



CITY OF OLMSTED FALLS
PLANNING & ZONING COMMISSION
MINUTES
JULY 18, 2018
7:30 PM
COUNCIL CHAMBERS

Commission Members Present : Brett Iafigliola, Gary Pehanic, Tony Budak, Peter Carpenter, Michelle Hawkins, and Paul Stibich.

Others Present: James Graven, Mayor, Andy Bemer, Law Director, George Smerigan, City Planner, and Paula Accordino, Economic Development Director. Audience: 54

Chairman Brett Iafigliola called the public hearing to order at 7:30 p.m.

Mr. Iafigliola stated that the Commission has a public hearing on the agenda along with four agenda items. He stated that the public hearing will take place first at which time the city will present information. After that information is presented he will ask for public comments. Once those comments are completed the hearing will be closed and the commission will proceed with the agenda.

The reason for this public hearing is to consider a recommendation from the Planning and Zoning Commission regarding a proposed amendment to the zoning classification for PP NO's 281-22-022; 281-22-021; 281-20-055; 281-17-010; 281-17-011; 281-17-012; 281-17-016; and 281-17-017, consisting of approximately 8.64 acres located along Brookside Drive, from P-1 "Professional and Medical District" and I-2 "Industrial Manufacturing District" to MUTND "Mixed Use Traditional Neighborhood District."

Mr. Smerigan stated that he is the City Planner for the city. The City prepared a comprehensive master plan for the city to look for long range growth and development of the community. The city has constructed some new buildings, one of those is the new service garage. As a result of that construction the city has old buildings they are looking to dispose of. As part of that a marketing strategy report was completed by Juniper Solutions to advise the city as to the highest and best use of these properties and the best way to develop. We understand that one of the recommendations from the Master Plan is to enhance and expand the downtown area and preserve its special character but to make it more viable by allowing the area to grow and prosper. As part of this concept he made a recommendation to City Council and they placed on ordinance on their agenda. The Zoning Code regulations requires Council to refer the request to Planning & Zoning Commission for a public hearing and a formal recommendation to Council. Tonight we are present as a result of that referral. We are here to consider a rezoning of 8 parcels of land that combined total approximately 8.64 acres. These parcels include the old service garage, the house on the corner immediately adjacent to that, the railroad station, and five properties between Depot Street and Elm Street on the westside of Brookside Drive. These 8 parcels are all currently zoned either office or industrial. The residence is not currently zoned residential but rather in the same classification of either office or industrial. As he has indicated these properties include the old service garage site. There was a recommendation in the report completed that the city consider rezoning that property in order to achieve the greatest amount of value for the city and community. That recommendation was that this property would be more desirable to use for retail/restaurant type uses in a mixed use environment. What is being proposed is that these properties be

rezoned from industrial and office to what is called the Mixed Use Traditional Neighborhood Development District. This district allows a mix of office, retail and residential. For example, you could have a store or restaurant on the first floor with offices above or residences. This district is what is being proposed for the eight (8) acres of land. He stated that part of what is recommended in the comprehensive plan is that the city enhance and expand the downtown area and create a walkability. One of the things that makes our downtown unique and special, besides its quaint nature, is the ability to walk through it and enjoy the stores. In keeping in that concept is part of what the mixed use district is about.

The plan recommended developing a mixed use district, which we did, and as one of the district's key points is walkability, which it does. The entire idea is to expand and enhance the downtown area. The city is in the position where it has to consider reuse of the old city service garage site and this use is the one that is most consistent and compatible with enhancing the downtown area. As a result, he prepared a recommendation to city council who then referred the matter to Planning & Zoning. The mixed use district is intended to be a special design district in which the character matches and enhances downtown, which is stated in the purpose and intent of the district. The idea is to do things that are consistent with the established character of downtown, not to change the character, which allows downtown to expand to the west.

He stated that the rezoning request of the 8.64 acres is what is before Planning & Zoning this evening. His position as a professional planner who advises the city with regard to land use and zoning that this change is more compatible with downtown and consistent with the comprehensive plan and makes more sense for the city particularly in terms of the future economic base of the city than the currently zoning that exists on these properties today.

Mr. Smerigan stated that the Commission is obligated to hear comments from anyone whether those are questions, comments in favor, or comments in opposition. To the extent that you have questions we will try to address and answer. He would also like Ms. Accordino to comment regarding economic development.

Ms. Accordino thanked everyone for attending and their interest. She would like to note that the photo's show the existing buildings and the ones on the bottom are conceptual thoughts about possibilities, they are in no way any sort of proposal. The MUTND zoning expansion in the Brookside neighborhood was initiated through the focused efforts of economic development, supported by city council, and specifically with one goal to create a stronger neighborhood that is more connected to the historic downtown and central business district, which are one in the same. We believe this can best be achieved with mixed use traditional neighborhood districting. She would like to remind everyone of the fact that the eight (8) properties being rezoned all currently have professional, medical, or industrial designation despite the one property being used as residential. The standards applied to the decision to change these eight (8) properties encompassing a total of 8.64 acres, but recognizably affecting more homeowners in and around the area and ultimately the whole community, are part of the 2016 master plan which is the most recent plan for the community. This master plan reflects the wishes of some present this evening, who she believes was part of the master plan process, as well as city officials, that residents elected to represent their interests. The highest and best use study that Mr. Smerigan referred to, otherwise known as the Juniper

