



CITY OF OLMSTED FALLS
PLANNING & ZONING COMMISSION
MINUTES
MAY 3, 2017
7:30 PM
COUNCIL CHAMBERS

Commission Members Present : Brett Iafigliola, Bob Sculac, Michelle Hawkins, Gary Pehanic, Fran Migliorino, and Tony Budak.

Others Present: George Smerigan, City Planner, Tom Shepka and Tony Campanalie, Shade Tree Commission Members, Santo Incorvaia, Asst. Law Director. Audience: 4

Meeting was called to order at 7:30 p.m.

1. **Planning & Zoning Case # 05-2017** – Ordinance 22-2017 referred by Council for a Recommendation from Planning and Zoning Commission regarding the purchase of a public building (Charter Section 10.06(c)).

Mr. Smerigan stated that the downtown area was recently rezoned for commercial use and the city is now marketing some of those properties to get commercial uses to create tax revenue for the city, create employment opportunities and bring more people downtown. In order to transfer land the code requires that before Council may finalize a purchase agreement a recommendation is needed from Planning & Zoning Commission.

Mr. Sculac indicated that the perspective buyers have indicated that they will maintain the exterior look of building as well as maintaining the look of the interior of the building as a library. If approvals are needed, they would appear before the Planning & Zoning Commission for those. Mr. Smerigan indicated that the perspective buyers have renovated other facilities and they have a positive track record for their previous renovations.

Mr. Iafigliola asked if that the perspective buyers are purchasing the building for a stated intent but are under no obligation that states that they have move forward with the stated intent and could use the building for another purpose provided it meets the zoning. Mr. Smerigan replied that was correct.

Mr. Smerigan indicated that the city is only selling the building and a small portion of land for outdoor seating. The City will retain the land surrounding the building as well as the parking. They will have a small portion of land for outdoor seating.

Mr. Iafigliola moved to **recommend** to Council adoption of Resolution 22-2017 as presented; Mr. Budak **seconded**. Poll: 6 ayes; 0 nays. **Motion carried**.

2. **Planning & Zoning Case #06-2017** – Approval of Tree Preservation and Management Plan on behalf of “Busby Creek” 52 acres at 7820 Mapleway Drive.

Mr. Smerigan stated that the city recently amended the tree preservation regulations with a new system of requiring the maintenance of a tree canopy, at the recommendation of the Shade Tree Commission. The property owner previously requested approval of a tree preservation plan in order to remove trees, which was on hold while the amendments were

considered. After the amendments were adopted by Council, with the Planning & Zoning Commission recommendation, the owner has submitted a tree preservation plan which complies with the tree canopy requirements. A letter from the landscape architect was also submitted explaining the plan. The property owner will submit a development plan which will include the landscaping requirements. This plan was referred to the Shade Tree Commission and they are satisfied that the plan will comply with the canopy coverage requirements. He does recommend that the Commission approve this request.

Tom Shepka, 9058 Columbia Road, Chairman of Shade Tree Commission, stated that he views this submittal as a concept in order to move forward. He would stress that Planning & Zoning and Shade Tree Commission communicate better when this project begins moving forward. It will be imperative that when the landscape plans are submitted they be referred to Shade Tree. They will need to understand that a linear area is not to be considered as the 25% as it will be completed by species of trees. There is a system and the landscapers will need to become familiar with how it will work. Mr. Iafigliola indicated that the applicant is requesting approval of the current plan and would like to know if the Shade Tree Commission is in agreement with the plan. Mr. Shepka indicated that he agrees with the plan, understanding that this plan is a concept and the applicant will submit a landscape plan in the future.

