



CITY OF OLMSTED FALLS
PLANNING & ZONING COMMISSION
MINUTES
SEPTEMBER 5, 2018
7:30 PM
COUNCIL CHAMBERS

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

Others Present: George Smerigan, City Planner. Audience: 17

Chairman Brett Iafigliola called the meeting to order at 7:31 p.m.

1. **Planning & Zoning Case #09-2018** – Request for a waiver of the 15-acre requirement in an MUTND “Mixed Use Traditional Neighborhood District” pursuant to Section 1260.02.

Mr. Smerigan stated that this is a formality that has been requested by the law director because the size of the district is less than 15 acres he would like the Commission to grant the waiver. As you are aware when the zoning was changed along Columbia Road there were a number of parcels less than 15 acres. In this case the whole district is less than 15-acres. In reality, the Commission will deal with the development size requirement when an applicant would approach the city. Mr. Iafigliola stated to be clear there is no specific project this is just an overlay zoning district at this time. Mr. Smerigan replied that he was correct.

Mr. Iafigliola moved to **waive** the 15-acre requirement in the MUTND pursuant to Section 1260.02 as it pertains specifically to docket item 09-2018; Mr. Budak **seconded**. Poll: 6 ayes; 0 nays. **Motion carried**.

The public hearing before City Council will be set at the Council meeting on September 11, 2018.

2. **Planning & Zoning Case #13-2018** - A request made by John Jacobs, owner of 7932 Main Street, (Olde Wine Cellar) PP# 291-19-004 for a conditional use permit for outdoor seating areas to be located in the front and back of the Olde Wine Cellar pursuant to Section 1252.03(5)(b).

Mr. Jacobs nor any representative were present for tonight’s evening.

3. **Planning & Zoning Case #14-2018** – A request made by Mark Kopcienski, representing WXZ Residential Group/Falls Pointe, LLC for a revision to the previously approved General Development Plan for Phase C-5B of Falls Pointe; preliminary approval of the PRD Development Plan pursuant to Section 1232.06; and approval of a minor lot split and consolidation of PP# 290-03-006 and 290-03-094.

Mr. Kopcienski indicated that the landscape and tree maintenance plan through the submission to Planning & Zoning Commission will be redirected to the Shade Tree Commission who will discuss at their next meeting on September 11th.

Mr. Kopcienski indicated that this is a 9.6 acre parcel and is the last parcel to be developed in the Falls Pointe development. This phase was previously approved for 39 homes; of which 18 were duplexes; 21 were free standing single family and the entrance was planned off of Lakeview and a connector street to Ravinia. We are requesting approval of a revision of this previous plan to include 37 single family homes with no duplexes and there is no plan to connect to Pepper Tree which would connect to Ravinia. The plan includes an entrance off of Lakeview with two cul-de-sac's. Each home will have a two car attached garage as well as spaces for two cars in the driveway and additional parking will be permitted on the non-hydrant side of the streets. There will be sidewalks on both sides of the new streets and will complete the sidewalk across the frontage of this parcel along Lakeview Drive. The development will be served by municipal water and sanitary which is available at the site.

When the plat was filed for the Ravinia section, which was Phase C-5A, a small portion of the existing retention basin was left on the last phase parcel. The lot split will take that small section and place on Block "D" which is part of the Phas C-5A plat. He stated that Block "D" was Quit Claimed to the master association in order to maintain the retention basin.

Mr. Smerigan stated that his report was distributed earlier this evening. This was originally approved for 39 units of which 18 were duplexes and the current proposal is 37 single family homes. The original plan did have a connection Ravinia and this plan does not include that connection. The street would still be a private street and the entrance will be located on Lakeview Drive. The differences in the plan is the reduction in density and the move to all detached units. He considers these changes to be enhances to the original plan. The code provides that in any phase of a PRD development where there is a phase that differences from the original approval of the general development plan the Commission has the authority to revise the general development plan. Depending on the significance of these changes the applicant may need to go through the hearing process. In his opinion, the nature of these changes is not significant enough to warrant returning to the hearing process, as these changes are minor and still consist with the original intent of the original development plan. He would consider the reduction in density and the move to all detached units to be an enhancement, therefore, he is recommending that the Commission approve the revised general development plan. In addition, the Commission has a preliminary plan for this phase. He has reviewed the plan as well as discussed the plan with the City Engineer and it is our opinion that this plan is consistent with the requirements of the PRD district and consistent with the submission requirements for PRD's and we are recommending that the Commission approve the preliminary plans.

He stated that lastly, the Commission also has a request for a lot split and consolidation. The purpose of this is to cover the existing detention basin. This request is also consistent with the original development plan for the entire Falls Pointe PRD, as this basin was intended to serve the entire development and to be part of the common area. This split would accomplish making this basin a part of the common area. Therefore, he is also recommending approval of the lot split and consolidation. This will clean up the last piece of Falls Pointe and provides for development in a manner that is consistent with the original intent of the entire PRD and is done in a manner that reduces any potential impacts on the existing homeowners.

