.

Chief Building Official Fursdon stated they completed all the work under the temporary permit and then they proceeded to run underground electric from the temporary service back to the building. At that time, the only violation that he was aware of was that the temporary pole needed to be made more permanent in nature. He stated is it a hazard, no, but it needs to be more permanent in nature to stand up to the elements over the long haul. He stated he wished he had the answer to why the applicant didn't come before Planning Commission before now. They were asked several times.

Member Rothgery asked if there was a grade change permit.

Chief Building Official stated that is something that has to be asked of the Engineering Department.

City Engineer Wangler stated that there has been no request submitted to him for grade change permit.

Member Rothgery stated that although they have changed the grade by at least 20 feet, there is no permit for that.

City Engineer Wangler stated his history with the City goes back four years and he believes that the activity on this site precedes him by a long, long time. He can really weigh in on his involvement.

Member Rothgery stated that it didn't show up over night. It didn't show up in a year and it didn't show up in two years. He asked how many trucks are going in and out of that place per day. He asked if anyone knows because it is a bunch.

Chairman Mollenkamp stated he counted 15 in a half hour.

Clarence Watkins stated that is approximately 50 or 60. He stated he appreciates the comments and the point that the members are trying to make. He stated he isn't a part of all the discussions that went on prior to this, but this crushing operation has been going on and representatives of the City have been there and it hasn't been a secret. Maybe there was a lack of permits by naiveté and then only later when a permanent structure was required people started backing up that with all the other requirements that were necessary. He believes that the owners and operators were responding to the EPA and maybe that was sufficient to them. He stated that it has been nine months since they submitted plans to the EPA. It may be twelve months or more that they received letters from the EPA and it isn't as though there hasn't been someone addressing any of it. They have been trying to move this forward as quickly as possible and he reiterated that he does not have full knowledge of all the correspondence that went back and forth. If they can get through the Planning Commission for the operation of this facility in this use group, which this kind of thing should occur within this use group, then they will work with the Building Department to meet every requirement of that office for the building and for the documentation required and they will work with the Engineering Department for every aspect of the site management required. He stated if the Engineer requires more detail on their plan or more survey required, that will be provided. The ultimate approval of this operation would come from those offices.

Chairman Mollenkamp corrected him and stated actually that would be City Council.

Clarence Watkins reiterated that they will work with Mr. Fursdon and Mr. Wangler and dispose of any outstanding issues before they go forward.

Chairman Mollenkamp asked if there were any other questions.

Member Anderson addressed Chief Building Official Fursdon and asked if a temporary structure could be made permanent as it just didn't sound right.

Chief Building Official Fursdon stated yes. The only difference between temporary and permanent is the way you secure it in its place. There are other factors as they believe that structure there will stand up to the wind load and snow load. They just have to make sure that it is properly anchored in place under the requirements of the code.

Member Anderson asked then why wasn't it made a permanent structure to begin with.

Chief Building Official Fursdon stated that he doesn't have the authority to approve anything until Planning Commission approves that facility on that location.

Clarence Watkins pointed out that what is there is a job trailer which is what is seen at every construction site and it is temporary. For it to become a permanent building, it has to be anchored with ground anchors which may be seen in a mobile home park as more permanent and the code has certain requirements for that and those were addressed on the drawing to be added. That is how they are trying to make it go from a temporary job trailer to a permanent office. If the issue of the restroom needs addressed, the owner and operator will add a permanent restroom inside the building and not a port-a john. It would go from a temporary facility like every construction site to a more permanent facility that would be more appropriate for long term use. Mr. Fursdon mentioned that the electric that was run there was a temporary electrical hook up utility companies routinely do. They will add what is required for the electrical to become permanent.

Member Rothgery asked if the Secretary could pull up the picture of the Pikeview Trailer that is parked along the turnpike.

Secretary noted that it was blurred out and didn't copy over.

Member Rothgery stated that the applicant keeps referring to this as a crushing operation but the trailer that is parked out there is advertising a dump. He stated he didn't understand how this could just be a crushing operation if the sign says dumping.

Chris Teater explained that the material that comes in, fill dirt, is dumped from small operators that get it on various construction jobs. What they use it for is fill dirt. As stated earlier, that site needed fill to eventually be able to be developed and couldn't because of the fly ash that was there. They are creating a cap on top of the fly ash for future development. The permit that they received from the EPA was a construction permit for future development. They issued their construction permit for that site. That is what is going on and in the interim the product that is crushed, is brought in, and crushed and it leaves the site.

Member Rothgery stated that he has never seen a full dump truck leave that site. He stated he has only seen dump trucks going in and emptying their load.

A person spoke from the audience but it was inaudible.

Chairman Mollenkamp stated that in the half hour that he was sitting there watching he did see a number of trucks come out with stone and like he stated before that in that half hour there were 15 trucks that came out but there were way more going in. To answer the question, he did see some come out with stone.

Member Olesen addressed the applicant and asked how deep is the fly ash below that property.

Chris Teater stated approximately 15 feet.

Member Olesen asked if they could build on a fly ash pit. The City acquired park land off Cook Road and they couldn't put permanent structures on that land because it was built up of fly ash. He again asked how do they compensate for that to be able to build on it.