Study, also makes a strong recommendation for some of the individual properties to be turned into multi-use properties. Additionally, there were several other studies completed by academic institutions and other planners, all of which were tax payer funded, she believes some go back as far as 2014. All of these reports suggest an expansion of the downtown, the central business district, in ways that it would have a major community wide benefit. She would also like everyone to be aware that the administration has been working closely with and benefitting from the experience of Heritage Ohio as she speak a lot about it as she believes it is something that is important. Heritage Ohio is the managing organization for Main Street. Heritage Ohio is the statewide organization for the national trust for historic preservation which has as its mission revitalization of historic downtowns and preservation of our nation's small cities as well. They recently conducted a two day visit and met with stakeholders in our community. They will return in August to present their findings. She did speak with them today and they recognize for a lot of communities changing to mixed use zoning is an unknown quantity but they have never had anything but 100% success in neighborhoods and they have been doing this for 30 years. Heritage Ohio is behind all of the downtowns that you see throughout the country that are revitalized and historic. While we are not considering any one plan for any of the properties at this time, we have experienced what we believe as the ideal perspective development partner potential. We have interest from more than one investor with family ties and history in Olmsted Falls. They have a vision and capacity, both, to create moderate development that recalls an historic era when walking to stores, restaurants and shops was a way of life. This isn't clearly a new concept that is groundbreaking. A few people that we recognize do not value vibrancy in the way that it is being defined and while that is appreciated perhaps there is a way that vibrancy is meant to them and understood. By virtue of everyone in attendance you are opening your minds and following along with the process. She would invite everyone to continue to do that and to reach out for information. Also, please do not be confused by the article that was on Cleveland.com, while we try to use media to help us spread information sometimes things get conflated and in this case the revitalization district got conflated with the zoning issue. This evening we are discussing a rezoning issue not any specific plan. The revitalization district will be discussed at a city council meeting next week.

She would also like to ensure everyone that everyone in leadership is communicating at all levels and of particular importance and concern is safety. She would like to read briefly read a letter that Police Chief Rogers handed to her today following a discussion. The letter states "with regard to the conversation we had concerning the proposed rezoning of the neighborhood west of Grand Pacific Junction I had a few additional thoughts. I do not believe that the rezoning of this area to MUTND will cause any additional safety concerns for the residents. Currently we have four restaurants in that area that serve alcoholic beverages including Matteo's, Taqueria Junction, Bistro Du Beaujolais and Moosehead Hoof and Ladder. We have very little to no criminal issues related to these establishments. Furthermore, there is not a disproportionate amount of the type of criminal activity that you would expect with these types of establishments as compared to other areas of the city. For example, criminal damaging, criminal mischief, public intoxication, public indecency, etc. is not more or less prevalent in the business district than it is in any other area of the city. An expansion of this business district does not in my opinion equate to a disproportionate increase of an already low occurrence of these types of activities. Additionally, I have concerns about leaving buildings standing empty for extended periods of time. Historically issues such as fire hazards, criminal mischief complaints, squatting and vandalism are just some of the common issues

that arise out of having empty buildings. Although we have not had these types of issues in our community the longer these buildings sit empty the more likelihood of these issues increases. Thank you for allowing me some input on this process and I welcome comments from citizens.” She stated that again, she would invite the public to gather more accurate information and she is happy everyone is in attendance. Please feel free to reach out to her if there are further questions or concerns.

Mayor Graven thanked everyone for being present this evening and taking time out of a beautiful evening to come and listen to facts. He believes it is important that residents attend these types of meetings in order to obtain facts and not listen to rumors. He appreciates everyone taking the time to attend. The only issue this evening is a request to modify the zoning that will expand and enhance the downtown area slightly to the west. As a city we believe this will be a benefit to the majority of our 9,000 residents in the city. As you know we are public servants and are trying to do the best job for all of our citizens in the city. He would like to review a couple of facts. As city government we believe we are making decisions that will create the greatest impact for the good of the entire community. This means while he wants to hear and respects the concerns of all the people that live in the area that will be rezoned. Also as a city we have a larger fiscal responsibility to everyone in the community and that goes beyond just the preferences of a few individuals. He will keep his comments brief as he is present tonight to listen to everyone, those that live in the immediate area and those that live throughout our city. It is his hope that once you hear about all of the plans he believes that most of the residents will be pleasantly surprised. He also believes everyone will be proud of what is intended for our neighborhood and downtown. First, please know that it is ridiculous to suggest that we would ever allow a convenient store in the neighborhood and is a rumor that is not true. There was another rumor that we want to tear down houses which is also not true, we will not be using eminent domain to tear down any homes. The fact is we want to make a way for a zoning plan that will uphold the highest standards of our neighborhood quality. He believes the late Dick Fiegler said “this is not some brand new concept having a restaurant or business with an apartment above it” we have had this for 100 years and is a concept that has withstood time and believe this will be an enhancement. We are taking what we know about the best about living in neighborhoods and applying it to our current way of living. You see this evidence of neighborhoods everywhere. We believe that with this plan our property values will increase and stimulate the economy in the downtown area. We do have interest from local business people that have strong family connections to the city as Ms. Accordino stated. We believe that these people have a respectful vision for the development, they respect our city and want to carry it on. They also want to do this by following all of the city’s restrictions. As you know, we do have a lot of restrictions with planning and many other boards. There will be strong deed restrictions on each property as has been done with other properties. We want Planning & Zoning to employ their guidance and expertise as well as other departments and boards, along with the city planner and city engineer so we will have thoughtful planning. As you heard from our police chief our safety forces are in support of this plan and they believe it will also help them as it will eliminate some neglected buildings. As we all know some buildings that are neglected can attract crime. We want to careful control the development and allow people to invest in infrastructure. As you all know we have high taxes in the city and he wants to try to relieve the burden on the individual residential taxpayers by bringing in new business and new development to help stimulate the economy and help the tax base. This evening we will share the plans. As you know all of our hearings are open to the public, we