Mr. Iafigliola asked Mr. Smerigan to explain preliminary approval. Mr. Smerigan indicated that if the Commission approves the preliminary plan the applicant will then appear before the Architectural Review Board for the building elevations for review and comment. The landscape and street tree plans will be reviewed by the Shade Tree Commission for comments. The applicant would then provide detailed construction drawings for the private street and utilities to service this phase which will be reviewed by the city engineer for comments. The final development plan would then be submitted to the Planning & Zoning Commission for final approval along with the recommendations from Shade Tree, ABR, the city engineer and himself. Therefore, more detailed plans will be submitted with all the design information, drainage calculations, etc.

Mr. Kopcienski stated that the landscape preservation and maintenance plans, including the rough drawing of the entry were submitted with this package. The Architectural Board of Review plans, the elevation of the houses, colors, etc., were submitted directly to the Board and not included in the Commission's packet.

Stephanie Klokoc, 9163 Devonshire Drive, stated that she has a couple questions regarding some of the lines. She was notified by one of the residents regarding some of the families that will butt-up against this property and the setbacks. She has a 30 foot setback from our homes to our property lines in the development and her understanding from the drawings looks like there is a 30 foot setback from her development's property line to the lots. It looks as if the lots are bigger and encroach on the setback. Her question is will these houses cross the property line into the setbacks. When she built her home five years ago she was permitted into the setback. Between the new properties and her property there is 60 feet and it looks as if the new lots would receive an additional 15 feet onto the property line which then limits the setback between 60 feet. Mr. Kopcienski stated that Ms. Klokoc is looking at the boundaries of the lots, there is a dash line running parallel to all the exterior property lines of this parcel and runs through the lots which states 30 foot setback and by code these buildings must be 30 feet from the boundary line of the property, same as her property on Devonshire. Mr. Smerigan indicated that there will be open space between the privately owned lots and the boundary line of this phase. He stated that the homes will not be any closer to the boundary line of this phase than Ms. Klokoc's home is to the boundary line of their phase. The code requires a 30 foot setback and the developer must meet that 30 foot setback. Ms. Klokoc indicated that since a new owner would own one of these lots will they be able to build all the out to the common open space, for example a deck. Mr. Smerigan indicated that owners could build a deck onto their home but they will have to follow the requirements of the zoning.

Karl Balla, 9196 Willowbrook Court, stated that he would like to understand what type of housing will be built. He asked what the city's requirement is of the size and square footage of the homes being built. He is interested in preserving the value of his property. If someone were to build an 1100 square foot homes those will be ultimately less expensive than what is existing in other areas and he would be concerned. His concern is what will happen with Pepper Tree given it will be a dead end street. Experience tells him that it will become deteriorated and begin falling apart and those will be costs that his association will have to bear and he would rather not do that. Personally, he would not mind if the concrete would disappear. Mr. Kopcienski stated that the homes being proposed are similar to the existing homes in Falls Pointe. He is proposing two-story homes with a two-car attached garage and

three to four bedrooms. Mr. Smerigan stated that the code requirement for a two-story home is a minimum of 1500 square feet, which is the same code requirement that was applied to all the existing homes and throughout the city. Mr. Iafigliola asked if the proposed homes would be similar to those currently on Ravinia. Mr. Kopcienski stated that there are not many two story homes on Ravinia to his knowledge. Mr. Balla indicated that the two-story homes are primarily on Willowbrook Court. Mr. Kopcienski indicated that if in fact there are two-story homes on Willowbrook as he has not driven down that particular street, then the proposed homes would be very similar in look and feel of existing homes. Mr. Balla indicated that the homes on Willowbrook are approximately 1800 to 2400 square feet and are one and two-story homes. Mr. Kopcienski stated that we would not make any connections to Pepper Tree Lane and would be up to the residents of Ravinia and/or the Board to tell the city what their desires are for the existing concrete.

Betsy Buxton, 9455 Ravinia Drive, read the following statement “I wanted to voice numerous concerns I have as a resident of Falls Pointe, as a member of the Falls Pointe Cluster Housing Association III Board and as a taxpayer of Olmsted Falls as it relates to the build out of the Pepper Tree Lane parcel # 290-03-006.

In June of 2013 my husband and I had a 7” flood in our basement during a 50-year storm. In a quest to find the cause of the flood, I turned to the then OF Building Commissioner, Bob McLaughlin. Although not the cause of the problem, it was discovered that the retention/detention basin on Ravinia Drive was grossly neglected, not functioning properly and out of code. With Bob’s help and persistence, the parties responsible were forced to correct the problem in 2014 to the tune of \$40,000. The basin has not been properly maintained since.

As a Falls Pointe HOA board member, I have actively pushed for routine maintenance of the basin through our representative to the Master Association Board. Unfortunately, for 2 years she has laid on deaf ears in her attempts to get the president to approve routine maintenance. I’ve also been told by the service department that the city is not accountable to the property nor is it responsible in any way to the adherence to code. More homes feeding into the basin will exacerbate the problem. We’re headed for the same disastrous and unnecessary expense again if this situation isn’t addressed.

