



CITY OF OLMSTED FALLS
PLANNING AND ZONING COMMISSION
MINUTES
SEPTEMBER 18, 2019
7:30 PM
COUNCIL CHAMBERS

Commission Members Present: Brett Iafigliola, Cornel Munteanu, Michelle Hawkins, Dave Fenderbosch, Garry Thompson, and Peter Carpenter. Garry Pehanic was excused. Audience: 29

Chairman Iafigliola called the meeting to order at 7:30 p.m.

1. Planning & Zoning Case #22-2019 - A request made by Kristie Colbert, owner of 8293 Metropolitan Boulevard PP#281-33-026 for approval of a riparian setback variance of 45 feet to Section 1470.10(b)(2) to permit the construction of a 163 square foot breezeway addition and new front entryway 75 feet from the watercourse in lieu of the required 120 feet and to authorize the repair and/or replacement of the existing fencing and retaining walls currently located within the riparian setback.

Mr. Iafigliola administered the oath to Ms. Colbert.

Ms. Colbert indicated that she would like to build a breezeway from her house to the garage which is approximately 163 feet. She stated that the property has been vacant for five years and has an extreme amount of evasive species of plants growing everywhere. There are multiple sections of a sandstone retaining wall and some of the trees are growing up through the wall and she would like to correct that issue. She has been told that she needs a variance in order to correct. She removed some of the fencing in the front yard except for the south side which she would like to replace with a decorative metal fence.

Mr. Iafigliola indicated that the variance being requesting this evening is for the 163 square foot mudroom addition connecting the existing home to the existing garage. Ms. Colbert replied that was correct.

Mr. Smerigan indicated that Ms. Colbert's entire home and garage is located in the riparian setback so anything she does will require a variance. The proposed breezeway entry is the farthest from the river so there will not be any further encroachment. He does not see any issue with regard to that he believes that she has the requisite practical difficulty in terms of being able to the necessary repairs and improvements to the house. He also does not have difficulty with repair and replacing the existing fencing on the property, the fencing is damaged and in poor repair and needs to be taken care of. He does not have issues with the removal of dead or diseased trees. The only concern he has are any changes with the retaining wall. There is a small retaining wall behind the house and any disturbance to that wall he believes would require better plans for the city engineer to review. He has issues with any changes to the retaining wall without the city engineer's approval.

He stated that one problem is that Ms. Colbert owns two properties but receives one tax bill because the county has combined the properties for tax purposes but there are two separate parcels of record. If the variance is granted there will need to be a stipulation that the parcels be consolidated, otherwise there will be setback issues that were not advertised for variances. His recommendation is approval for everything except any changes to the retaining wall with the stipulation that the parcels be formally consolidated.

Mr. Thompson asked if Mr. Smerigan has any issues with Ms. Colbert removing any growth in the retaining wall. Mr. Smerigan replied that maintenance is fine but if she attempts to remove and replace the wall then she will need to submit drawings to the city engineer. Ms. Colbert replied that the wall is crumbling with trees growing through it. Mr. Thompson stated that she can kill whatever is growing through the wall but she cannot replace or change the wall itself with city engineer approval. Ms. Colbert indicated that she will have to remove some of the rocks to remove the trees in between them. Mr. Thompson indicated that he is suggesting killing the trees and cutting them down or stop them from growing. Mr. Iafigliola indicated that it sounds like there is more of a substantial repair in order. Mr. Thompson replied he believes so but then Ms. Colbert will have to come back before the board.

Mr. Iafigliola stated that Ms. Colbert indicated on her application that the inside of the home was built from the Olmsted Falls Water mill materials and asked what that means. Ms. Colbert indicated that all the materials from this home is made from the Olmsted Falls mills, every brick, board and beam was brought over to create this home. There was also a certificate from the Mayor when the home was built claiming that it was Olmsted Falls water mill material.

Mr. Iafigliola indicated there some language in the last couple of sentences of the agenda that pertain to repair and/or replacement of existing fencing, retaining walls, etc. and he believes the applicant is present because of the riparian setback requirements. For example, if she wanted to build a fence that is out of compliance with the code then that would trigger a different review, in other words, she would apply for a building permit for the fence as long as it is off the property and the right size but if she wanted to vary she would have to return for a variance but that is not what she is asking this approval is just for the riparian. Mr. Smerigan indicated that if she was installing a new fence because it is in the riparian setback, she would need a variance to install the fence because she is working in the riparian setback. In his opinion, if all she was doing is replacing and repairing then he would consider that to be maintenance work and does not believe that is an issue because she is not doing any more encroachment than already existed.