are a transparent administration which is why he is happy everyone is present this evening. He listens to residents everyday who have indicated what they want. Residents have indicated that they want to clean up blighted areas, more beautiful buildings, improve roads and sidewalks, and to try and improve the downtown with a few more fun and classy restaurants. We want to make our picturesque city even more beautiful. Rather than having blighted buildings he would like to see more beautiful buildings. We are here this evening in an attempt to change the zoning to give the city an opportunity and the residents to have a future that looks like the bottom row of pictures rather than the top row of pictures.

Mr. Iafigliola would like Mr. Smerigan to briefly explain what the procedure is that brought us to tonight and what will happen next. Mr. Smerigan indicated that the zoning code provides for multiple ways to initiate a zoning amendment. One of those is for council to initiate the amendment, they do that by introducing legislation and refer that to Planning & Zoning for review and consideration. This began by a recommendation from the administration and himself to city council requesting that the process be initiated in that fashion. Mr. Smerigan stated that if you would like to consider this is step two in the process. The first is Council's referral, the second is for Planning & Zoning to hold a public hearing, the next step would be for the Commission to make a recommendation to Council, at which point Council will hold another public hearing and consider action. This will not be the last time a public hearing is held regarding this issue.

Mr. Stibich stated that he would like to make a correction, Mr. Smerigan indicated that Council initiated the legislation; to clarify the administration initiated the legislation. Mr. Smerigan indicated that Mr. Stibich is correct, the administration made a request to Council.

Mr. Iafigliola asked if there were any public comments.

Brent Repping, stated that he is the Chairman of the Board for the Cuyahoga Valley Westshore Model Railroad Club. We own the depot at 25802 Garfield Avenue and PP#281-20-055, subject to this proposed ordinance. We do have a few concerns and questions. We really have not been included in much of the dialogue to this point. First, a little quick note about his organization, a lot of people do not know who they are or what they do. We were formed in 1972 and incorporated in 1975 as an Ohio-Not-For-Profit. We were originally in Rocky River but displaced in 1976. We found the depot in Olmsted Falls in 1977. Originally it was owned by Conrail and we were a tenant, when we picked up the building it was basically a mess. We spent a lot of time rehabilitating the depot and have been there ever since. In 1996, before Conrail was split up, they decided to sell off their surplus properties and this building was about to go to auction. We intercepted the building in the 11th hour, were able to purchase it through donations and loans from our membership. When we purchased the building it changed what our organization was about, we had a historic building to preserve and we had a true treasure to cherish. Shortly after that we donated the property across the tracks on the north side to the City of Olmsted Falls in exchange for a parking lot. Since then we have done a lot with the City, in terms of historic preservation planning, our building is currently on the National Register of historic places, we are also on the State of Ohio Historic Register, he believes we were one of the first locations in the city to get that designation. In 2014 we applied and were granted 501(c)(3) status by the federal government. Our mission is pretty simple, one is to preserve the depot, two is to build display's that showcase railroad and model

railroads and other history and third share that with the public. As a community partner we have done a lot, we have transformed our building from a vacant eyesore into a well maintained building and grounds, we have consistently opened our doors to the local residents, we have participated in the Olmsted Heritage Days and other events in our city, we are one of the few organizations that allows students and we welcome them. We host historical groups, boy scouts and those types of groups routinely. We have always tried to be an asset to the community and our neighbors. His point is that we have a few concerns and questions. The first is as a 501(c)(3) organization we depend solely on dues and donations to fund our activities. In 2006 our property tax assessment tripled; in 2013 we absorbed another 48% tax increase. Our property has multiple easements, and relatively an unbuildable lot right next to the railroad tracks, perfect for us, not so much for residential. Currently property taxes is our number expense. We have attempted to get relief from the State of Ohio through various programs but have been unsuccessful. As the Mayor stated earlier, and he believes is in the proposal, one of this is to enhance property values, an enhanced valuation of this property would not benefit us based on our current structure. This is one of our main concerns. The secondary concern is being part of this community for more than 30 years having some dialogue around what the plans are for our property, which leaves us with a couple questions; with this are we assuming that we should be thinking about relocating again, it is definitely something that those of us who put our heart into that building should be considering. The second is, and we are a little confused, the parcel that we gave the city is not part of this proposal, the one adjacent to the tracks. In conclusion, we are proud to be a member of this community and we understand the need for downtown development and we are somewhat excited about the possibility to have a connection to it. He believes that could only increase our invisibility. At this point, he thinks that plans are well underway and we would certainly like to have some additional dialogue with city leaders to figure out how we can maybe balance some of these development efforts without any unintended consequences to his organization. He hopes that everyone understands his concerns and thank you for the opportunity to speak.

