

*City of Olmsted Falls*  
**Minutes of a Special Council Meeting**  
**Tuesday, June 14, 2016, at Olmsted Falls City Hall**  
**26100 Bagley Road – Council Chambers, 6:30 p.m.**

The Pledge of Allegiance was recited. Mayor Ann Marie Donegan called the Special Meeting to order at 6:33 p.m. Roll call was conducted. Present: Councilmen Jay Linn, Linda Garrity, Jim Haviland, Bob Sculac, Paul Stibich, Terry Duncan, and Kyle Miller.

Also Present: Gregory Sponseller, Law Director, and Rosann Jones, Manager of Business and Community Services. Audience: 5.

**NEW BUSINESS:**

The Olmsted Falls City Council hereby gives Notice of Public Hearing on Ordinance No. 24-2016, An Ordinance Adopting the 2016 Olmsted Falls Master Plan for the City to be held on Tuesday, June 14, 2016, at 6:30 p.m. at Olmsted Falls City Hall, 26100 Bagley Road, Olmsted Falls, Ohio 44138.

The Olmsted Falls City Council hereby gives Notice of Public Hearing on Ordinance No. 25-2016, An Ordinance amending Chapter 1260 MUPD Mixed Use Planned Development District, and re-naming and re-constituting Chapter 1260 MUTND Mixed Use Traditional Neighborhood District, and amending sections 1232.05, 1232.06, and 1444.04 and repealing section 1272.04(E) of the Codified Ordinances of the City to provide for Mixed Use Traditional Neighborhood Districts to be held on Tuesday, June 14, 2016, at 6:30 p.m. at Olmsted Falls City Hall, 26100 Bagley Road, Olmsted Falls, Ohio 44138.

Mr. Sponseller stated, for the record, that this public hearing is the result of notices being issued in a newspaper of general circulation, in compliance with the Charter and Ordinances of the City procedurally. Additionally, recommendations from the Planning Commission have been submitted recommending approval of the Master Plan and recommending the adoption of the new Chapter 1260 and the related items contained in the proposed ordinance, both of which will be on third reading at the regular Council meeting to follow this meeting.

Mr. Linn stated that he has reviewed the proposed Chapter 1260 numerous times and has two concerns. Last year he was amazed when he called to remove 200 trees from his property in North Ridgeville and was informed that the City had no tree preservation management plan. He contacted the Asst. Law Director and inquired if North Ridgeville ever had a plan, the Asst. Law Director's response was that they did have a previous plan but was eliminated because there were so many different sites and some may not have trees and then there were others that were overburdened with trees. This became a legal issue within the North Ridgeville Law Department by a developer who indicated that the scale was tilted due to the fact that a person who purchases a lot, whether he knows about the tree preservation and management plan or not, puts him at a disadvantage to another parcel somewhere else in the same community with no trees. They lost a couple of court

battles and determined that they would be losing more. It also creates a stigma when someone comes looking to develop a property. For instance, in our Zoning Code there is a 10% or 20% open space requirement. If you have 75% trees you have to figure out a way to actually build in that open space and mitigate the acres and acres of land that are covered by the trees. Another example is the Columbia Road property owned by DiBenedetto some of the parcels are tree covered; the 54 acres on Mapleway are tree covered but further down on Columbia Road, which is the same zoning district, there are properties with no trees which means they are automatically waiving the tree preservation management plan. He feels that coupled with the density issues that are currently set in that part of the code we need to review developer's plans and his density request plus the amount of trees on the property. He believes that Planning Commission should have the ability to make a recommendation and with the approval of council, waive or delineate some of trees. He believes this is an "economic boon dog" for anyone that purchases a parcel with trees on it as no one will build on those lands and they will sit forever. He emailed Mr. Smerigan to discuss with him but he has not contacted him as of yet. His recommendation would be to review this issue prior to adoption. We also need to determine if there is a water course on the property because with the 120 foot riparian zone that would be 240 feet of unusable land.

Mayor Donegan asked Mr. Linn if the density issue was based on how it relates to trees and not homes. Mr. Linn stated that it would be the overall density to build on the property. Mayor Donegan stated that she feels this requirement is archaic particularly with a city like ours as dedicated to tree preservations and it does not give the developer the opportunity that he may need. She will request that Mr. Smerigan review the tree preservation plan and revise to eliminate those hardships. For example, if you are a developer on the south end of town they could wait until Friday or Saturday and cut down all the trees down, which was done three years ago. Mr. Linn stated that he believes the tree preservation and management plan should be able to be mitigated by creating landscaping or trees in another area on the property. Mayor Donegan stated that she would encourage Mr. Linn who has had a lot of experience with the tree preservation plan with Planning and submit a recommendation. Mr. Linn stated that he believes, depending on what will be built, that Planning Commission should have the ability to waive the requirements and either decrease or increase. Mayor Donegan stated that she has had inquires if Council members have spoken with Mr. Haviland or Mr. Miller as it relates to economic development due to their experience. She would ask that Council take a serious look at this issue before recessing. The City does have a couple of interested developers that are significant. Mr. Linn stated that if the City were to increase the bait we could get more interested parties. Mayor Donegan reiterated that she would ask that Council review and submit recommendations prior to recess. Mr. Haviland indicated that he would like to review this issue further and get this wrapped up as opposed to passing something that will not accomplish what we were hoping to accomplish.

