



CITY OF OLMSTED FALLS
PLANNING AND ZONING COMMISSION
MINUTES
MARCH 20, 2019
7:30 PM
COUNCIL CHAMBERS

Commission Members Present: Brett Iafigliola, Michelle Hawkins, Garry Pehanic, Dave Fenderbosch, Jim Haviland, Garry Thompson, and Peter Carpenter.

Others Present: Braden Thomas, Building and Zoning Administrator, and George Smerigan, City Planner. Audience: 20

Chairman Brett Iafigliola called the meeting to order at 7:32 p.m.

Mr. Iafigliola stated that the purpose of the public hearing is a request by Berea Ohio Congregation (Trinity Church), contract owner of 9500 Lindbergh Blvd, PP# 291-15-004 for a Conditional Use Permit pursuant to Sections 1240.03(7), 1264.03(b)(4)(5), and 1264.05(e) for church services and group meetings.

Darren Lander, 29047 Lorain Road, North Olmsted stated that he would like to restate that Berea Ohio Congregation is the name of the Jehovah's Witness Group that currently own the building, we are Trinity Church and intend to purchase the building. He stated that his organization would like to purchase the building and use as a church building for our public services and mid-week gatherings. Mr. Iafigliola indicated that the facility is currently used as a church and Mr. Lander and his organization will continue to use the facility as a church.

Angie Stokes, 24300 Briarpatch stated that she resides across the street from this facility. She stated that the Jehovah Witness organization was an insular community and would like to know what the traffic will be like with Trinity Church as there are some issues with the bus stops down Lindbergh. She understands that services will be on the weekend but with the different gatherings during the week she is concerned with her children being there and knowing the issues that have taken place over the years with the buses and traffic. Mr. Lander indicated that not knowing the area he does not know a lot. His congregation is approximately 130 people, he does not know how many attend the building now, we do not anticipate overwhelming the building or parking lot. On their counts on Sunday's we usually draw less than 60 cars. Currently his congregation meets in a pretty crowded plaza at the intersection of Stearns and Lorain Road and are familiar with traffic issues. Most of his congregation are very sensitive to kid movement because of the fact that we have existed always at schools and now for the last eight years in a public plaza. Ms. Stokes stated that also the wear and tear on the road as the Jehovah Witness organization was a very quiet church. Mr. Lander indicated that his purpose is a little different from the way the Jehovah Witness congregation uses the facility as they use it for training and ours would be more of a gathering place, but he does not anticipate that they will do anything that will increase traffic. He stated that his church as been around for 20 years and will celebrate their

20th anniversary next January and have had 200 people at times, but if we were to get to that number we would probably move to two services to deconcentrate traffic.

Mr. Iafigliola closed the public hearing at 7:37 p.m.

1. **Planning & Zoning Case # 03-2019** - A request by Berea Ohio Congregation (Trinity Church), contract owner of 9500 Lindbergh Blvd, PP# 291-15-004 for a Conditional Use Permit pursuant to Sections 1240.03(7), 1264.03(b)(4)(5), and 1264.05(e) for church services and group meetings.

Mr. Iafigliola indicated that the city engineer has no concerns and does recommend approval. Mr. Smerigan indicated that the applicant is not proposing any site changes and simply using the facility in the same way as it was previously used. Since this is a conditional use permit the Commission has the authority to attach any conditions that they deem appropriate, although he does not see any conditions needed at this time. Should the church at some point grow and need to come before the commission again conditions may be desirable at that time. Mr. Iafigliola agrees and does not see any conditions needed at this time.

Mr. Iafigliola moved to **approve** the conditional use permit as it pertains to Planning and Zoning Case #03-2019 at 9500 Lindbergh Blvd, as proposed; Mr. Thompson **seconded**. Poll: 7 ayes; 0 nays. **Motion carried**.

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); a variance of 1 feet to Section 1274.03(a)(1)(A) to permit a fence to be 4 feet in height in lieu of the maximum 3 feet.

Mr. Smerigan indicated that the Commission was to schedule a hearing for this conditional use permit and inadvertently approved the permit. The commission will need to revoke that action and schedule a public hearing so the appropriate notices can be mailed.