Francis Dettore of 36908 Center Ridge Road explained that property was a lake that was contaminated with ph and somebody had to do something with it. He bought the property at tax sale and dug out what Medina put in there which included mixers, etc. He pulled everything out of there at the tune of \$1million bucks. He started to fill in the lake after he decontaminated it. The crushing operation was Medina's and they had dumped drummers for ready-mix right in the lake. They went in there and cleaned up the mess. They are trying to do that again by raising the grade so they can get the drainage properly. Contaminated concrete is not permitted there. There is an operator that will tell them to take it out of there. They watch it very carefully along with the EPA. They want to do something nice for the City and make it clean. The Pikeview sign along the turnpike is coming down. There was a deed restriction put on that thing almost a hundred years ago and nobody found it until lately.

Member Hurst asked if anything can be done about the hours of operation as the dump trucks dumping at 6:15 is a little early.

Chairman Mollenkamp stated yes, the ordinance is 8:00.

City Engineer stated that construction is allowed to start at 7:00 and he didn't know if this operation would be classified as construction but supposed it would.

Chairman Mollenkamp addressed the applicant and stated that they have been crushing stone there for a number of years, he asked what happened, and did they just get caught.

Mr. Dettore stated no.

Chairman Mollenkamp stated that the applicant decided to come to the Planning Commission after they were asked to and now they are here but they have been crushing stone. He stated that he has been driving down that road for the last 45 years and had no idea.

Mr. Dettore stated he had him beat. He's got 50.

Chairman Mollenkamp stated that what it seems like to him is that they are here and are willing to do anything they want in order to continue with what they have been doing for the last ten-fifteen years.

Mr. Dettore stated that White Ready Mix was up and doing business in 1960. He was a part of that and he sold that to his brother and his brother sold it to Medina. Shelly bought it from Medina out of bankruptcy and he bought the 50 acres of land at a tax sale. When he got the land, he didn't know that the lake was contaminated and that there was all that stuff inside the lake. He put a million bucks into that think to try and clean up that property and make something out of it. They have to get that high enough so if you want to put a water line in there, it won't go into the fly ash. He stated that you could build on fly ash. In fact Medina Supply is on fly ash.

Chairman Mollenkamp asked if there were any other questions.

Member Hurst asked if there were any relation to this business and St. Anthony's Recycles, which is the new sign that went up. He asked if there were any relationship.

Mr. Dettore stated no.

Chief Building Official Fursdon stated that they were informed that periodically they would come in for maybe a month and crush up concrete but then they started a more

permanent operation. That is when the building showed up on site and we asked if that was going to be there six months to a year or longer. They were told longer. Their answer was at that time that they had to go to Planning Commission. That is part of the reason why they are here.

Member Olesen stated that he didn't believe that Planning Commission is against the operation as it is an industrial area. It is the many holes that is in the process of getting us here. He stated it isn't what they do on the property because it is industrial use. It is the voids that happened before this meeting.

Chris Teater stated the void that he believes is being discussed was about fourteen months that, that trailer has been on site. In their language it is temporary because as they described was the intent for that property is to be an industrial park and this is an interim use while they prepare that. To operate the crushing business, he believes, they would not be here in front of Planning Commission. It is solely what now is termed by the City is the permanent use of that building that requires us to be here. Not the business and nothing to do with the business, just that building and whether it is temporary or permanent. In their usage of it, it is temporary but after discussions with the City and Guy they said the length of time that they will be there is probably permanent. That is why they are here; for that building and solely for that building.

Chairman Mollenkamp asked if there were any additional questions.

Member Rothgery asked what the grade will be when it is completed because right now it sticks up above the railroad track. All the folks along Sugar Ridge have to look at that mountain. He asked how long it will be that high.

Chris Teater asked if he was talking about the fill dirt or the mound of concrete that will be crushed. The concrete will be crushed and gone before they develop the site.

Chairman Mollenkamp opened the floor to the Administration.

Safety-Service Director Armbruster state that they have been working with the Frank and the Fabrizzi's since he has been back here in 2009. The temporary process has been substantially improved from what it was prior to that and he knows that the Administration was working with them previous to him coming back in 2009. So now we are to a point where it has become somewhat permanent. The stone does move in and does move back out. He has also observed a lot of trucks going in, but there are an awful lot of trucks going out with one's, two's and 57's. I believes that the stone has to be approved by ODOT for it to be moved to placed in roads and he isn't sure if this stone is or not, but ODOT has a process that goes in and approves the crushing operation if they are to be using it in the construction of roads. It has been difficult for

everyone. The Dettore's and the operations of Fabrizzi's have worked with the City and there have been times that there were words that maybe shouldn't have been spoken but they have complied moving forward and they are certainly complying now because Guy, himself and the Engineering Department have been down there letting them know that if they are to stay in this operation, they need to become permanent and meet all the guidelines and come in front of Planning Commission and that is where they are today.

Chairman Mollenkamp addressed Mr. Dettore and asked if he had a question.

Mr. Dettore spoke from the audience and it was inaudible.

Chairman Mollenkamp opened the floor to the audience. He asked if they would like to speak to step up to the podium and state their name and address for the record.