Nikki Sackman, 26335 Cranage Road, stated that she has a couple of simple questions. She printed out the map and is surprised that the applicant is not present to answer questions. She stated that it is difficult to scale the buffer zone along Cranage Road with the 11x17 drawing and asked if the buffer zone was 20 or 25 feet. Mr. Smerigan replied that he believes it is 30 feet. Ms. Sackman stated that the southern buffer, which is along the railroad tracks and towards the southeast side along Evergreen is a much wider buffer zone, she assumes it is 50 to 75 feet but the smaller drawing is hard to scale. She asked if the applicant would consider giving a wider buffer zone along the residential properties on Cranage as those residents who have been there for a number of years and are used to the trees. She has no issue with this happening as it does comply and exceeds code requirements. She stated that someone new to the neighborhood will not be aware that there use to be trees. She understands that the Commission may not be able to answer the next question because we do not know what will happen when a landscape plan is submitted, but, she would assume that a variety of trees will be planted and she is hopeful that those will not all be ornamental trees and that they would have a mix of shade trees such as Maples, Oaks, Elms, something that will grow as it matures to provide more shade and canopy than an ornamental tree. The reason she is bringing up this issue now is due to the fact that there are already large mature trees on the property. She understands that he cannot touch the riparian area and she understands why they are not doing anything south of the power lines because nothing will be built there it makes sense to leave that area in its natural state. It would be nice if some of the larger trees were scattered throughout the site so when development happens, because if they bring in a two-inch caliper tree that is six to eight feet tall it will take 30 years to grow and be of any substance. She understands that this question cannot be answered at this time. Mr. Smerigan indicated that the remarks about the ornamental trees and canopy trees is something that he and Mr. Shepka have spoken about at length. As part of the landscapes plans that will be submitted with the developmental plan package, the new requirements do require a mix of trees, the landscape plan will also be approved by Shade Tree Commission who is sensitive about the

mix of trees. Ms. Sackman indicated that she does understand that some trees will die during construction because of the root zone. Mr. Smerigan indicated that no plan has been approved at this time. At this time we do not know how the land will be developed. He stated that from a city standpoint we will be concerned about the nature of the northern buffer. Ms. Sackman asked if the buffer would be left as it is shown on the plan as wide or as is when the clearing begins. Mr. Smerigan replied that the developer will leave a strip along the north property line but the Commission has the ability to adjust the width. The question in his mind is that this strip may not be everything needed for adequate buffering. Ms. Sackman agreed and stated that as the plan evolves it may need to be changed because you may lose some of the more mature trees in this buffer zone because of the grading and clear cutting which could do damage to some of the existing trees cause the roots grow way past the trees. Her point is that she hopes the board would consider asking the applicant to make the northern buffer line wider than the southern one and make the southern one more narrow than shown. Another question is will the applicant plant any grass, at one point she was informed that he would plant hayfields. Her concern is erosion during a heavy rain event because since trees are being removed they will not be soaking up some of the water. Mr. Smerigan indicated that the applicant will need ground cover and he is working with the city engineer because that is who handles the erosion control. Ms. Sackman asked if the city knew if the developer was still going to develop as the for sale is still on the property or is he looking to obtain plan approval so he can market for someone else to buy and develop. Mr. Smerigan indicated that he cannot say what is in the developer's mind. He can say that the property is being marketed to others, whether is the whole property or pieces of the property, as he has been contacted by developers to find out what would need to be done to develop on the property. Ms. Sackman stated that again, she would stress moving forward as the landscape plans are submitted that the city is conscious of what is being planted so we get a good variety of trees.

Mr. Pehanic stated that in the development of this plan there are two types of screening, one on the north end which is referred to as the undisturbed zone and using the good silva culture technique, which leaves a natural barrier and thins it out, versus the southern which is a manufacturing buffer zone why not the same. Mr. Smerigan replied that there are trees on the north end that are valuable, in his opinion, and as we move forward with the development depending exactly how the property develops, we want to make sure that the north end is buffered. He is buffering from the tracks for his own purposes to protect what is constructed, while this buffer is important it is an internal buffer, at the north end there is an external buffer so the trees that are in that area that are worth preserving we want to preserve.

Mr. Iafigliola indicated that his first reaction to the plan as presented was that everything would be cleared except the areas they do not care about, south of the power lines, area to the northwest corner that could be a wetland, plus the riparian zone, but virtually everything else will be cut; Mr. Smerigan replied yes. Mr. Iafigliola suggested that he would be inclined to increase the northern buffer because once the trees are cut there is no going back. Mr. Smerigan indicated that the Commission can designate a no clear area along the northern property line. Mr. Iafigliola replied that may be reasonable.

Mr. Pehanic stated that the developer is going to clear the property with the silva culture technique so whatever is there now will be thinned out more so even if you have a thick barrier

now it could become very thin and believes that the buffer needs to be deeper. Mr. lafigliola indicated that his opinion is that it needs to be deeper than the line indicated on the drawings.