Mr. Iafigliola moved to **approve** the variance request for Planning and Zoning Case #22-2019 for 8293 Metropolitan Blvd., PPN 281-33-026 for approval of a riparian setback variance of 45 feet to permit the construction of the 163 square foot breezeway addition, new front entry way and authorize the repair and replacement of the existing fencing and retaining walls currently located within the riparian setback subject to the following conditions (1) the applicant must consolidate the two parcels that are

essentially bisecting the proposed breezeway; and (2) that any such work to the retaining wall since it is a structural element and not a landscaping feature be performed to the city engineer's recommendations; Mr. Thompson **seconded**. Poll: 6 ayes; 0 nays. **Motion carried**.

2. Planning & Zoning Case #24-2019 - A request made by Robert Craft, owner of 25880 Cook Road, PP#281-02-002 for approval of a side yard setback variance of 5.5 feet to Section 1240.09(a)(1)(A) to permit a detached garage to be located 10 feet from the side lot line in lieu of the required 15.5 feet and a variance of 50 square feet to Section 1240.09(a)(3)(A) to permit construction of a garage 930 square feet in area in lieu of the permitted maximum of 880 square feet.

Mr. Iafigliola administered the oath to Mr. Craft.

Mr. Craft indicated that he would like to build a new garage as his existing garage is falling down. He would like to build a larger garage due to the fact that he has antique cars that he would like to store as well as his own personal vehicles.

Mr. Iafigliola stated that his current garage is detached and this will be completely removed and a new garage built. Mr. Craft replied yes. Mr. Iafigliola stated that the drawings indicated a 30x31x14 steel garage approximately 10 feet from the side lot line, but on Pages 7 and 8 the drawings indicate that the garage will be a maximum of 30 feet wide with a 20-foot height so the numbers do not seem to match. Mr. Craft indicated that he believes the existing garage's height is 20 feet from the top peak down but the new garage will only be 14 feet tall, 31' in length and 30' in width. He believes that he will be five feet off the property line.

Mr. Smerigan indicated that garage 880 square feet or less are permitted five feet from the property line, however when you have a garage that exceed 880 square feet then the setback becomes half the length of the wall facing the property line. In this case you will have a wall that is 31 feet long so the setback becomes 15 ½ feet and the plan he reviewed has the garage being 10 feet off the property line, which is similar to where the existing garage is. He does not have an issue with the garage being 10 feet off the property line because if you move it over it will be more difficult to enter as it will be located behind the current residence. The rear setback complies as he is 15 feet off the rear property line so the variance is only for the side lot line. The garage is slightly larger than the 880 square feet which requires another variance.

Mr. Iafigliola indicated that the drawing on Page 4 and Page 10 indicate two different setback numbers. Mr. Craft indicated that he would like to be 10 feet off the property line in order to stay in line with his driveway. Mr. Iafigliola indicated from the property line Mr. Craft would like to build west 10 feet. Mr. Craft replied yes which is basically where the current garage is located. Mr. Iafigliola indicated that the garage will be located 10 feet from the side property line. Mr. Craft indicated yes and the garage will be located approximately 15 ½ feet from the rear property line.

Mr. Iafigliola asked Mr. Craft the reasoning behind building a garage that will be 930 square feet. Mr. Craft indicated that he has old antique cars that he would like to store along with a lot of automobile parts.

Mr. Munteanu stated that the garage is 30x31x14 so is 14 the top of the peak. Mr. Craft replied from his understanding yes. Mr. Iafigliola stated that Page 7 of the packet indicates that the design is for a maximum of 30 feet wide x 20-foot eve height but maybe they are indicating that this is what the design is good for. But, Page 8 indicates that the garage will have a 20-foot eve height and asked if this would create an issue with height. Mr. Smerigan indicated that the maximum height for an accessory building in the code is 15 feet so when the applicant indicated that the garage was 14 feet, we assumed that no variance would be required. Mr. Craft indicated that he was informed that the garage would be 14 feet. Mr. Iafigliola indicated that if the height is not 15 feet or less, he would need to return to the Commission. Mr. Craft indicated that he will contact them tomorrow to confirm the height. Mr. Smerigan indicated that if the garage will be 20 feet in height, he does have a concern with the 10-foot setback.