Mr. Larry Kane of 8044 Maddock Road corrected the email that was read from him during correspondence it was left out that he believed that the applicant was unintentionally missing some codes and laws and he didn't blame them for that. He stated the comment that was made regarding using his woods for a buffer doesn't fit with the code because 1288.04 states that the buffer has to be 35 feet set back into the applicant's property. That would be from the north barrier to the south barrier. As they design the roadway they need to keep that code in mind because it is in the law. They would like that equal protection of the law. He stated that the wording states residential district but then in 1288.03 it also includes any residences in any other zones that are being used as residents and so they are privy to that protection of the law as well. He also pointed out 634.01 states loading and unloading of building materials is covered to be after 7:00 A.M.

Chris Taylor of Pikeview Materials, 389 Columbia Road, Valley City, Ohio stated that there was comment made regarding the taxes paid and explained he spoke with their accounting and there are payroll taxes paid for the employees that work there. As far as business taxes, that currently the business does not turn a profit and therefore taxes are not paid.

Chairman Mollenkamp asked if there was a tax charged for the materials leaving.

Chris Taylor stated that he would have to check with accounting on that. He believes sales tax is paid. He stated that payroll taxes are paid and Pikeview does not profit from the construction materials.

Chairman Mollenkamp asked if there were any other questions. Hearing none he entertained a motion.

It was moved by Hurst to approve.

Member Olesen added he would like to add that the approval be contingent on meeting the Building and Engineering requirements.

Member Hurst stated that, that is automatically built in to the approval.

Chairman Mollenkamp stated that there is a motion on the floor and he asked for a second.

Motion was seconded by Anderson.

Chairman Mollenkamp asked the Secretary to call the roll.

Yes, 3 No, 2 (Rothgery, Mollenkamp)

Motion was approved by a vote of three yes and two no.

Chairman Mollenkamp called for a recess at 8:40 P.M.

Chairman Mollenkamp resumed the meeting at 8:45 P.M.

NEW BUSINESS:

Chairman Mollenkamp asked the Secretary to read the first application under new business.

APPLICANT: Paul Pustay, Consultex Project Managers, LLC, 51300 North Ridge Road

OWNER: M&B Real Properties Holding, LLC, 36625 Center Ridge Road

REQUEST: Approval to construct a 5,067 square foot office building to be known as Greenlawn Professional Building in a B-5 District.

LOCATION: 36591 Center Ridge Road in a B-5 District.
Permanent Parcel No. 07-00-028-103-124

Application was read along with comments from the Administrative Officers.

Chairman Mollenkamp asked if there was a representative and asked them to state their name and address for the record and asked if he would provide any new information.

David Bogner of M&B Real Properties Holding, LLC, and owner of Greenlawn Professional Building introduced himself as well as Paul Pustay, Engineer.

Paul Pustay of Consultex Project Managers, LLC located at 51300 North Ridge Road, Vermillion, Ohio explained that they are here tonight because of the improvements that are going on for the State and the Center Ridge Road widening is going to take down the Midtown Office building which Mr. Bogner controls and he is anxious to find a new home for his tenants and he has located this facility for a professional office

building be located on Center Ridge at the intersection of Green Lawn Drive and Center Ridge. The facility as shown on the drawing will be 5,067 square feet and many of the tenants will be moving from the old location to this new location. The office building is located in a B-5 zoning district and on all sides adjacent is B-5. There is some B-2 zoning across the street. They met with the Board of Zoning and Building Appeals in December requesting variances for the parking and building on a corner lot. Those were approved and he included that approved application with this application. One of the first items he addressed was the off street parking. It requires 25 spaces and they are showing 31. There are six more than one they need. Before the meeting started he provided a drawing which shows the hydrant on it. It was on one of the drawings, but it wasn't labeled. The fire hydrant is 161 feet from the building. The buffering is shown on the drawing marked landscaping plan which shows the buffering from Center Ridge that includes twenty mixed plantings screening the parking from Center Ridge. They screened the cars that will be parked in the parking lot. They have five Austrian pines screening the parking at the other side. The property behind is B-5. The other buffer zone is up in front of the building and by code they can't put anything in 35 feet from the right of way so, they started at that point with about twenty plantings of a mixed group of plantings. The dumpster area is screened with a fence that is six feet high and the property noted on the drawing was a concern because it has a 15 foot side yard. There is an existing seven to eight foot natural hedging there right now and he provided a picture of that buffer. He stated that they hesitate to take that down until they find out if it is necessary to be removed. If they have to be removed they will plant a series of hemlocks there to take its place. Discussions were held several months ago with the City about these plans and the first parcel is .91 acres and at that time the Ohio EPA did not require retention. The City asked if there was anything they could do in consideration of not only this site but the existing retention basin that is located at the old site across the street behind the funeral home in a vacant lot. They presented a plan to the Engineer which involves enlarging the retention basin behind the building across the street. They will maximize that basin and it will be a dry basin when it is not wet. It will serve all three parcels. In addition to that the EPA is looking for water filtering features and they have, instead of putting catch basins in the parking lot and piping well water directly to the stream, they put in a sand water filter where the front parking lot will drain into the sand filter and come around behind the building and the south half of the parking lot will drain into the sand filter he showed on the drawing before it finds its way via of an easement to an existing 30 inch pipe, which takes it over to the retention basin. They submitted some calcs to the Engineering Department. The calcs help reduce the peak flow from these three sites and they have been trying to work with the City because they know what the City is up against to provide peak flow protection for all three sites. He showed the easements on the drawing.