Roberta Schwimmer, 8093 Brookside Drive, she is the lone house that is currently within the rezoning. Before she begins she would like to thank everyone for attending this evening, it is really wonderful that you are all here and have questions and that you will be involved. She considers everyone her neighbor's and considers the entire town her neighborhood, so it is just not because her property is affected. She also wanted to say that the literature that she handed out today was not because she felt it was a gospel or carved in stone but simply so that all of you would know that there was going to be a public hearing, which was as the article said, perhaps its wrong, is after the fact because it was by error that it wasn't held prior to when the decision was made to go forward. She only handed it out because it was an opportunity to let you know so she didn't have to keep lettering signs. She hopes that she will not be taken to task when she reads something she was given by the ABR, that she is not dealing with facts because it is in the codified ordinances of zoning. First, she would like to mention that she did not start any rumors about tear downs, what she mentioned in the letter she wrote to Council was that her home being the only residential property that is going to be changed to commercial, if she is driven out of there because of higher taxes, which is entirely possible, it would create a great hardship for her if her taxes increased, if she should die and that property then becomes more valuable because of your commercial zoning and then her heirs would sell it. She said in the letter it makes it vulnerable to be a tear down and there has

been precedent for tear down even within historic districts. She did not say that it was going to be torn down. Her main purpose in letting you all know what is happening here was that you all understood what mixed use meant and many of you, when she went door-to-door, didn't understand that. She would like to bring to everyone's attention and is what she received through one of her neighbor's, Mr. Warning, from Architectural Review Board. Her fear is that this rezoning, and she understands that this evening is just for the rezoning, is that we are dealing with somewhat the tip of the iceberg because what it states is that the area to eventually be developed into higher density residential neighborhood's that combine larger scale residential development in coordination with non-residential uses would be between Plum Creek, Minnie Creek and the West Branch of the Rocky River along Columbia Road and that is in the codified ordinances. It also states multi-use can actually mean the only exclusion is drive-thru establishments. She understands that they will be mindful of the historic character of the town but some of these things no matter how you "gussy" them up will be oxymoronic to her with historic preservation and she is a preservationist. Her home is the most authentic century home in this city. It is 99% as built with its original windows, most is original roof, original siding and original interior. She knows something about what she is talking about. She read "the following uses may be permitted in an MUTND district, single family dwellings, single family detached cluster dwellings, single family attached dwellings, with no more than eight dwelling units contained in any one building, multi-family dwellings, with no more than 16 dwelling units per building; and that implies to her apartment style; offices, professional, administrative, medical, public, semi-public, retail, including beauty shops, barber shops, banks, dry cleaners, shoe repair shops, day care centers, hotels, motels, nursing care, churches, cemeteries, public cemeteries, wireless telecommunication, parking facilities including garages or off-street parking." She stated you can make them fancy, but she has spoken with many of her neighbor's and sadly and forgive her for using the term "it can be Crocker parking a town" it can literally make it a pretty looking area of boutiques and in the 1890's there were people living above their businesses because there were not box stores or big grocery stores, you had to shop within your town but it did not have to be a town filled with fancy shops and 23 restaurants. That is not what would have been there at the turn of the century and not what she considers historic. She wants everyone to understand that. She is grateful that everyone is in attendance, she is grateful for Planning & Zoning for giving of their time to volunteer to be on any board or taking any type of city responsibility.

Jennifer Miyashiro, 25695 Mill Street, she has a couple of questions and observations. She stated that when Mayor Graven was reading his paper he stated "when we do the rezoning" like this is already a done deal and she does not know if that was a slip of the tongue and asked if this was a done deal. Mayor Graven stated that he was being optimistic. Ms. Miyashiro stated that was fair. Her biggest concern is the liquor licenses if that's really truly part of this. Her concern is why would there have to be so many liquor licenses and can't we have some cute little shops without alcohol. Her other concern is the traffic, even though there is not supposed to be large trucks on her street they come down Brookside past the post office and turn left towards the french restaurant and they rip through her front yard all the time. She has called the police and taken pictures but nothing has ever been done. She can only imagine if there are more restaurants there we will have a lot more trucks that come down illegally and there is nothing that has been done about it. If you want to put some businesses in she might be ok with it but she would like some sort of camera's or something put up so she doesn't have to stand outside taking pictures of illegal trucks all day long. Why the liquor

licenses which is her biggest concern. Also, what impact would this have on the sewer system because she knows we are putting in some sewers but doesn't know if that street has new ones coming in, but would there be an impact on the sewers to have big other buildings come in and dwellings. She is not a Walmart shopper and shops at cute little stores and she would love more cute little stores in our neighborhood. She would rather go to those stores rather than big box stores any day. She again repeated liquor licenses and would like some clarification as to why so many are needed and why they are discounted so much.