Mr. Iafigliola moved to **revoke** the conditional use permit previously granted to Planning and Zoning Case #13-2018 in its entirety; Mr. Carpenter **seconded**. Poll: 7 ayes; 0 nays. **Motion carried**.

Mr. Iafigliola moved to **schedule** a public hearing for Planning and Zoning Case #13-2018, John Jacobs owners of 7932 Main Street for April 17, 2019 beginning at 7:30 p.m.; Mr. Haviland **seconded**. Poll: 7 ayes; 0 nays. **Motion carried**.

3. **Planning & Zoning Case #06-2019** - A request by Rebecca Fitzgerald, owner of 26762 Cranage Road for a lot consolidation of PP Nos: 281-01-012 and 281-01-013.

Rebecca and John Fitzgerald, 4164 West 217th Street, Fairview Park, stated that they would like to build a home in the middle of the property. She indicated that her and her husband own both parcels.

Mr. Iafigliola indicated that for the record, Mr. Smerigan's email dated March 4, 2019 states "he is fine with the application going to Planning & Zoning Commission" and Mr. Sheehy's email states that he is fine with the consolidation. Mr. Smerigan indicated that since the two existing lots are conforming, he sees no issues from a zoning standard and recommends that the Commission grant approval and are buildable lots.

Mr. Iafigliola moved to **approve** the lot consolidation for Planning and Zoning Case #06-2019 a request by Rebecca Fitzgerald owner of 26762 Cranage Road PPN Nos: 281-01-012 and 281-01-013 as shown on the drawing submitted May 4, 2018; Mr. Thompson **seconded**. Poll: 7 ayes; 0 nays. **Motion carried**.

4. **Planning & Zoning Case #07-2019** - A request made by J.S. Hardscapes, representing Tony Mazzella, owner of 7239 River Road for approval of a riparian setback variance of 90 feet to Section 1470.10(b)(1) to permit installation of a retaining wall and approval of grading changes to extend to within 210 feet of the high-water mark in lieu of the required 300 feet.

Mr. Iafigliola administered the oath.

Gale Mazzella, 7239 River Road, stated that she is installing a retaining wall to increase their capability of living space in her backyard and was previously a cliff, essentially. In order to hold up the cliff we hired a soil inspector who came out to determine any issues with the soil and how to correct the soil and a location for the retaining wall. She stated that they then hired Mr. Jared Sack.

Mr. Iafigliola stated that Mr. Sheehy comments in a memo dated March 7, 2019 which states "the proposed riparian setback and change of grade do not significantly impede the riparian quarter at this location. While it would have been ideal to have had the opportunity to comment on the installation of the retaining wall, fill material and construction techniques along with proper inspection of the work as it progressed it appears from what has been provided that the installation was performed in a workmanlike manner and could be completed without any additional disturbance to the rear yard within the riparian setback. I would recommend approval of the variance and would suggest that the board further prohibit the removal of any additional trees or natural vegetation east of the new retaining wall."

Mr. Smerigan stated that he would defer to Mr. Sheehy in terms of his engineering analysis and concur in the opinion that he does not believe that what has been done in any way has a negative impact on the riparian corridor. What has been accomplished should help protect the stream rather than cause damage. Mr. Thomas stated that he agrees with Mr. Sheehy's comments. At this point the building department is satisfied with the documentation submitted and everything has been professionally completed and there is not much to question. Getting a look at the foundation prior to the retaining wall being installed would have been ideal, but at this point that is obviously not something that is possible. We would like to at least, once the project is completed, be able to make a site visit in order to make sure everything is cleaned up properly and he can close the permit.

Mr. Thompson stated that he is assuming this project was started but the contractor was unaware of the riparian setback requirements. Mr. Sack replied yes. Mr. Thompson asked if the retaining wall was in place. Mr. Sack replied yes. Mr. Thompson asked what was left to be done. Mr. Sack replied landscape work, seeding below and above, and repair what was torn up during the construction.

Mr. Haviland stated that it seems that there are other structures in the area that are closer to the stream and asked if the homeowner would abide by the request to not cut down anymore trees. Mr. Sack replied yes.