David Bogner stated that they are asking for approval this evening of this plan as time

is really of the essence here as the State of Ohio informed them that the tenants need to be out by February and they have to move very quickly to get this building up so that their businesses are not interrupted. They need to put a shovel in the ground next month in order for this to happen. He explained that they will be working with the Building Department and Engineering Department as they still need to approve the engineering drawings.

Chairman Mollenkamp asked if there were any questions from the Commission.

Member Olesen stated that he believes this building will be a beautiful addition to that side of town. He believes that this is a really good project as they will already have tenants for that new site. A lot of these businesses will be salvaged by moving into this facility and that is what we want is to retain our businesses if we can.

Chairman Mollenkamp opened the floor to the Administration for comments.

Safety-Service Director Armbruster stated the Administration certainly supports this office building. It is a necessity that we need and the City looks forward to Planning Commission hopefully approving it.

City Engineer Wangler stated he had a note that originally stated the sanitary and water main information wasn't shown. The original submittal had omitted that single sheet, but that information has been received.

Chairman Mollenkamp opened the floor to the audience for questions and comments.

Patricia Wysocki 7480 Noll Drive spoke regarding the sewer sanitary and storm. She noted that area has a drainage ditch behind the funeral home and currently runs east. She believes that now it will run west and go into a retention pond. She explained that there is always water running from Center Ridge Road to Aurensen and Noll and the ditch that goes down where the middle school is, is practically nonexistent. She asked if the sanitary was to be hooked up to the Westerly or was it to go through the farmer's field. She explained that is where they are getting the sewage from was that line. She explained that the Becker lift station can't keep up with what is going in there now. Infiltration cannot be found.

Chairman Mollenkamp stated that the applicant is going to have to retain their own water any way and asked if they could answer Mrs. Wysocki's question.

Paul Pustay stated that the storm water will go into the southbound ditch south of the 30 inch pipe after it is retained. The restrictor holds it back for several hours until the other areas go down and then it releases the retained water. The Becker lift station is

presently where the current office building goes now. That building was 6600 square feet and this building is only 5067 square footage. They are trading sewage and not adding. They are taking 6600 square feet out of the Becker lift station and they are only putting 5,067 square feet back in from the same users.

David Bogner stated that are not changing the water flow direction.

Chairman Mollenkamp asked if the pond was a retention pond and not a detention pond.

Paul Pustay responded that was correct.

Terry Keenan of 6863 Savannah Drive introduced himself as City Councilman, Ward 1. He explained that he likes the plan he sees, but because he heard the request for expedited approvals, he has a few questions. He stated he didn't know what the south and the east elevations look like for the building. He stated that he would like to understand better regarding the hedgerow on the eastside. He stated he wasn't sure if the hedgerow was on the property that was being developed or if it was on a neighbor's property. He stated he didn't understand the relationship between the ownership entities of the new building and the property on the west which is the funeral home. He asked if there were perpetual easements and covenants for easements and maintenance so that in the event that a future property owner doesn't want to allow that water to drain or wants to make changes that there is some kind of protection for the future.

Paul Pustay explained the elevations. The east side is a current vacant lot of which they have a buffer strip between. It will be similar architecture with vinyl siding and the back side and also on the south side. The buffer strip on the east side is very near the property line and that is why they would like to save it and maintain it and if they can't they will replace it with hemlocks.

Chairman Mollenkamp stated that they basically don't know whether that buffer is on their property or someone else's.

Paul Pustay stated that they do know that it is on their property.

Patricia Wysocki spoke regarding the westerly sewer line stating that the funeral home is hooked into it and the Savannah Estates is also hooked into it and asked why this new facility won't be hooked into it as it is right next door.

David Bogner stated that the funeral home is not in the westerly sewer. The funeral home was constructed 17 years ago and well before the westerly sewer was even there. They have brought the sewer up from the south and tied it into the funeral home and at

that time, they received approval for both of these lots to go into that sewer line. It does end up into the lift station next to Becker's Doughnuts.

Chairman Mollenkamp asked if that was bored to the lift station.

David Bogner stated that he didn't know but that area there has already been approved to go into that lift station and there is reserved capacities in that lift station per the Engineering Department and documents that they have. The easement issue was brought up and there is going to be a formal document between himself and himself as he is the owner of the Greenlawn Professional Building and the funeral home. His parents own the third lot. There is an agreement between those three parties for that retention and it will be in the same document as the easement. He showed the area where the easement will be.

Chairman Mollenkamp asked if there were any other questions from the audience. Hearing none, he asked if there were any other comments from the Commission. Hearing none, he entertained a motion.

It was moved by Rothgery and seconded by Hurst to approve the application.

Yes, 5 No, 0

Motion was approved by a vote of five to zero.

APPLICANT: Robert D. Yost, Sandy Ridge Development, 360 S. Logan, Elyria, OH
44035

OWNER: Same

REQUEST: Approval for conditional use in a B-3 District to construct single family homes.

LOCATION: Fowlers Run in a B-3 District
Permanent Parcel No. 07-00-039-000-079

Application was read along with comments from the Administrative Officers.

Chairman Mollenkamp asked for a representative.