Mr. Thompson stated that the drawings indicated 30 feet in depth and 31 feet in width and asked if that should be reversed. Mr. Craft indicated that it should be reversed this was his first drawing, it should be 30 feet in width and 31 feet in length. Mr. Thompson just wanted the clarification as the drawing is reversed.

Mr. Iafigliola moved to **approve** a variance for Planning and Zoning Case #24-2019 a request by Robert Craft owner of 25880 Cook Road, PPN 281-02-002, a side yard setback of 5.5 feet to permit a detached garage to be located 10 feet from the side lot line in lieu of the required 15 ½ feet; and a variance of 50 square feet to permit the construction of a garage 930 square feet in lieu of the permitted maximum 880 square feet; with the condition that the garage be placed as shown on Sheet 10 of the application, noting that the dimensions need to be reversed; Mr. Carpenter **seconded**. Poll: 6 ayes; 0 nays. **Motion carried**.

3. Planning & Zoning Case #21-2019 – A request made by Olmsted Falls BTS Retail, LLC, pursuant to Section 1232.06 for preliminary development plan approval for a Dollar General store to be located at 9736 Columbia Road.

Mark Zawadski stated that he is with Zaremba Group, doing business as Olmsted Falls BTS, located at 14600 Detroit Avenue, Lakewood, Ohio.

Mr. Zawadski stated that he is with Zaremba Group and are the developers for the proposed Dollar General Store, he also has with him Mike Wolwind and Lori Haas with Wohlwind Engineering the civil engineer designers for this project.

Mr. Zawadski stated indicated the proposed location for the project and is located just north of the intersection of Sprague and Columbia Road. There is a gas station on the corner and the proposed site is four lots up from the intersection. This area is of the city is zoned commercial so it is planned for future commercial development. He stated that years ago the property did have a structure but is currently vacant with some

vegetation. We are proposing construction of a 9,100 square foot Dollar General retail store. There will be one access point being proposed located off of Columbia Road, the drive will bring you to a parking area located in front of the building. There will be truck deliveries for the store and the site also accommodates the truck deliveries. The trucks would enter the driveway, pull in front of the store and back to the rear of the property to deliver. The project would be served by public water and sewer, located in the right-of-way of Columbia Road. We also have a public sidewalk extension that we will construct and connect to the existing sidewalk located to the north of the property. He indicated that he understands the property located directly to the south, although zoned commercial, appears to be a residentially used property. We are also proposing a privacy fence along the southern property line in order to provide buffering and separation between the two uses. We also have some landscaping that would be planted along the front and side of the property, which would be a combination of large deciduous trees that would provide a nice street scape along Columbia Road along with smaller ornamental shrubs.

Mr. Zawadski stated that the goal with this proposal is to develop a small retail project. This is not a large-scale shopping center or Walmart or anything of that scale which we believe is compatible with the area and the surrounding neighborhood. The use itself is not an obnoxious use its nothing like an auto repair store, bar, car wash, restaurant with drive-thru, with a gas station located down the street. This project will be very clean, quiet and family friendly. We will have a very traditional building design which we are happy to work with the city's Architectural Board of Review on and we will also have attractive landscaping, a plan that will enhance the street scape of the city. He would like to touch on a few economic development points. The total cost of the project, the investment we will be making, is about \$1.4 to \$1.5 million dollars. This is a privately funded project and we are not asking for any public assistance or fee reductions. There will of course be some local tax benefits for the project including property tax, income tax, and sales tax. The store itself will employ and create approximately 10 to 12 employees.

Mr. lafigliola stated that he would like to be clear as to what will happen this evening and in the future. The applicant is here for preliminary plan approval only. If a motion is granted for preliminary plan approval the options are to grant as written; reject as written; or grant with modifications. The applicant will have to return to the Commission for final approval of his development plans and will include engineering details. This applicant must also appear before the city's Architectural Board of Review who will comment on things such as appearance, signage, etc. The Commission is to review the plans and ensure that the applicant meets setback requirements, etc.