Three and a half years ago K Hovnanian began building out Ravinia Drive. As properties were being built, long time residents began noticing HOA home design violations which continued until completion. On multiple occasions residents witnessed “drive-by” city building inspections whereby the inspector parked in front of the under-construction home, sat for a few minutes and then got out and left written approval authorizations under a rock relating to work inside the home. As homes were being inhabited, resident complaints soared because of shoddy workmanship and construction problems, some of which I’m sure related to Ohio Building Code.

As a Falls Pointe property owner, as a member of the board and as a taxpayer I want to know how all these issues will be addressed and how improper conduct of city officials and builders will be prevented. I want to know that someone has our back, that someone is enforcing codes, and that my HOA fees and my tax dollars are being properly utilized. Thank you for your time.”

Ms. Buxton asked if the homes were all two-story or a combination of single and two-story. Mr. Kopcienski stated that currently he is proposing all two-story. If that changes in the future he will obviously follow city zoning code regulations as to the minimum square footage, every home will have a two-car attached garage. Ms. Buxton asked how would the design of the new homes be incorporated if in fact this new phase is part of Falls Pointe III.

Mr. Iafigliola stated that Ms. Buxton indicated that the maintenance of the retention basin was substandard and is again. These plans do not include these type of details but the final development plans will along with the city engineer's comments. Mr. Smerigan indicated that the service department indicating that they do not have any enforcement is not correct, they do not have maintenance responsibilities because it is private property. If there are issues with maintenance those can be referred to the city engineer. Ms. Buxton stated that Mr. Smerigan's comments are not in line with what she has been told previously so she believes further conversations will be needed. Mr. Iafigliola stated the new development will add to the retention basin and asked what they would be doing to alleviate some of the flooding. Mr. Kopcienski stated that he is aware of the situation after speaking with the neighboring residents and city officials regarding those concerns and he will fully comply with the requirements of the city and our engineer will design the engineering and will be submitted to the city engineer for comments. Ms. Buxton asked if some point in the future the residents will have a clear understanding of who is responsible for maintaining the basin under code. Mr. Iafigliola stated what the applicant has indicated is that he will tell the residents how his new development will not adversely affect the current facility. The second part of the Ms. Buxton's question was who will maintain the basin if this development is built. Ms. Buxton replied maintained to code. Mr. Iafigliola stated that the maintenance and enforcement is beyond the applicant's scope of the project. Mr. Smerigan indicated that the homeowner's association is responsible for maintaining the basin. If it is not being maintained up to standards then it would become an enforcement issue for the city engineer and he will be speaking with the city engineer regarding this issue. Mr. Pehanic stated that the homeowner's association is only as effective as the members of the association. There was an earlier comment that Ms. Buxton cannot get the board to do what they are supposed to do and as members of the association you have to get together and demand that the board handle their responsibilities. Ms. Buxton stated that for two years the representative to the master association has been pounding her fists on the master association's desk.

Mr. Iafigliola indicated that Ms. Buxton indicated that she observed violations of other builders and would there be any reason to suspect that Mr. Kopcienski would have similar issues. Mr. Kopcienski stated that he will comply with all the codes of the City of Olmsted Falls and the building codes. Mr. Iafigliola indicated that Mr. Kopcienski is not the previous builder. Mr. Kopcienski replied that he is not. Ms. Buxton asked for clarification, as she understands it, WXZ is the developer and the builder would be different. So, the builder is not present and is unknown at this time. Mr. Smerigan indicated that she is raising city enforcement issues and is a municipal issue so if there is an enforcement issue that would need to be corrected. It is not the developer's responsibility to have good inspections it is the city's responsibility. He will speak with the building department's administration regarding this issue.

Ms. Buxton indicated that each property is given by the association parameters of what could and could not be done in our homes, on the exterior of our homes, etc., and has nothing to do

with the city after their approval. So, whether not she has a yellow door or a red door is the HOA's design committee issue. Therefore, she does not have any issues with the city's architectural issues, but, rather enforcing the HOA and who has our back in enforcing that. For example, a builder comes in and decides that they would like pink shutters on these homes and if they become part of her HOA that would be against the design guidelines. Mr. Iafigliola asked if this would be a stand alone HOA or would it be part of an established HOA. Mr. Kopcienski indicated that he will follow all building codes and will have to appear before the Architectural Board of Review of the city for elevations and samples of colors. In addition, we are definitely a part of the master association and they have an architectural approval process which he will need to go through and will be subject to the design guidelines of the master association. It has not yet been determined whether we will join Falls Pointe Cluster Housing Association III or have a separate sub-association.