Robert Yost, Sandy Ridge Development, 360 S. Logan explained they presented to the Board of Zoning and Building Appeals an area of approximately 450 feet north of Center Ridge Road and east of Fowlers Road that is about 185 feet deep. Rather than leave that as a business use development, they asked to create four single family lots that would coincide with the Sandy Ridge subdivision with the opportunity to leave the corner lot still that if a business came to them and wanted to be on that corner, they still could do that. It was approved by the Board of Zoning and Building Appeals and he was asked to bring it to Planning for their consideration.

Chairman Mollenkamp asked if this property was across from the trucking company.

Chief Building Official Fursdon stated the nursing home is on the opposite corner.

Chairman Mollenkamp asked if there were any questions from the Commission.

Member Hurst clarified that the applicant is asking permission to keep the corner lot as a business lot with it being .91 acres.

Robert Yost stated it could be used for either.

Chairman Mollenkamp stated there is a house right next to it.

Robert Yost stated Mr. and Mrs. Dennis's and yes, they were at the Board of Zoning and Building Appeals meeting and had no issues.

Chairman Mollenkamp asked if there were any other questions.

Member Hurst stated that it is .91 acres and on the plan it states .820 acres.

Robert Yost stated he didn't recall what the actual acres are there. He referred to the map and stated that they did try and take the property noted on the map and make it long so if someone wanted to put a house, they could put it there and be off the frontage of the road. It would have to be a specific type of business that could go there because based on the square footage requirement and the parking, there is minimal area to be able to achieve that in.

Chairman Mollenkamp stated that in all probability it could be a home.

Robert Yost agreed.

Member Hurst stated if it is a business property, one acre and over then a retention basin would be required and if it is less than an acre, they would not need it, just information for the Commission's sake.

Chief Building Official stated that corner lot is less than one acre because they received a variance. It is only about 35,000 square feet.

Chairman Mollenkamp asked if there were any comments from the Administration.

Safety-Service Director Armbruster stated that they have seen this go through the process and it makes a lot of sense to them to have an opportunity or to have a house

there.

Chairman Mollenkamp asked if there was anyone in the audience that would like to make a comment regarding this application. Hearing none, he opened the floor to the Commission once more and hearing none, he entertained a motion.

It was moved by Rothgery and seconded by Anderson to approve the conditional use to construct a single family home.

Chairman Mollenkamp asked the Secretary to call the roll.

Yes, 5 No, 0

Motion was approved by a vote of five to zero.

APPLICANT: Ridgeville Wash Wizard, 35630 Center Ridge Road

OWNER: Same

REQUEST: Approval to construct a 760 square foot addition to existing structure in a B-3 District.

LOCATION: 35630 Center Ridge Road in a B-3 District.

Permanent Parcel No. 07-00-021-103-020

Application was read along with comments from the Administrative Officers.

Chairman Mollenkamp asked for a representative and asked them to state their name and address.

Jim Tweardy of 37200 Royalton Road, Grafton, Ohio explained they are adding roughly 25 by 30 foot addition onto the tunnel, which is the main part of the car wash. They currently have a make shift canopy that was there when they bought the property two and a half years ago. They want to take that down and put a permanent structure there so that when you pull in to pay, you are in an enclosed area that is a permanent building. The main concern is that they lose their heat from the tunnel and everything freezes up in the winter. It is roughly 25 by 30 feet and they will be using the same roof as the existing building. Improvements have been made to this property over the last two years. This is just another piece of the project. They are also asking to install a portable building with a glass front to be used as a dog wash. It will sit on a permanent concrete pad and he showed the site plan. It is an aluminum structure with glass windows. It is very professional and what was thought was this structure was temporary but after talking with the Building Department it was decided that this would be permanent and will be designed as such. That is roughly 12 by 10.

Chairman Mollenkamp stated it will be a self serve dog wash.

Jim Tweardy concurred.

Chairman Mollenkamp asked if there were any questions from the Commission. Hearing none, he asked if the Administration had any comments.

Safety-Service Director Armbruster stated he has no comment since he owns a car wash. The applicant is absolutely correct. With the expansion he is going to be able to bring more revenue and keep guys working over there and pay more taxes. He will be able to wash cars at very cold temperatures.

Member Rothgery asked if there would be a high pressure hose in the dog wash.

Chairman Mollenkamp asked if the existing side would remain the same.

Jim Tweardy stated it would stay the same.

Chairman Mollenkamp asked if the lube stop will remain the same and the glass enclosure will be permanent.

Jim Tweardy responded yes to both questions.

Chairman Mollenkamp opened the floor to the audience.

General Manager and representative of Ridgeway Management located at 35590 Center Ridge Road as well as General Manager of 34 unit apartment complex located at 675 Ridge Plaza Drive spoke stating he tried to present himself when the present owners bought the property but that didn't work very well. The car wash was there when they bought their property back in 1995. At that time it was a car wash with no additional drying facilities. The previous owner installed the drying apparatus which is very noisy. He raised this issue and a test was done about the noise level and the previous owners agreed to lower the garage door a little bit to buffer the noise. They are open 24 hours and there is music piped in around the clock. He is not sure how this new addition will affect them.

Chairman Mollenkamp asked if the car wash was there before the apartments went in. He believes the car wash was there at least 10 years before the apartments were built.