Mr. Pehanic asked if there if the new retaining was replacing an existing wall. Ms. Mazzella replied that there was no existing wall there was just a cliff. Mr. Smerigan replied that the riparian setback extends up to the pool, so any kind of improvement would be in the riparian setback. Unfortunately, along this stream the riparian setback is 300 feet from the high water mark and that extends a great distance into the Mazzella property. Mr. Pehanic stated that anything east of the pool is in the riparian setback. Mr. Smerigan replied that is correct.

Mr. Iafigliola stated that he did visit the above property and Ms. Mazzella was gracious enough to permit him to see the retaining wall. Behind this home there is a large quantity of very nice landscaping and an inground pool. He does not have too many concerns about this being in the riparian setback. He would state on the record if the applicant wanted to build this wall 301 feet away from the stream they would not be here today. Mr. Smerigan replied that this statement is correct. Mr. Iafigliola stated that the only concern he has is that this is not a little wall, and commends the contractor on how nice it looks, but this is a very tall wall, part of the reason we go through such a thorough review is to see if any of the neighbor's have any issues. He stated that the sitting wall has color and the larger wall is a nice white wall. His experience with similar projects in various places a lot of times the very white walls stick out too much, particularly those who have a view on the opposite side of the stream. He would ask if

there was some way natural tone color could be added to the wall to make this wall blend in. Mr. Sack indicated that they will be toning it down with flowering trees at the face of the wall so it is not so invasive. As far as coloring, at this point he does not believe it would be a good option, because of cost, which is why the sitting wall was chosen for color. Mr. lafigliola asked how tall the wall was. Mr. Sack replied 19 ½ feet. Mr. lafigliola stated that this remains a concern to him. If a flowering tree is planted during this time of year there will be no color for six months of the year and asked if there was any other option. Mr. Sack suggested planting the trees staggered which will give each homeowner across the river a view, but those houses do sit higher than this property. Mr. Fenderbosch indicated that the wall will be covered in moss in the future due to weather. Mr. lafigliola asked if an ivy could be planted at the top of the wall. Mr. Sack replied that he would prefer plantings at the bottom so they could climb rather than dropping down from the top. Mr. lafigliola indicated that without being too restrictive he would like some sort of number of trees to be planted, even if that number is approximate. Mr. Sack replied approximately six. Mr. Pehanic indicated that this is beginning to sound like government overreach. It is their property and they do recognize that the Commission has a concern as to the color of the wall but it should be up to the landscaper and resident to determine what should be planted and how many, he does not believe we have the right to say how many trees need to be planted in order to satisfy the commission's concern.

Mr. lafigliola indicated that he would like to see some level of screening and believes the commission should know what that level is. Mr. Pehanic stated that the statement of screening is sufficient, in his opinion. Mr. Sack replied that for the homes on the other side of the river nothing could be built there because of the land and they also sit higher so they would not see the Mazzella home or wall.

Mr. lafigliola asked if Ms. Mazzella had any objection to planting trees at the base of the wall. Ms. Mazzella replied she has no objection.

Mr. lafigliola indicated that a 90-foot variance is substantial but you also need to understand that this wall, in this case, is a long way away from the river. Mr. Smerigan indicated to also keep in mind that essentially anything they did to protect the pool would require a variance so it's not a situation where they are extending beyond what they would be permitted to do by right they have no other choice but to seek a variance so given that context he thinks the variance is not substantial.

Mr. Pehanic stated that given the height of the wall would there be anymore fill at the top of the wall for safety. Mr. Sack replied that a railing will be installed.

Mr. lafigliola moved to **approval** Planning and Zoning Case #07-2019 which is a request made by J.S. Hardscapes representing Tony Mazzella owner of 7239 River

Road for approval of a riparian setback variance of 90 feet pursuant to Section 1470.10(b)(1) to permit installation of retaining wall and approval of grading changes to extend to within 210 feet of the high-water mark in lieu of the 300 feet, with the condition that an appropriate level of screening of various methods be provided to the retaining wall, which may include landscaping or staining the wall, not both, to try and soften the visual impact to the surrounding neighbors; Mr. Haviland **seconded**. Poll: 7 ayes; 0 nays. **Motion carried**.