Sharon Kassay, 9163 Devonshire Drive, stated that it is her understanding that all these little subdivisions are under PRD's and that certain percentages of the land that is owned by this subdivisions have to be kept as common open space and must be left in a natural state. We were told that in her development 20% of the land that we have is supposed to be common open space left natural with no removal or planting of trees. The question becomes what percentage of this particularly new development is going to be common open space with no development. Although the first questioner may have been satisfied with Mr. Smerigan's answer she is not satisfied. From what she sees there is a 30 foot setback and you are giving the homeowners around the perimeter 15 feet of that perimeter and saying they can only put in grass or bushes. When she purchased her land on Devonshire she was told that you cannot encroach on that 30 foot setback at all, it is not going to be part of your land and yet all these houses around the perimeter of the new development are getting 15 feet of that 30 foot setback to do with it as they see fit. How does that impact the common open space percentage because they can remove trees or bushes and make it whatever they want. Her second question is builder selection, she knows the developer will develop the land and select the building but what is the process and how soon will that happen, when will the development begin. She would like an explanation of why the homeowners will receive 15 feet of the 30 foot setback. Mr. Iafigliola asked if the applicant could move forward with the original plans that were previously approved without any hearings with the 39 homes. Mr. Smerigan replied that the developer could submit final development plans for what was originally approved. But, due to the modification the developer has to appear before the Commission.

Mr. Smerigan stated that the code requires 20% of open space. The code does not require that this 20% open space wrap around the perimeter of the project it just requires that there be 20% open space. The developer is not giving 15 feet of the setback to anyone they can actually have the lots run up to the boundary line of the project, they just cannot have homes built within 30 feet of the property boundary line. There is a 30 foot house setback but that does not mean that there is a 30 foot open space or buffer area, it is simply the building setback. The minimum amount of open space for the project is 20% and they must meet this requirement, which they do. He stated that the developer can obtain that 20% in a number of different ways, this developer has chosen to apply that 20% around the outside of the development which adds to the open space of the other phases, it is commonly done this way and is an acceptable way. The setback line has nothing to do with the open space. The setback deals with how close a structure can be built to the boundary line of this phase of the

PRD and that distance is 30 feet, whether they show the lots ending 30 feet from the boundary line or whether the lots go all the way to the boundary line, they still cannot build on the last 30 feet of the lot.

Mr. Iafigliola indicated that Ms. Kassay's asked about the open space requirement; code requires 20% and the applicant has indicated he is providing 20%. The second question she asked deals with providing lot lines within the building setback. He indicated that from the drawings his understanding is that no one is receiving more or any less in terms of what their lots include. Ms. Kassay indicated that she understands but, in her development the residents were told there was the 30 foot setback and under no circumstances would anyone be allowed to do anything that is beyond that 30 feet. We were told that there would be a problem with the 20% common open space because there was a situation that occurred where someone was going to use a small portion of the land behind his house to add something that was not a permanent structure, like a patio. Because we were told and not allowed to encroach on the 20% any where in her development she finds it hard to believe that the new development people around the perimeter access to 15 feet of this 30 foot setback. Mr. Smerigan indicated that this statement is not accurate. He is familiar with the situation Ms. Kassay is referring to. There was a gentleman who owns a lot in a different phase who wanted to build into the common open space, beyond his property line. Ms. Kassay replied two and half feet. Mr. Smerigan indicated that the city would not permit this gentleman to build into the common area; he doesn't own the land so he cannot build on the land. The land was set aside as common area to be permanent open space; just as any of the new homeowners cannot build beyond their lots into the common area either. He stated that no individual can build into the common area in any of the PRD developments as it is not permitted by the code. The new homeowners will not receive any different treatment than any other resident in any other phase, as they cannot build into the common area either. If they are going to build any improvements it has to be on their lot and not in the common area. There is a difference between common area and setback and if we confuse the two there will be an issue. Ms. Kassay asked again, why are these lots given the extra 15 feet. Mr. Smerigan reiterated there is no extra 15 feet. The lot can go all the way to the property boundary line if the applicant so choose, there is nothing that requires the 30 foot setback to be common area, the 30 foot setback can be part of someone's yard. That is the way it was done in Ms. Kassay's phase, the entire setback was put into common area so the lots did not extend into the common area, but there is no requirement in the code to do it this way.

Mr. Iafigliola indicated that Ms. Kassay also asked a question regarding builder selection and schedule. He stated that some questions we can ask but they are not considered by the Planning Commission. He stated that the developer, as long as he follows all the laws and codes, is free to choose any builder he wishes. As far as the schedule is concerned, if any plans are approved, generally he has 12 months to begin the project. Any answer the developer gives this evening he is not bound to but is just of general interest. Mr. Kopcienski stated that with regard to the schedule he needs to go through the city processes as well as state and federal requirements but it is his goal to begin within the 12 months after approvals.