General Manager stated that the car wash was there but the drying apparatus was added on later approximately six years ago. The issue was raised and the noise test was done and it was determined that it was barely on the level but he believed it just slipped through.

Jim Tweardy explained that when they first bought the property, he did speak to this gentleman and contacted Paul Blanchette. He came out and asked if they could lower

the garage door about 12 inches and he did the sound test again, he said that was acceptable. Since then, they installed an automatic door on that exit that comes down about 14 to 15 inches. There is music in the self service bays and he can make arrangements so that can be shut off at like 8 or 9 at night.

Chairman Mollenkamp asked if there were any other members of the audience that would like to speak.

Dennis Boose 6405 Denise Drive stated that he appreciates the applicant is willing to turn the music off during the night and he believes that will help. The applicant is accommodating in regard to the noise with the barrier coming down. He stated he is very impressed with the improvements that have been made. He frequents that car wash and it really looks great. It was in dire need of repair when the new owners took it over and the things that they have done have been tremendous. He thanked the applicant for that and believes it is a great addition to the community.

Chairman Mollenkamp asked if there were any other questions from the audience. Hearing none, he opened the floor back to the Commission. Hearing no other comments, he entertained a motion.

It was moved by Hurst and seconded by Rothgery to approve the application.

Chairman Mollenkamp asked the Clerk to call the roll.

Yes, 5 No, 0

Motion was approved by a vote of five to zero.

It was moved by Mollenkamp and seconded by Hurst to add a condition to the motion whereby the applicant turn the music off at 9:00 P.M. each night.

Yes, 5 No, 0

Motion was approved by a vote of five to zero.

APPLICANT: Tim Hinkle, GreenQuest Development, LLC, 36097 Westminister Avenue

OWNER: Same

REQUEST: Final plan approval for Phase 3 of Northborough Senior Citizen Planned Residential Development

LOCATION: Route 83 and Mills off Bridgeport Drive in an R-1 District with conditional use as Senior Citizen Planned Residential Development
Permanent Parcel No. 07-00-030-000-127

Application was read along with comments from the Administrative Officers.

Chairman Mollenkamp asked for a representative and asked that they state their name and address.

Tim Hinkle, General Manager of GreenQuest Development, 36097 Westminister Avenue explained that Northborough is a 55 and older Senior Citizen Planned Residential Development. This is the last phase of the development which will include ten additional lots that are 55 by 90 feet. They will be adding an additional asphalt alleyway that is 20 feet wide which is a continuation of alleyway 5 from phase two. They will also be adding a 16 space parking lot in the front corner of the development and in between the two new streets of the existing homes they will be adding a courtyard with a sidewalk. The development, phase one had 30 lots, phase two added another 12 which construction is underway and this is the last part of the development to finish it off with ten units. He stated Clarence Watkins is in attendance if anyone had questions for him.

Chairman Mollenkamp stated sheet 9A of 20 of the plans noted the northwest corner of that property and asked if they were digging a retention or detention pond or will that be filled in.

Tim Hinkle stated on phase two, that will be filled in.

Chairman Mollenkamp asked if they will be removing the culvert pipe that is in there now.

Tim Hinkle stated that will be removed after phase two is completed.

Chairman Mollenkamp stated that will take care of Welter Ditch.

Tim Hinkle stated it was temporary and explained their process.

Chairman Mollenkamp asked if there were any other questions from the Commission. Hearing none, he opened the floor to the Administration for comments. Hearing none, he opened the floor to the audience. At this time, he asked if there were any questions or comments from the Commission. Hearing none, he entertained a motion.

It was moved by Hurst and seconded by Anderson to approve Phase 3 of Northborough

Chairman Mollenkamp asked the Secretary to call the roll.

Yes, 5 No, 0

Motion was approved by a vote of five to zero.

APPLICANT: Bob Yost, Millridge Development, LLC, 38642 Center Ridge Road

OWNER: Same

REQUEST: Preliminary Plan approval for Millridge Subdivision

LOCATION: South side of Mills Road; East of Stoney Ridge Road and West of Avon Belden Road in an R-1 District
Permanent Parcel Nos. 07-00-031-000-040, 07-00-031-000-061, and 07-00-031-000-062

Application was read along with comments from the Administrative Officers.

Chairman Mollenkamp asked the representative to state his name and address.

Clarence Watkins of Bramhall Engineering explained that this application came before the Planning Commission under a different owner known as Hickory Land Holdings. The application was for a preliminary plan approval and it received an approval from Planning Commission at that time. Generally it is the same piece of property with slight modifications. They are resubmitting the preliminary plan with different investors and stake holders. This is a recalibration of the preliminary plan. He did point out that previously there were six cul-de-sacs and now there is one. There were two entrances off Mills Road and there was no connection at that time to Stoney Ridge road. In looking at it again with different investors, the development was recalibrated. Mr. Fursdon's comments to the application in regard to the zoning, the number of lots that are permitted, the number of cluster lots that are permitted, and the width of the lots that are required were all satisfactorily addressed. The minimum lot width is now 89 feet which exceeds the code requirement. Now there are 49 clusters proposed and 91 single family lots with a total of 140 units. Previously there were 124. The difference is because they included the additional land and the connection to Stoney Ridge, the total development is now 61.2 acres. The last plan only included 56.6 acres. They feel now that they have a development that still meets the code requirements and still meets the green space requirement and does maximize the number of developable units which any developer wants to do. In regard to the City Engineer's comments, they know that they will have engineering responsibilities including storm water management ordinances to meet. They are fully prepared to do that in the engineering phase of the project. They are submitting a preliminary plan at this time.