5. **Planning & Zoning Case # 08-2019** - The purpose of the public hearing is a request made by Debra Finn, owner of 25345 Tyndall Falls, PP# 291-19-008 for a variance to Section 1240.09(a)(2) to permit the driveway to be 14.5 feet in lieu of the Code maximum of 12 feet and to permit the driveway to widen to 25 feet at the garage in lieu of the Code permitted maximum 19 feet.

Mr. Iafigliola administered the oath.

Debra Finn and Steve Harris, 25345 Tyndall Falls. Ms. Finn stated that she is attempting to replace her driveway and, in that process, she would like to extend the driveway onto the side of the house in order to give more opportunity for parking and trash containers. She stated that her neighbor's have also extended their driveways as they are replaced. She indicated that there will be ornamental grass and landscaping put in as well.

Ms. Hawkins asked if any of the neighbor's have any objections to this request. Ms. Finn replied that none of the neighbors have any objections.

Mr. Thompson stated that living in this neighborhood he can attest that all the driveways in this subdivision are single wide at the street and then go to the somewhat narrow two car garage. Now that most of the residents have two to three cars, depending on if you have kids, they have cars parked all over the place. We will probably see more of these requests coming forward because the driveways are now reaching the replacement age and everyone wants to widen them since they have to be replaced. Mr. Harris stated that the most of the driveways on the street have the grass area on the side torn up because the driveways are not wide enough.

Mr. Iafigliola moved to **approve** the variance as requested for Planning and Zoning Case #08-2019, 25345 Tyndall Falls PPN 291-19-008 pursuant to Section 1240.09(a)(2) to permit the driveway to be 14 ½ feet in lieu of the code maximum of 12 feet and to permit the driveway to widen to 25 feet at the garage in lieu of the code permitted 19 feet; Ms. Hawkins **seconded**. Poll: 7 ayes; 0 nays. **Motion carried**.

COUNCIL LIAISON REPORT: Mr. Haviland stated that since we have been busy, we have not been able to discuss the Master Plan, and when we start establishing some of the areas that we want to concentrate on the administration and Ms. Accordino are prepared to sit down with us again. Mr. Iafigliola stated that due to the number of agenda items, tonight was not a good night and instructed the clerk if the next meetings maybe cancelled or contain a light agenda to contact him to discuss.

OTHER BUSINESS: Mr. Braden Thomas stated that he is the new building commissioner as of July 9th and it has taken him some time to get up to speed on all the projects going on. He does have a noise ordinance issue that will need to be placed on the agenda for discussion. Mr. Iafigliola asked if he was employed with the city or a contracted employee. Mr. Thomas indicated that he is directly employed with the city. Mr. Iafigliola asked about his professional experiences. Mr. Thomas replied that he was a commercial plumber and electrical contractor for 13 years and his young body started to show signs of wear and tear so he pursued other options and became licensed with the board of building standards. Mr. Iafigliola asked if there was a particular reason he attended tonight's meeting. Mr. Thomas replied that now that things are more under control he wants to be involved in the processes and he feels that it is better for him to be in attendance in case there are questions or issues. Mr. Iafigliola asked if he anticipates attending more meetings in the future. Mr. Thomas stated that from this point forward he should be a familiar face at these meetings.

Mr. Iafigliola asked if Mr. Kolar had submitted responses to the questions posed to him at the last meeting. Ms. Stone replied that none have been received. Mr. Smerigan indicated that Mr. Kolar did indicate to him that he intended on having the responses in time for the next meeting.

APPROVAL OF MINUTES: Mr. Thompson moved to **approve** the meeting minutes of February 20, 2019; Mr. Haviland **seconded**. Poll: 6 ayes; 0 nays; 1 abstain (Pehanic). **Motion carried.**

Mr. Haviland moved to **approve** the meeting minutes of March 6, 2019 as amended; Mr. Pehanic **seconded**. Poll: 6 ayes; 0 nays; 1 abstain (Thompson). **Motion carried.**

ADJOURNMENT:

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

Meeting adjourned at 8:50 p.m.

Planning & Zoning Commission Clerk

Date

Planning & Zoning Chairman

Date