Ms. Kassay stated that her problem is with the lots extending 15 feet past the building line when the new development could be a much more attractive if they let this area be common open space where there could be trees, etc. Mr. Iafigliola asked if in her opinion, she would

move the property line back to the building line or to the far property line. Ms. Kassay indicated she would move the property line to the 30 foot setback. Mr. Iafigliola stated that would allow for 30 feet of common space around each home around the perimeter. He is surprised Ms. Kassay would say that because you have decreased the lot size and the developer could add another lot so you would not accomplish any additional open space. Ms. Kassay stated that she does not think making the lot smaller would add any additional homes around the perimeter. Actually, she believes it is the homeowner's responsibility, as it was her responsibility when she bought her home to talk with my builder and understand where her property line was and that the rest of the area was open or common space. So, she thinks that would need to be conveyed to either the homeowner buying that home or be the homeowner's responsibility when they look at maps like these to understand where their property ends. Mr. Iafigliola stated that he understands what she is saying her response was just a little surprising because he does not think that anyone would want 30 feet behind the house because he does not believe anything would be gained; he would expect that Ms. Kassay would rather see the open space concentrated in one spot. Ms. Kassay stated that she marked off 30 feet from her house to where her property ends and assumed that she was only going to see 15 feet from the new house and to be truthful, 45 feet from the back of her house is not going to be as nice as it would be if it were 60 feet. Mr. Iafigliola asked if her setback was 30 feet. Ms. Kassay replied it was. Mr. Iafigliola indicated that if that is correct then the closest house on subplot 4 could be to her house is 60 feet because the 30 feet adds to the 30 feet and supposes that a new homeowner could build a deck within 15 feet of that which would put them right on their property edge. Ms. Kassay replied only if that property is theirs to build on. Mr. Iafigliola stated that as the lots are drawn it is. Ms. Kassay indicated that is her point it then encroaches and makes their property a lot closer to her than if it were 60 foot. Mr. Iafigliola stated that part is true, but, the house remains 60 feet regardless of how the map is changed. Ms. Kassay replied that the deck would certainly encroach on her.

Renee Vlasuk, 9425 Ravinia stated that she is on the HOA board as well as the master board to represent her HOA. She stated that as far as she understands her HOA owns Pepper Tree so it really is an HOA decision as to what will be done with that street. The only problem she has with the HOA decisions is that currently Stu and Paul, who are the original builders, are the declarants for our development. From what Paul has said at master association meetings he has no desire to leave his position any time soon, last she heard was 2021. So, any decisions her HOA makes can be overturned by Stu or Paul because we are only currently an advisory board until the entire development is built. The master association will have Paul sitting on it for as long as he wants, from what she has been told, and he can ask for an extension from the 2021 date and this is part of the problem. Secondly, regarding the setbacks, there is a house on Ravinia that was built by K. Hovanian, if their house would have been built in line with all the other houses on the street they would not have been able to have a deck as large as they wanted because it would have extended to far in the back. This house was pushed forward, when she looks out her back door she cannot see this house and it is next to her neighbors. When she looks out the front of her home this particular house blocks everything else; when you walk on the sidewalk you have to walk around cars that are parked in this driveway because this house was allowed to build that far forward. She is hoping that this cannot happen again in the new development because it doesn't look good; its inconvenient to walk around because there are always cars parked there; and it was done to satisfy one person so they could have the deck they wanted the whole house was shifted. Is

there a minimum square footage for a one story home in our development. Mr. Smerigan replied 1200. Ms. Vlasuk stated there are three basin's in the development, the large lake behind the clubhouse, one on Schady, and one behind Ravinia. She has brought this up continuously and thinks that we need to take a proactive approach to keep these working so it doesn't get carried away again and people don't get flooded but Paul Madow holds the purse strings and he is more of a reactive person. In other words, I don't see any problem; no one is complaining about flooding; I don't see any reason to do anything about it; do you know how much it costs to take the silt out of these basins; you can't get anyone to do it; there is no place to put it. So, someone somewhere for the city itself needs to be looking at these basins because they were put there for a reason so somebody should be looking to see that they are serving their purpose. We had an individual from Rocky River Watershed come out and for some reason told us that Olmsted Falls does not belong to the 25 city group. He told us exactly what needed to be done to the basin on Ravinia, so her husband drew up a plan on where to cut, and gave it to Blue Ribbon, who is our landscaper, and everytime they cut they do it differently and wrong and they are going to cause more problems. There has to be a set standard for these basins; they have to be maintained to do the purpose they were put in for. The lake keeps getting shallower and shallower and the basin on Schady and Lakeview is in the worst shape. Everytime she brings this issue up the discussion is always about the cost of fixing but it will cost more if they wait till there is a problem. Everyone keeps saying its up to the HOA to do these things, but right now we don't hold the purse strings other HOA's in our development do, like the big single family homes, but we don't. We are on the board and have a vote but only up to a point. She also has never heard about an architectural review committee and will have to look into that. She would like to know what needs to be done to have someone continually overseeing the retention basins and who has the final say over and above our association. Mr. Smerigan replied the City Engineer.