Chairman Mollenkamp addressed the Commission and asked if there were any questions or comments.

Member Hurst stated that he likes this layout and he is glad they got the water off of Stoney Ridge.

Chairman Mollenkamp agreed and stated that they changed the routing of the sewers.

Clarence Watkins stated they did that because they call that Stoney Ridge Road for a reason and there is some pretty high stone up in that other area. The cost to bring the sanitary sewer down Mills Road may not be prohibitive, but this is probably a better

way. The issue was to try and not use this connection to Stoney Ridge because the thought by the last developer was that would be a long road to put in without lots. Developers do not like installing roads without lots. They are putting in a road connection, but they are able to make a better development with fewer cul-de-sacs and avoid the connection to Avon with the water line. They are dealing with North Ridgeville and only North Ridgeville and meeting North Ridgeville's requirements.

Member Rothgery agreed that Stoney Ridge is amply named. For every house that managed to put a basement in, there are least two houses that don't have basements and that is because they couldn't get through the rock. He asked what would happen if this developer hits that and runs into solid stone.

Clarence Watkins stated that he knows prior to the development of this plan as you see it, there were soil borings taken by the owner of the property. The depth of the stone was determined and it was expressed that they felt it was dig able. Dig able to a residential contract may mean one thing, dig able to a sanitary sewer installer and the type of equipment that they are using is another thing. They feel that they can install the sanitary sewer. They will have to go through engineering and there may be some more exhaustive work. They don't want to get all the way to construction and not be able to do it. At this point, the developer and they, on the engineering side, feel they can install that sewer.

Member Rothgery explained when they installed the homes over in Savannah, they had to run the storm water over to a ditch, they took borings and it still took them twice as long to install a waste water pipe then what they felt would happen with the borings. It is a concern and he wanted to point that out to the applicant.

Clarence Watkins pointed out that when they made cost estimates for the land owner; they were higher than what they want them to be because they don't give out phony information so that the plans would go forward for the job to die during execution. They have put dollars against the sanitary sewer construction that they believe are reflective in working in that environment. They are approaching it with eyes wide open and they have a sewer to install.

Member Rothgery asked what will be done at the intersection of Mills and Stoney Ridge. He asked if there will be a traffic light installed

Chairman Mollenkamp excused himself as he received an emergency phone call. The meeting went into recess at 9:53 P.M. The meeting resumed at 9:55 P.M. He asked for a motion to suspend the by-laws to extend the meeting past 10:00 P.M.

It was moved by Hurst and seconded by Anderson to suspend the by-laws to

allow the meeting to extend over passed 10:00 P.M.
Chairman Mollenkamp asked the Secretary to call the roll.

Yes, 5 No, 0

Motion was approved by a vote of five to zero.

Member Rothgery was asking about the potential stop light and asked if there was any way the City could be compensated for a stop light there.

Clarence Watkins stated the typical answer to that is a traffic study is required and if the traffic study comes back with a required light, and then they have to install one. A traffic study has not been done at this stage. They are at the preliminary plan stage which provides a basic layout and there are engineering questions to be answered. As Mr. Wangler reviews and a traffic study will be provided as part of the submittal. He explained the process if a light may be required and at what stage of the build out one will be installed.

Member Rothgery asked if that stub street was necessary.

Clarence Watkins stated that the position of the stub street and the need for that stub street was actually discussed and they added it to the plan as a result of City comments in November and it is on this plan. That is there so that in the future there could be a tie into a subdivision that may occur by another developer. It may be a long way off and the City may allow for some curb returns and the end. Those are things again, where they will meet the City's requirements at that time.

Chairman Mollenkamp stated that adding that stub street will cost the developer a lot of money because of the addition of the sewers and that which he is not going to recuperate if someone else builds a development right next to it.

Bob Yost, 260 South Logan, Elyria, Ohio stated that it does at some point in time become a bargaining chip for the next piece of property. There is a whole lot of development and a whole lot of homes to be sold before they get to that. That is at the end of the subdivision rather than at the beginning. They look at that as being a four to five year build out. Really, that last cul-de-sac will be five years away and who knows what will be happening.

Chairman Mollenkamp stated there is another development going in south of this anyway. He asked if there were any other questions or comments from the Commission. Hearing none, he opened the floor to the Administration.

Safety-Service Director Armbruster stated he was glad to see the property being developed and from the stand point of the sewer going up to the westerly, there is a lot

of engineering and a lot of thought process that went into that. It does work substantially.

City Engineer Wangler stated with regard to the water line and the stub street, the long term grand plan is some sort of looping to the south which may take years or decades to happen and he wants to make certain that there is an interim plan that works without the looping.

Safety-Service Director Armbruster added to that comment that it makes an awful lot of sense that they stay within North Ridgeville rather than going over to Avon as there are some issues on Mills Road that go back and forth and it makes sense to self contain and thanked the developer in doing that.

Chairman Mollenkamp opened the floor to the audience for questions or comments. He asked that they state their name and address and address the Commission with any comments or questions.