Mr. lafigliola stated that based on the scale provided in the lower right hand corner of FG01 and that the property is approximately 1,000 feet wide, he would suggest 10% which is 100 feet for the northern no clearing limit. If the developer would like to change this number the MUTND allows for flexibility and discussion. In addition to all the areas noted on the drawing which includes the riparian area, southwest corner, the northwest corner, and the railroad area. All members of the Commission agreed. Mr. Smerigan indicated that he does not feel that this proposal is unreasonable. Ms. Sackman thanked the Commission and would like to note that if the Commission does approve the 100 feet for clearing it does not mean that once an actual development plan is submitted, with the landscape plans, adjustments could not be made. As the plan exists half the trees could be lost in the 20-foot area, but, with a larger unclear zone there is flexibility for the future when the development and landscape plans are submitted.

Mr. lafigliola asked if the Commission could ask that the property line be marked with stakes and require a city official to walk the property to verify that the lines are accurate. Mr. Smerigan stated that as administration enforcement we can require stakes to be placed. Mr. lafigliola would like to verify the property lines so that the neighboring properties are not damaged. Mr. Smerigan stated that the landscape architect who developed the plans will not be clearing the property so there needs to be some guidance; the city will follow up as part of proper administrative procedures.

Ms. Migliorino stated that her understanding is that this is a concept plan so what allows the developer to begin cutting tomorrow if the Commission approves a concept plan. This is not a development plan this is just a concept that would be an overlay to a development. Mr. Smerigan replied that this is merely the tree preservation plan. This indicates the areas of the property where the trees will be preserved so he can move forward cutting. At some point the developer will submit detailed development plans for the ultimate development of the property and the point the Shade Tree Commission is making is that there are tree planting requirements that we are going to get into in greater detail. This is the first step towards clearing, this is not approving the development of anything, the only thing he is getting authorization for is to clear the land. Ms. Migliorino replied that was correct. Mr. lafigliola stated that he would like to clarify the suggestion he made earlier, in his opinion, this would not necessarily change his calculations, everything would still apply and he could still remove all of the area, it's just that at this moment in time he is not being permitted to.

Bill Eichenberg, 26549 Cranage Road, when we were working with other developments we said that things could not be small areas so he does not if you would count the trees that are going to go along the streets in the total coverage. Because the development that was going to go in over in the area near us had 10 feet of land and the commission did not count that. Mr. lafigliola asked if Mr. Eichenberg was disagreeing with the math used to determine the canopy coverage using street trees. Mr. Eichenberg indicated that he is not disputing just saying that a lot of times people would use narrow strips of land and count towards the total.

Mr. Iafigliola moved to **approve** the tree preservation and management plan on behalf of Busby Creek 52 acres at 7820 Mapleway Drive per drawing FG01 and dated March 21, 2017, with the following exceptions: (1) that the “do not clear” limits, which shall not be confused with the future buffer limits, shall not encroach within 100 feet from the northern property line in the southern direction, the rest of the drawings remains as is including the riparian areas and other areas that are left to be undisturbed; (2) all the proper sediment control be in place and established along with any other ordinances that may apply; Ms. Hawkins **seconded**. Poll: 6 ayes; 0 nays. **Motion carried**.

COUNCIL LIAISON REPORT: Mr. Sculac stated that the roof on the administration building is being replaced. All the chimneys were removed by the service department to save some dollars on the project.

OTHER BUSINESS: Mr. Iafigliola indicated that the Commission had requested that the City Engineer be presented to discuss Ordinance 70-2016. The clerk replied that the engineer was on vacation.

APPROVAL OF MINUTES: Mr. Budak moved to **approve** the Planning & Zoning Commission minutes of April 19, 2017; Ms. Migliorino **seconded**. Poll: 6 ayes; 0 nays. **Motion carried**.

ADJOURNMENT

Mr. Iafigliola moved to **adjourn**; Mr. Budak **seconded**. Poll: 6 ayes; 0 nays. **Motion carried**.

Meeting adjourned at 8:40 p.m.

Planning & Zoning Commission Clerk

Date

Planning & Zoning Chairman

Date