Pat Luster, 9115 Devonshire stated that she has some concerns as does Ms. Buxton. She is not being affected by any new development but did live in an old section of a community and we had severe flooding problems. From what she understands a lot of her area had creeks as a lot of her friends use to live in Olmsted Falls and it is a wet area to begin with. She has no basement basically because in her old community she lived in an area that use to flood. She has a current neighbor who even during dry spells his sump pump constantly runs so there is a water issue in this area, the more you build you are taking away where water can drain and she appreciates all the residents concerns. Another concern is the traffic, you are building 37 more homes that will exit onto Lakeview right next to where part of Devonshire exits. Also, she is a little confused in the plans; the storm water management areas will two more basins or are there three basins in the area already. Mr. Kopcienski stated that this area including the 9.67 acres that he is proposing to develop, the Devonshire area, the Ravinia area which is 15 acres plus the entire Willowbrook area all drains into that basin. The basin was designed to take the storm water flows from the beginning and deal with the storm water quality. The items that Ms. Buxton referred to were finishing up some of those water quality issues that were not finished with the original construction. Obviously our storm water will flow through that basin but before it gets there those two little basins, which have not yet been engineered or designed, we are proposing to add those for water quality purposes only to clean the water before it gets into the main basin. Mr. Iafigliola asked if they would be wet or dry ponds. Mr. Kopcienski replied that he does not know and will be subject to detailed engineering. Ms. Luster asked if the storm water management areas cemented or big holes. Mr. Kopcienski replied that they would not

be cemented. Ms. Luster asked if there would be pumping stations if they overflow. Mr. Kopcienski replied that the design of those are subject to the regulations of the City of Olmsted Falls as well as the Ohio EPA as to how the water is treated and the function of the basins. Mr. lafigliola stated that traffic is always an interesting issue because you cannot have development without it and yet sometimes he thinks traffic concerns are overstated. In his opinion, these are normal homes, not building stores, and he cannot image that additional houses will contribute to anymore traffic that Mr. Balla has on his street combined with Ravinia as these would be normal people just going to work or other activities. Ms. Luster indicated that she was referring more to this will be closer to Devonshire Drive than Ravinia. Mr. lafigliola indicated that is possible but the traffic will not be on Devonshire and will exit onto Lakeview. Mr. Smerigan indicated that the total number of units has also been reduced.

Paul Luster, 9115 Devonshire stated that Sublots 15 and 16 on the map he noticed a very confusing lot line where two properties are slightly infringing. The same type of situation occurred in Phase II which created a lot of issues. The second thing he noticed is that there is no provision for any kind of parking area for guests coming to visit. We have none in Phase II and that also presents a problem because the private streets are narrower than public streets. When there are cars parked for parties or birthday's there are serious problems. The cul-de-sacs look like they will be all concrete so there will be no parking in those. In his development there are cul-de-sac's that have common ground in the center so there is parking available around it which is not part of the main street. How will the builder address these concerns. Mr. lafigliola indicated that Mr. Luster mentioned two lots and concerns over them and would like to know what those concerns are. Mr. Luster stated that if subplot 16 parks his car closest to the street how will anyone with two cars back out of his driveway. He has the same issue in his area of the development. He stated that unfortunately in his driveway there is a sidewalk on his side of the street so you would have to walk around the car. Mr. Kopcienski indicated that he has looked very carefully at the allowed area of the homes when the plan was designed, as well as the setbacks from the street to allow for the underground utilities and the sidewalks. The home would be 36 feet from the edge of pavement, which is plenty of room to park cars and have a driveway. Some of the other subassociations and other communities the houses are significantly closer to the street which means less room for driveway parking. We purposely wanted to make sure there was room for parking in the driveway and that is why we designed it this way. There are also a number of parking spaces on the street as well as four parking spaces per home, two inside and two outside. Mr. lafigliola stated that Mr. Luster also mentioned guest parking that some developments to offer.

Mr. lafigliola stated that on a typical cross section Mr. Kopcienski is showing 11'6" road to the back of curb which gives an 11' lane but the back of curb to the back of walk is 16 feet. Mr. Kopcienski replied that is correct. Mr. lafigliola stated that there is also a four foot walk and gives a 12 foot treelawn, which is significantly larger than those on Ravinia, and this seems rather large. If the sidewalk was closer to the street then a resident could park a vehicle in his garage and the sidewalk would be away from the house. Mr. Kopcienski stated that based on current drawings, because you are offsetting the four foot sidewalk inside, there is actually 21 feet from the base of the garage to the edge of the sidewalk. Mr. lafigliola stated that if that was increased that would encourage people to be in the way of the sidewalk. Mr. Kopcienski indicated that 20 feet is more than enough room to park a single car.

Mr. Luster stated that he is still concerned with the fact that there are no open parking areas. He believes with the number of homes being built that probably two parking areas that would allow for parking of two of three cars would be helpful. Mr. Iafigliola stated that there is no requirement that the developer needs to provide that type of area, Ravinia and Devonshire do not have these areas. Mr. Luster stated that is why he sees the problems.

Al Duber, 9167 Devonshire stated that the sewer easement runs along the west side of his property. The 15 foot landscape area the trees there are not Conifers and would like to know if the landscape architect could look at this strip and consider a more robust landscape area. He would suggest Arborvitae or Norway Spruce something that stays green all year. Some more intensity there because it does face directly towards the existing homeowners even though it is 60 feet away it will appear closer. He knows that there is a retention basin and asked if the water flows from the street into the retention basin and then travels north through the easement on his property. Mr. Kopcienski indicated that the pipe that runs through the easement is a 30 inch pipe that runs out of Devonshire through the parcel that he is developing and dumps into the basin. Mr. Duber asked if the water flowed south. Mr. Kopcienski replied that was correct.