Mr. Sculac suggested holding a work session at which time everyone should bring their suggestions. Mayor Donegan suggested adding this discussion to the Special Council Meeting that is already scheduled for next week.

Mr. Linn stated that with the uniqueness of this type of development we need to have a range of what is acceptable depending on what is being built. Mayor Donegan stated that, for the new members of Council, Mr. Smerigan drafted what he believed was a very innovative and flexible ordinance called the TND. But, not to speak for Planning there was a little uncertainty as perhaps it was scaled too far back and did not give the developer opportunities. She believes that may be the pendulum swung too far back and maybe should be brought back a little. The drafted proposed

TND originally provided to Planning Commission gave them more authority than they ever had before which could have been intimidating for a volunteer board and we should determine what is more realistic.

Ms. Garrity mentioned the private versus public streets issues. There have been so many issues in Falls Pointe regarding that mixture. The other complicating factor is when people buy on a private street they do not realize that. For the past nine years she has listened to complaints from people regarding leaf pickup for example. These are little issues but residents feel they are important and if they purchase on a private street they become ineligible for city services. She would also like to know what role ABR will play in this process. She reviewed minutes and there was a discussion regarding eliminating ABR as she believes they should play a role in signage and landscaping. Mayor Donegan suggested outlining those issues and submitted to Mr. Smerigan so he is prepared for the meeting. This is important decision and it is fundamentally important that Council weighs in on the draft. Mr. Linn stated that Council needs to determine if a riparian zone that will have benches and a sitting area should be allowed as open space. Planning Commission should have the ability to use that area as the requirement open space because it is a natural open space area for people to enjoy. Planning Commission does not like to use retention ponds and he believes the natural beauty of a creek that runs through that property or the Rocky River should be used as a credit. He believes this will be more appealing to a builder and those residents.

Mayor Donegan asked if there were any public comments; there were none.

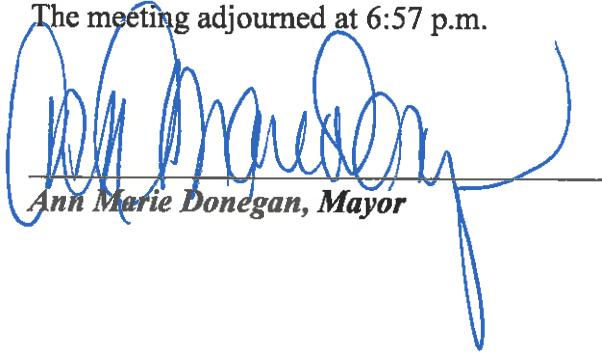
Mayor Donegan stated that she could not be more proud of the work completed by the interns and Mrs. Jones on the Master Plan draft. She does appreciate that Council submitted suggestions and the process was collaborative, even if you were not at the table you were interviewed and everyone that could be touched for suggestions was.

Mr. Linn asked Mr. Russo if he had been involved in any communities that have abolished their tree preservation and management plan. Mr. Russo stated that he has but believes a plan could be better developed if the City works with the developer. He stated that currently the Cleveland Clinic has purchased property at 271 and South Woodland and cleared the entire site. He believes for the development of what they are building, in the long term, and putting together a landscape design plan to replace and replenish, obviously in a defined way, will probably enhance the property by putting the landscape design plan into the overall plan which will create a nice environment when completed. Mr. Linn stated that the City has the latitude to approve or disapprove a landscape plan. Mr. Russo stated that rather than redesigning an entire plan because there happens to be a tree in the middle of a house create an overall master development plan and then a landscape plan that would enhance the property. Mr. Linn stated that the City has some of the most natural beautiful things here like the river and the watercourses and we are forced to create a riparian zone to protect those waterways, why not make the riparian zone a useable open space. Mr. Russo stated that he agrees rather than putting in an overflow or spillway which creates something that will have no value or use except for a 50 year flood, create a very nice, again, with an overall landscape design plan, a useable area.

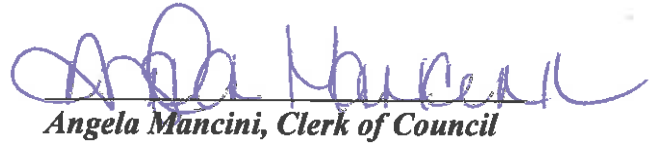
**Adjournment**

Mr. Linn moved to **adjourn**; Mr. Haviland **seconded**. Poll: 7 ayes; 0 nays. **Motion carried**.

The meeting adjourned at 6:57 p.m.



*Ann Marie Donegan, Mayor*



*Angela Mancini, Clerk of Council*