Nancy Vogt, 7885 Brookside, indicated that she did not receive a notice and has told a number of people at this point. Everyone else did and she couldn't be much closer. She can stand here tonight with all the reasons for not making the zoning change, a noisy bar, D5 licenses permit them to open from 5:30 a.m. to 2:30 a.m., you say there will not be fast food, great no convenience stores. There are lots of reasons but she is not going to do that. If you approve this change she would like the following considered; make your zoning changes with a particular focus. Find a unique niche currently unmet in Olmsted Falls and direct your efforts to that end. With your idea of developing a designation to expand on the Junction you must provide adequate space for those who Richard Florida refer to as the creative class who are known to bring to a community vitality, engagement and visitors. The creative class being the makers, the problem solvers. Note the success of the Waterloo Arts District, for example, or Little Italy, include in your mixed use work-live spaces for the makers, the painters, the sculptures, the photographers, the wood workers, for seeking housing and studio space. Encourage galleries who can provide venues for these artists to exhibit and sell their work, support a bakery or coffee shop or other gathering spaces for collaboration and socialization. Olmsted Falls is a perfect place for a successful artist enclave. How can this be demonstrated you ask; the most recent issue of CAN, Collective Arts Network, includes a map of galleries in their network in Northeastern Ohio and there are over 50 galleries. You notice where the galleries are, they are on the east side, the nearest ones to Olmsted Falls are Bay Village and Oberlin, this is an unmet need in Olmsted Falls. Today, we have the opportunity to provide the necessary environment for such a community. She brought additional copies of CAN for the Commission to take home, these are free and available at the public libraries. The professional quality that this organization has and what they may be able to consider for Olmsted Falls.

James Shiely, 9000 Lakeview Drive, stated that he moved to Olmsted Falls approximately 21 years ago. His three children went through the school system. Over that 21 year period he has heard a lot about the downtown area and shops and boutiques. Olmsted Falls is known for high property taxes, he recently has been looking at houses down in North Carolina, his comparable house in Olmsted Falls down there the property taxes are 1/3 of what they are here, we have very high property taxes. In that 21 years he has seen the Bagley Road corridor go to Berea because Olmsted Falls failed to agree to run a water line to those property owners so all those businesses up and down the Bagley Road corridor are now in the City of Berea. We have seen a JEDD that was formed about 12 years ago, colossal failure, corn is growing there as we speak. He has worked with two previous administrations, his two partners and him purchased the northwest corner of Bagley and Lewis Roads. There was a single family home on that property and we were trying salvage one parcel. He and his partner were members of the Park and Recreation Board at the time. We tried to salvage one piece of that Bagley Road corridor hopefully to bring professional jobs to Olmsted Falls, City Council and

Planning Commission, at that time, fought us and costed us \$40,000 in legal fees to rezone that parcel, that corner on Bagley Road from a single family home to P1, professional office and medical. We envisioned University Hospitals, since tax payers subsidize, Southwest General Hospital. We had hoped the administration would help us to bring a UH medical facility to that corner, maybe a 35,000 square foot office building, bring high paying jobs, doctors, nurses. We received zero assistance from the two previous administrations, absolutely zero economic development. When he hears talk about wanting relief for the taxpayers of Olmsted Falls, its not going to be with boutiques or shops. He is not opposed to this type of development, it has its place near downtown but he would love to see the city put some effort from an economic development standpoint into something with a little bigger picture, with professional jobs that are going to bring relief to the taxpayers here. He lives in Falls Pointe we have houses going up for sale constantly, soon as the kids get out of the school system, they are packing up and heading out of town because taxes are just outrageous. Our property at the northwest corner of Lewis and Bagley, beautiful river front property, could serve a restaurant, could be a mixed use, he would prefer to have medical/professional use there. We have had the property for about 10 years, he fought with the county. We've spent anywhere from \$9,000 to \$13,000 a year in property taxes for a vacant piece of property, it doesn't put kids in the school system, doesn't require police and fire, doesn't require any services whatsoever but we've paid over \$100,000 in the last 10 years in property taxes on a piece of property. Again, expecting some assistance from the two previous administrations, received zero under Mayor Blomquist and Mayor Donegan. So from that standpoint, again, he is not opposed to this type of developmen it has its place, we have a very quaint downtown area for Olmsted Falls but we need something in the bigger picture we need professional jobs. We have communities that are bringing, and he is not using this as an example, but for the JEDD property, he contacted Ohio State for maybe a branch campus in that area. There are communities that have Amazon distribution centers, again he is not proposing that to come to our community, but you are talking thousands of jobs versus boutiques and shops and things of that nature. Again, he is not opposed to this type of project and would welcome some assistance to try and develop, bring a professional medical building/office building to that corner of Lewis and Bagley and other parts of the city so that we can get some relief to the taxpayers here.

Mayor Graven indicated that the administration is working on that issue as well.

Joe Evanko, 25673 Mill Street stated that he and his wife have lived here for 5 years and have been in the community long enough to enjoy what we paid a lot of money to live here. His biggest concern is the house that belongs to Ms. Schwimmer, which is one of the reasons he purchased his home and paid the asking price, because she has one of the most beautiful houses in the city. His property and Ms. Miyashiro's property faces Ms. Schwimmer's property. If something happens to Ms. Schwimmer or down the road the house is sold then that property being a bicentennial city and has been here for 108 years, which he does not understand how it ever got listed in non-residential to begin with, his concern is that property which affects him the most, and his property value, and also his happiness living in a neighborhood like that.