Ms. Buxton asked if the homes would all have full basements. Mr. Kopcienski replied that they will likely be full basements. Ms. Buxton would like to request that they all be deeper than her basement. She was told by Mr. McLaughlin that one of the reasons that she had water in her basement was because it's the lowest one on Ravinia Drive. She would like to request that because this whole plan is changing, if this is approved, and Pepper Tree won't be utilized, that as part of this construction that the developer pay for the destruction of Pepper Tree Lane. Mr. Iafigliola indicated that the concrete would be removed and this area would be common space but this is owned by the HOA. Mr. Smerigan indicated that the developer does not own this portion of land and does not have the authority or the right to do anything with it. It is owned by the HOA and the HOA has the authority and right to remove the roadway. If the Commission approves this plan the HOA could remove this roadway because it would no longer be required or part of the plans once the general development plans are modified. As to the current developer we cannot condition or stipulate approval on him removing that portion of roadway as he has no authority or ability to do that. Now, if the HOA and the developer want to work out an arrangement that is fine but there is no way for the city to make that requirement.

Ms. Klokoc asked what the original plans were in 1998; how many houses were proposed back then versus what is currently being proposed. Mr. Iafigliola replied 39 some of which were duplexes and currently it is 37. Mr. Klokoc asked if the city would continue to put in private streets through all the developments. Mr. Smerigan replied that currently the PRD permits the use of private streets. This development was approved originally with a combination of public and private streets, anything new that came in would have to go through the review process with the city. He cannot predict what the Commission or Council might do in terms of approving future developments. We are stuck here because this was originally approved this way. Ms. Klokoc stated that she is asking because all of us pay taxes and we pay for our streets now and we pay for our sewers so you are looking at people who are now in these developments who have private streets and are responsible for them and the city collects their money. So, you can put that on record because she is the president of Villas of Falls Pointe II

and these are the concerns that she receives. The other issue is that the city failed in her development; they closed the books when K. Hovanian was done and we were expected to get more trees but because the city was done the development did not get more trees. She hopes that the city does their due diligence and not close the books on this developer so when the project is completed the residents receive everything they deserve.

Mr. Iafigliola stated that if a sidewalk is to be proposed what would the width of the sidewalk be. Mr. Smerigan indicated that the developer is proposing four foot sidewalks. Mr. Iafigliola indicated that he thought the typical width would be five. Mr. Smerigan indicated that four or five are common widths for sidewalks and on private streets four is more common than five. Mr. Iafigliola stated that he would rather see five feet on both sides.

Mr. Iafigliola stated that Mr. Kopcienski is not obligated to install screening for those residents on Devonshire or Ravinia and the Commission is within its authority to require screening. Therefore he would ask Mr. Kopcienski to review the area and determine if it would make sense to install some type of landscaping even though this is only a 15 foot strip. Mr. Kopcienski stated that he is subject to the Shade Tree regulations of the City and will appear before the Shade Tree Commission on September 11th. He stated that Shade Tree changes their requirements a few years ago and now want canopy coverage which specifically excludes evergreen trees from meeting those requirements. He does invite residents to come before Shade Tree as they look at the screening items.

Mr. Iafigliola asked if on the final drawings he would ask that the neighboring property owner lots are shown. Mr. Kopcienski stated that he would overlay the area.

Mr. Iafigliola stated that preliminary plan approval includes the entryway sign. He understands what is being proposed and is similar to what is located in other developments. He stated that he is not particularly fond of the PVC picket and would like to suggest another type of structure, he does understand that this is the same type of sign that is located on the Ravinia side of the development. He would like to also know the location of the sign placement. Mr. Kopcienski stated that the sign will be located on the north side of the entrance adjacent to Devonshire. He stated that the sign is being placed on this side of the property due to the fact that the other side is currently mounded.

Mr. Iafigliola asked about an ADA complaint crossing, not striped, that would run east to west and cross Lakeview Drive. Mr. Kopcienski indicated that he did research this issue. It appears that the sidewalks in front of Devonshire were recently completed and along the entire side of Lakeview from Ravinia to Falls Pointe Drive, East, once we put the sidewalk across the frontage of his property there will be a complete sidewalk on the east side of the street which will allow pedestrians to get to Falls Pointe Drive, East. He stated that Lakeview and Falls Pointe Drive, East is a four way stop; if you look closely at the aerial photo there are striped crosswalk. The other thing you can notice is that Lakeview continues to curve around which could potentially cause a site distance problem for pedestrians and/or vehicles, so, not being a traffic engineer himself, but understanding that it is always safer to cross pedestrians at an intersection we would suggest that we complete our portion of the sidewalk and that residents use the handicap curb ramps and cross at the four way intersection. Falls Pointe Drive runs through this intersection with no stop sign and he believes that the issue of making this a four

way stop would be subject to the city and then possibly striping crosswalks which he believes antidotically would be a safer condition. Mr. lafigliola indicated that he would like the city engineer to look into that as it remains important issue to him as he lives in Falls Pointe. This particular development does not affect him directly but he is familiar with some of the particulars, he does not disagree with Mr. Kopcienski's observations. His only contention is that what actually happens is most people coming from anywhere and going to the south if they are going to the clubhouse they cross diagonally from Ravinia towards Willowbrook and that is just about as bad of a crossing that you could have, in his opinion. Mr. Kopcienski stated that he is interested in all current and future residents being as safe as possible and would not venture to say what is the best and safest condition but if the city engineer informs him that he feels that's the best way to do it we will look forward to doing that.