Jeff Hansen 5027 Stoney Ridge Road as mentioned before, he noted his property location on the drawing. He explained his concern with the road going through there to Stoney Ridge is that his driveway will be located immediately adjacent to this roadway and his concern is the safety issue with him backing out of his driveway. He asked also if there was some sort of separation between a driveway and a roadway. He continued to explain that his house was built in 1870 and the basement only goes down about five feet and then it is just solid rock. When the Shumaker's built their home, they got down about five feet. They were going to blast but decided it wasn't worth it and so, their house sits up about four feet off the ground. He is not sure what kind of depth they are going to want to get on the sewer line there, but they will have to blast for it. His final concern is that another neighbor was just forced to put in a new septic system and he just did it this past week and now he will have to spend another \$7,000 to tie into this sewer. He added that by the developer adding that green space he pointed out on the drawing basically leaves him with a corner lot that he can't do anything with.

Frank Krupka 36789 Mills Road asked if the developer knew what the phases were going to be and if they could explain. He explained behind the Sharp property there is a ditch currently that takes storm water runoff and asked what would happen with that ditch. He added that there are a stand of trees between the ditch and the Sharp property that he has repeatedly tried to buy and was wondering what will happen with those trees. He also asked what type of lighting is allowed in developments in terms of ordinance. He stated this is a beautiful section of the City where there is not a lot of light pollution and asked what type of light pollution will be brought to that area. He asked if there will be sidewalks between Mills Road, south of Mills Road, but north of the cluster homes. Currently it shows landscaping there and he asked if there would be

sidewalks installed there as well. He challenged the City to stop allowing cluster homes in the community as he believes that it is greed driven and believes there is no reason to pack 39 homes on about 10 acres worth of property. He believes it isn't slightly. He provided a summary of his concerns.

Chairman Mollenkamp added to his concerns and asked if there was a 50 foot easement behind Sharp's property for that ditch.

Frank Krupka showed the area on the drawing and showed the setbacks and asked if that was the same as the easement.

Chairman Mollenkamp stated yes. He stated that there will be 25 feet on either side of that ditch no matter who it is.

Jeff Hansen pointed out the area to the developer as well. He spoke but was inaudible.

It was asked if that ditch will be filled in.

Bob Yost stated that it will not be filled in.

Chairman Mollenkamp added that is a minor ditch and that is why 50 feet is required in setback.

Bob Yost stated he wasn't sure of how the phases will be installed but if he had to guess, he showed which areas would possibly be phase one through phase four. They really haven't put it together yet.

Frank Krupka asked if there were any ordinances pertaining to light pollution.

Chairman Mollenkamp stated that subject was discussed during the last meeting and there isn't light pollution that can be tested from a street light. He mentioned Victory Park and those lights and stated that they aren't putting a sports park in here; they will be putting pole lamps and a street light.

Bob Yost stated that they submit their plans to the electric company; the utility provider and they will position lights that are adequate for street lighting and home lighting.

Frank Krupka asked about sidewalks and whether or not they would be put in in the specific area he noted on the drawing.

Bob Yost responded they haven't addressed that.

Frank Krupka pointed out a few homes on the drawing where they might want to put brick on the back of their house because that is their bb-gun range. He added that his concern is the cluster homes as they are a disappointment as no one wants to live next to that.

Chairman Mollenkamp explained that there are a number of cluster homes near his place of residence and they are beautiful. He added that these are built for people that don't want to do a whole heck of a lot on their property.

Frank Krupka asked who would be building the homes.

Bob Yost stated it is still yet to be determined.

Jeff Stanczyk 36760 Mills Road spoke on behalf of those who live on Mills Road from Route 83 to Stoney Ridge. Everyone is looking at the piece of the pie and not looking at how it impacts the rest of it. He stated that with the traffic this subdivision will bring, there is no way that Mills Road is going to be able to handle it. He stated that road will need to be widened. He stated that what people have come to Avon and North Ridgeville for is being lost. This area was not meant to have this many houses. He asked the Commission to consider not what they can do but what they should do.

Chairman Mollenkamp explained he lived in Amherst for a while when there was a building freeze. They took Amherst to court mainly because they were impeding their livelihood and they won. If they have a development and they own the property and they want to build, there isn't much recourse.

Member Rothgery stated Avon did the same thing.

Jeff Stanczyk wished the Commission good luck.

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

Member Rothgery stated he understands how this will impact everyone as when he built his house twenty years ago, they used to come the "country way", which was down Mills Road to Stoney Ridge and they were the only car on the road. Now it takes him up to 15 minutes some times to just get to turn out of his street. This town has changed so much since his dad and Mrs. Hansen's dad grew up.

Frank Krupka added the only way to stop it is buy it.

A lengthy discussion was held regarding the history of that area.

Chairman Mollenkamp entertained a motion on the application.

It was moved by Anderson and seconded by Hurst to approve the application.

Chairman Mollenkamp asked the Secretary to call the roll.

Yes, 4 No, 1 (Rothgery)

Motion was approved by a vote of four yes and one no.

Adjournment:

Chairman Mollenkamp stated that there is no other business in front of Planning Commission this evening. He then adjourned the meeting.

Meeting adjourned at 10:25 P.M.



Chairman



Secretary

September 9, 2014
Date Approved