Kevin Roberts, 7622 Columbia Road, stated that in the prior administration the view was taken by some members of the administration that ABR guidelines did not apply to public

projects and any number of projects. The most obvious is the service garage, which never went through ABR and is the biggest built in this town in the last 20 something years. There were discussions regarding designs and changes that could be made but there was never a formal presentation to ABR. As many of you know, he was reamed for allegedly painting his home without ABR permission and painting it grey even though it is 107 years old. One of his questions is, is there a commitment by the city that any project going up in this area will go through the ABR procedure. Also, as a practical matter the property owned by the West Side Model Railroad Club seems to him to be a undevelopable property. Even if anyone wanted to live or have a store right next to the trains going by how can there be a parking lot or have stores running along there or have deliveries made behind the store with a restaurant in the front of a boutique. It does not seem like this property should be included in this district. It is obviously part of the former railroad right-of-way. Having lived here long enough and walking by these places it seems to him that this district should extend further down Depot Street and include the former farmers exchange which could be made into an interesting building. It is industrial and kind of blighted. Also, is there any incentive for those businesses to move to the JEDD and put a more productive use, possibly, in that section.

Katie Gross, 7244 River Road stated that she also has some questions and does understand that the Commission is not answering them at this time. Her first question is why is an area already zoned commercial and medical considered not economically viable for the city. Her second question is for how many years will new businesses get to enjoy a tax abatement if they develop in this area. Her third question is will the data that was gathered by the contractors or consultants that the city hired be published so people can see what their recommendations were, what questions were asked and how they came to these conclusions to make these recommendations. Her fourth question is, if more residential properties are development has the city considered the school district that is already strained beyond capacity, what effort of more housing would have on the school district because that is a big concern. Also, if these pictures were described as ideas, nothing set in stone, these buildings in no way shape or form reflect any ounce of historical characteristic that is cohesive with the rest of the historic district. Seeing these pictures, even as just ideas, scare her. It is not a good idea to put these pictures up if you want people in the historic district to get on board with this as this is the opposite of what we want to see.

Sarah Evanko, 25673 Mill Street, stated she has three concerns about this project. She would like to echo what the last speaker stated about the pictures and that they are hideous and much too modern and she would like some assurance that anything that is built will be in the style and look of what is in the junction now. In order to expand the historic district it needs to be the same and look old and charming. Secondly, rezoning the strip of land down Garfield along the tracks she assumes you will want to make parking or something along there but that is not fair to the residents on Garfield. As it is now they only have brush to isolate them and be a sound barrier for the trains. Last year when the city cut the brush down everyone was up in arms because it was an eyesore and eliminated the sound barrier. If you remove that to put in parking it will make all those houses on Garfield unsaleable. Thirdly, the city planner mentioned or maybe the Mayor, that there would be deed restrictions in this zoning and she would like to know more about what the deed restrictions are to help us make up our mind whether this is a good thing to do or not.

Mayor Graven stated, for the record, Ms. Gross he made a mistake as he put the pictures up. They were just to use as an example of old buildings versus something brand new. He does apologize and will remove the pictures.

Mark Tomasch, 7522 River Road, would like to make an observation. One thing that opened his eyes, obviously no developer as we sit here now has come forward with a plan to develop the land around the tracks. What he thought was interesting is that in Mr. Smerigan's report to council he indicated that the master plan included an actual proactive effort to package the city land and proceed with requests for proposal for development which looks like the city is going to go out and actively seek organizations, contractors or developers to take this project on. He believes that is something that needs to be discussed. Maybe there is no information on it at all but he believes that is something that would obviously be of interest to people.

Angela Scheffler, stated that she lives at the corner of Brookside and Garfield, 8066, she also did not receive a letter. She is trying to get all the information. She agrees with Ms. Schwimmer regarding the trucks. The big trucks do come down her street and take up the whole entire length from Mill Street to the corner by her stop sign. She kept thinking how will they go around as they shouldn't be on the street. The traffic is already horrible being down Garfield/Brookside anywhere its horrible she can't imagine how there will be more traffic with businesses. She already hates having her kids out there because the traffic is so busy and then you have the trains and people getting mad with the trains and speeding down the streets and now having businesses there how will that affect traffic. It almost seems like Brookside and Mill should be one way for safety reasons. With the train depot she does not see why they would be affected because there is no spot there for a business its just going to bring more traffic on Garfield which is not necessary and it is nice having the train depot where it is and she feels it belongs there and should not go anywhere. They always have nice outings. She is not sure how the taxes will decrease if there are just shops. She believes there needs to be more thought into this issue. She worries about the traffic as that is a big concern.