Mr. lafigliola moved to **approve the minor lot split and consolidation** of PPN #291-03-006 and 290-03-094 as shown on Sheet 1 of 1 of the lot split and assembly dated August 27, 2018; Mr. Haviland **seconded**. Poll: 6 ayes; 0 nays. **Motion carried**.

Mr. lafigliola moved to **approve** the preliminary plans for the PRD development plan pursuant to Section 1232.06 for PPN# 291-03-006 as shown; Ms. Hawkins **seconded**.

Mr. lafigliola would like to suggest that the applicant consider the landscaping; consider bringing with him some official indication from the homeowner's association regarding the disposition of Pepper Tree Lane; and consideration of the sign details that he previously mentioned regarding its overall appearance. Mr. Kopcienski stated that regarding the communication from the Ravinia Board, Falls Pointe Cluster Housing Association III, there was a letter that should have been read into the record and was delivered tonight indicating that the board would prefer that there not be a connection of Pepper Tree but does not speak of the future of the concrete which is an issue that will have to be worked out separately. Mr. lafigliola read into the record the following letter from the Ravinia HOA Board: "To the Olmsted Falls Planning Commission from Elizabeth Buxton, Secretary of the Falls Pointe Cluster Housing Association III Board, dated September 5, 2018, the purpose of this memo is to inform the Planning Commission that our board took a vote on August 16th regarding the extension of the five board members of seven present it was unanimous that our desire is not to extend Pepper Tree Lane, we feel that residents of Ravinia and Willowbrook would be better served if the new phase off Lakeview and Pepper Tree remains a dead end street." He indicated that the plans do show this request. He believes that a similar letter which states that it is their desire to work out a reasonable outcome of Pepper Tree Lane concrete. Mr. Kopcienski stated that as previously discussed this is a private matter between two property owners and would be some sort of contract between those owners and not necessarily privy to the Planning Commission although the Commission is stating that they would like his development to respect their wishes. Mr. lafigliola stated that he believes if the Falls Pointe III HOA board writes a letter stating that they would work out a way to remove that concrete to their satisfaction. Ms. Buxton asked if there was a timeframe as that request could take years as her board is only an advisory board that would need to be presented to the master HOA. Mr. lafigliola stated that there is a process that the applicant has to go through for everything else that has to happen and will need to appear before the Commission for final approval which will also take time and that will allow Ms. Buxton time to also work on this process. Poll: 6 ayes; 0 nays. **Motion carried**.

COUNCIL LIAISON REPORT: *No Report*

OTHER BUSINESS: Mr. Iafigliola indicated that the Commission received a letter from Clover Development dated September 4, 2018 requesting a 60-day extension of their previous docket #13-2017 approval to extend the start of their construction. They are currently working through the building permit process and expect to begin construction soon, however, as part of their wetland permit they are not permitted to cut trees larger than 3” in DBH between April 1st and September 30th, which significantly eliminates the amount of site work we can effectively start before October 1st, therefore they are respectfully requesting a 60-day extension to the conditional use approval.

Mr. Smerigan indicated that he sees no reason not to grant an extension, this is clearly a positive project for the City. The developer is trying to get through the permitting process both in terms of wetland and building permits. They clearly intend on moving forward with their project. Mr. Iafigliola stated that in his professional experience the dates outlined are consistent with tree cutting guidelines. The development could have requested any length of extension and believes that the 60-day extension does not seem out of the ordinary.

Mr. Iafigliola moved to **grant an extension** to docket #13-2017 for 60-days beyond the original October 4, 2018 deadline to start construction; Mr. Haviland **seconded**. Poll: 6 ayes; 0 nays. **Motion carried.**

Mr. Iafigliola distributed a Sun Post article dated May 17, 2018. As the Commission will recall in July the Commission had two separate meetings regarding mixed use zoning. He saved this article from May and would ask that the Commission review the article. He stated that Fairview Park is proposing a similar type of rezoning.

APPROVAL OF MINUTES: Mr. Budak moved to **approve** the Planning & Zoning Commission minutes of July 30, 2018, as amended; Mr. Carpenter **seconded**. Poll: 5 ayes; 0 nays; 1 abstain (Pehanic). **Motion carried.**

Mr. Iafigliola moved to **table** Docket # 13-2018 until the next mutually agreeable Planning and Zoning Commission meeting; Mr. Budak **seconded**. Poll: 6 ayes; 0 nays. **Motion carried.**

ADJOURNMENT:

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

Meeting adjourned at 10:06 p.m.

Planning & Zoning Commission Clerk

Date

Planning & Zoning Chairman

Date