Josh Lorek, stated that he grew up on Water Street right in the backyard of this area. He is involved in the library project and can assure everyone that the ABR is very involved in the process which is one of the reasons why the library project is taking as long as it has, in a good way, because there has been a lot of dialogue between his architect and the ABR to make sure that an old building, in his eyes was left for dead. He had two architects look at the building and advised him to knock down the building but he knew the building had to be revived and made useful again. He believes that everyone can put to bed that the city will not honor and make sure that this meets the architectural integrity of the historical area. He stated that currently there is an old building that does not meet any architectural standards, the old fire station, and he feels that anything would be a significant improvement so no one can say that it is beautiful right now. It could promote vagrancy and people going behind the building. He feels that he planted some of these seeds with the city and what quoted in the paper for the liquor license issue. He does not believe that the city wants 14 liquor licenses to be active. He has consulted with the City of Chardon who also did this program. Cities like Olmsted Falls will not attract an Applebee's or big chain, which is not wanted here and he does not want to see come in, but the City of Chardon has had the program for five years and have only had four licenses used. One of their success stories is a coffee shop that would have had to pay \$30,000 or \$40,000 to bring in a liquor license from another community, but for \$2,300 they are

able to be just as competitive as an Applebee's and have mixed drink with their coffee, like Bailey's, and couldn't do that before. This is not the city wanting 14 liquor licenses with bars being opened and people drinking until 2:00 in the morning because that is not going to happen. He has driven the streets as part of the process opening the library and this town is shut down at 9:00 p.m. and it would be nice to expand that slightly in some areas and with some things that Mr. Williams has already done. Most of this movement is just to expand what Mr. Williams has done in the downtown area. We would not be having this discussion if it was not for the efforts that Mr. Williams has put in. The people that want to invest money know this and do not want to put in a convenient store. He agrees with and did not think fully through the truck situation when he is thinking about opportunities that he would like to get involved and that would be something that has to be addressed. He believes that this will be positive for the community and does not see the city building 30 apartments in this small of a space. For the gentlemen who was thinking of moving to North Carolina maybe he would move to this area for a smaller place, cheaper option and would not have to cut grass. This will not be section eight housing, 60 apartments into this small section.

Susan Manuel, 8008 Columbia Road, stated that she is the "townie." She accepts the fact that she lives in the busiest part of town, she deals with delivery trucks, sanitation trucks, she has people blocking her driveway and it is not fun, but she accepts that as she made the choice to purchase her home and restore it. She loves Clint Williams and every single thing he has done in this town but you do not want this on Garfield. You do not want trucks going down, blocking your driveway and they will. She is concerned about the sanitation because she had a minor occurrence with sanitation, cleanings and a smell coming up into her home. We think it maybe something that is going on in our house but have not hired anyone and she is not blaming anyone, but, how much more can the city sanitation handle.

Chairman Iafigliola closed the public hearing at 8:43 p.m. He also called for a five minute recess. The meeting resumed at 8:54 p.m.

1. Planning & Zoning Case #09-2018 - Consideration for a recommendation from the Planning and Zoning Commission regarding a proposed amendment to the zoning classification for PP NO's 281-22-022; 281-22-021; 281-20-055; 281-17-010; 281-17-011; 281-17-012; 281-17-016; and 281-17-017, consisting of approximately 8.64 acres located along Brookside Drive, from P-1 "Professional and Medical District" and I-2 "Industrial Manufacturing District" to MUTND "Mixed Use Traditional Neighborhood District."

Mr. Iafigliola stated based on the evidence heard tonight, he knows some of the answers to the questions asked tonight, but also does not know all the answers. He would like to suggest tabling this issue for sometime in the next week and request that the Administration provide a written response to all the questions received. Mr. Smerigan indicated that he has also taken notes of the comments made by the various residents and would be more than happy to prepare a written response to the commission. Mayor Graven stated that he also agrees with the Commission to table this issue and the administration will try to the best of its ability to answer every question.

Mr. Iafigliola moved to **table** Planning & Zoning Case #09-2018 until a time in the near future to give the administration time to provide a written response; Mr. Budak **seconded**. Poll: 6 ayes; 0 nays. **Motion carried**.

Mr. Iafigliola indicated that the next Planning & Zoning Commission meeting to discuss this issue will be scheduled for Monday, July 30th at 7:30 p.m.

Mr. Iafigliola stated that hard copies of the written responses will be available at City Hall and possibly the building department as well as being posted on the city website.

2. Planning & Zoning Case # 10-2018 - A request made by Jeff Thompson, owner of 9537 Driftwood Drive PP# 291-01-044 for a variance of 3 feet to Section 1274.03(a)(1)(A) to permit a fence on the corner side yard to be 6 feet in height in lieu of the maximum 3 feet.

Mr. Iafigliola administered the oath.

Mr. Thompson stated that he would like to replace his four (4) foot fence with a six (6) foot fence. His property received a variance for the four (4) foot fence. The posts will remain and he will replace the rails and pickets. Mr. Iafigliola asked if the new fence would be a privacy fence, Mr. Thompson replied yes.

Mr. Smerigan indicated that a previous variance was granted in order to permit the four (4) foot fence and Mr. Thompson would like to adjust that variance to six (6) feet.

Mr. Iafigliola read into the record a letter from Jane Perkins at 9471 Driftwood, which states "I will not be able to make it to the meeting on 7/18/2018 but wanted to express that as a neighbor she has no objections to the requested variance."

Mr. Iafigliola moved to **approve** a variance of up to six (6) feet in lieu of the maximum three (3) foot as proposed by the applicant; Mr. Budak **seconded**. Poll: 6 ayes; 0 nays. **Motion carried**.

3. Planning & Zoning Case # 11-2018 - A request made by Joseph Saplak, owner of 25982 Myrtle Avenue PP# 281-02-112 for a variance of 22 feet to Section 1240.09(a)(2) to permit a driveway to be 48 feet wide in lieu of 12 feet and 26 feet in front of the garage as permitted by the Zoning Code.

Mr. Iafigliola administered the oath.

Mr. Saplak indicated that currently he has a gravel drive and is the only house on the street that does not have concrete. He would like to install a concrete drive. At the top of his driveway in front of the garage he would be 26 feet wide but as he comes down the property the drive would be 48 feet and then slowly drop back down to 10 ½ feet. This is currently the way the drive is set up. Currently he has five vehicles in his driveway.

Mr. Smerigan indicated that the Commission should be aware that the driveway currently exists in this condition and is gravel rather than paved. Mr. Iafigliola asked if Mr. Smerigan

believes the variance should be approved. Mr. Smerigan indicated that approval of the variance will not substantially change the circumstances in the neighborhood and he has no objections.

Mr. Stibich stated that with the gravel the area is impervious to water and hopes that there is not additional water running off the drive that would aggravate a flooding situation. Mr. Saplak indicated that his property is at the lowest part of the street and receives all the water. He stated that his backyard is also currently a foot higher than his front yard.

Mr. Iafigliola moved to **approve** a variance for 25892 Myrtle Avenue, PP# 281-02-112, of 22 feet pursuant to section 1240.09(A)(2) to permit a driveway to be 48 feet wide in lieu of 12 feet and 26 feet wide in front of the garage as permitted by the zoning code; Mr. Stibich **seconded**. Poll: 6 ayes; 0 nays. **Motion carried**.

4. Planning & Zoning Case # 12-2018 - A request by Jeff Hawkins, owner of 8579 Columbia Road for a lot split of PP No: 291-22-002.

Mr. Hawkins stated that he was before the Commission last year about the same time. He stated that he received approval for a lot consolidation but did not record with the Cuyahoga. He would therefore like to make an addition to the front house along with adding a one car garage and with those plans he is too close to the property line, which is why he is present this evening for another lot split. There was a discussion regarding the property lines and easements on the plat.

Mr. Iafigliola moved to **approve** the consolidation and lot split of PPN#291-22-002 as it relates to Planning and Zoning Case #12-2018 as presented; Mr. Stibich **seconded**. Poll: 6 ayes; 0 nays. **Motion carried**.

COUNCIL LIAISON REPORT: Mr. Stibich stated that Council is still deliberating on a replacement for Kyle Miller who resigned as of July 15, 2018. He stated that Mr. Haviland has returned from his temporary leave of absence. Mr. Iafigliola asked how many applications were received. Mr. Stibich indicated that there were four (4) applicants, but, one did withdraw so there are three that Council is currently considering.

OTHER BUSINESS: Mr. Iafigliola stated that there is a gentlemen here this evening that would like to give the Commission a brief informal presentation.

Mark Kopchenski, WXZ Development, 22720 Fairview Center Drive, Fairview Park, stated that since the Commission will recess for the month of August his company is under contract to purchase the last undeveloped parcel approximately 9.6 acres inside of the Falls Pointe PRD. We have been working with Mr. Smerigan and Mr. Sheehy completed our due diligence. We are hoping to submit an application to the Commission during August in order to make a formal presentation in September. The entire PRD was previously approved and the section between the Henna Homes and Ravinia Drive area was previously approved for 39 units, some of which were duplexes, we will be proposing 37 single family lots, fee simple lots on private streets. He distributed a preliminary draft drawing for the Commission to review, this is not an official submittal.

Mr. Kopchenski stated that after speaking with Mr. Smerigan he will submit a proposal for a modification of the previously approved preliminary plan.

Mr. lafigliola stated that when Mr. Kopchenski makes his formal submission he would ask that he address what will happen to the stub of the road. Mr. Kopchenski stated that he has been told that the Ravinia Drive residents prefer that this not be connected. Mr. lafigliola stated that he would like to know what the Ravinia Drive residents would like to see happen in terms of removal or leave as-is, and would ask that Mr. Smerigan and Mr. Kopchenski investigate. Mr. Kopchenski stated that he will be meeting with the president of this particular sub association prior to his submittal to the Commission.

Mr. lafigliola indicated that the plans do not show sidewalks. Mr. Kopchenski indicated that he was told by Mr. Sheehy sidewalks on one side of the street, which is typical of these developments. Mr. lafigliola asked if he was opposed to installing sidewalks on both sides of the street; Mr. Kopchenski stated that he is not. Mr. lafigliola stated that he would like to see sidewalks on both sides of the street as he believes it adds to the quality of life and is a minor feature that makes a big difference.

APPROVAL OF MINUTES: Mr. Stibich moved to **approve** the Planning & Zoning Commission minutes of June 6, 2018; Mr. Budak **seconded**. Poll: 5 ayes; 0 nays; 1 abstain (lafigliola). **Motion carried.**

Mr. lafigliola indicated that it is with great regret that he must inform the members of the Commission that he has received and accepted Fran Migliorino's resignation from the board. She indicated that she has had a pleasurable time serving on the Commission but her family life situation has changed and she can no longer commit to being a member of the Commission.

ADJOURNMENT:

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

Meeting adjourned at 9:42 p.m.

Planning & Zoning Commission Clerk

Date

Planning & Zoning Vice Chairman

Date