Mr. Smerigan stated that the subject site is zoned C-2 General Commercial and has been zoned this way for 20 plus years. In fact, the entire west side of Columbia from Sprague to the railroad tracks is zoned C-2 Commercial so this is not an isolated piece of property. He stated that C-2 permits retail stores as a use permitted by right and does not require any conditional use permits or any other special approvals. He prepared for the Commission a box score which is where he went through the code requirements in terms of lot areas, maximum building floor areas, minimum building

setbacks, minimum parking requirements, and indicated what the code requirement was and what their site plan reflects. Based on the site plan the commission has no variances are required, they meet all of the setback requirements, they are within the maximum buildable area on the property, and they have the required number of parking spaces. The design for the parking lot complies with our requirements to be paved and curbed and the also meets the required setbacks. The only thing we are considering in terms of signage is the size of the signs. The wall sign conforms to the maximum size in the code and their free-standing sign also conforms. The design of those have to go to the Architectural Board of Review for their consideration before they come back for the final site plan approval. So, we are not discussing the design of the building, the façade treatment of the building, or the appearance of the signs, as those are ABR matters that will need to be discussed. ABR would then make a recommendation back to the Commission which then will be taken under consideration when determining final site plan approval. The location and size of the freestanding sign, and the size of the wall sign are items for the Commission's consideration and all are in compliance with our minimum code requirements. He would like to note that one comment made during discussions with the city engineer is that the site plan calls for one lane in and two lanes out, one lane dedicated to left turns and one lane dedicated to right turns. Given the relatively small size of this facility the city engineer indicated that he does not think it is absolutely necessary to have both a left and a right lane exiting the project and therefore is suggesting that the Commission consider slightly reducing the width of the drive in order to have one lane in and one lane out. The drive does comply with our minimum requirements so it doesn't violate anything this is simply a suggestion from the city engineer. His thought is if skinny it down from the north it would make the flare out a little further from the driveway to the north of the project. But again, the driveway is code compliant and this is a suggestion from the city engineer. Obviously, the drive has to be wide enough to handle truck traffic going in and out. So, the use is permitted, the site plan conforms, there are not variances required and we are recommending that the Commission grant preliminary site plan approval obviously subject to when the final site plan comes back with the recommendations from ABR and the city engineer when he has the detailed engineering design.

Mr. Iafigliola read an email from Mr. Don Sheehy dated September 16, 2019 which reads "I have no engineering objections to the proposed preliminary layout. Final approval would require a detailed submittal of drainage calculations and a storm water management plan." He received an additional email from Mr. Sheehy dated August 30, 2019 which reads "the site information proposed does not have a traffic study, the developer wants a two lane exist along with a single lane entrance. Typically, a site this small would not require a left and right turn lane exit. I would need to see the justification for this configuration with a traffic study. Also, the turnout for the drive aprons is very close to the apron to the north. If the drive apron were smaller, they could shift a bit to the south and increase the distance to the next driveway."

He would also like to note that one piece of information is to the Members of the Planning & Zoning Commission, ABR, City Council from Susan Prehoda on behalf of Concerned Citizens and businesses of Olmsted Falls dated September 19, 2019. This letter states "attached is a petition currently circulating with additional signatures being

added daily. To-date, in over less than a week the petition is approaching 1,000 signatures. Also attached are photo's comparing the Dollar General architectural design to structures currently existing in and around the area where Dollar General wishes to build, they are not compatible or complimentary with these structures. An article titled "Family Dollar was once considered Amazon proof now its closing hundreds of stores" is attached for your review. Two attached documents expressing disapproval of this proposal are included as well. Please respect the wishes of those who invested in Olmsted Falls, some for many years, not someone who wants to get richer while he devalues our properties and is someone who has no real concern for Olmsted Falls. Thankyou for your consideration of this matter." Attached to this letter is a number of handwritten signatures and the articles previously mentioned along with the names.

Joe Wagner, owns Wagner Insurance at 9696 Columbia Road, stated that he is two doors down from the proposed building. There are so many reasons why this building should not go up and he knows that is not the scope of this meeting but Mr. lafigliola mentioned traffic. The traffic on the road is already terrible. Having just one in and a one out lane to get out of the parking lot will probably be impossible. Traffic backs up well beyond his building daily. Just for that reason alone he definitely thinks a traffic study would be needed. As far as the aesthetics of the building, when he purchased renovated his office he cannot say how many times he had to attend meetings just like this to get approval. It was demanded that he have wood siding, wood windows, wood doors, the color of the paint, the bushes, everything had to be approved so that this building complied with the area and it was the view of the city that this would be a historic district. Well this certainly does not fit any type of historic building. Again, so many reasons to be against this and he hopes that is all taken into consideration.

Mr. lafigliola indicated that the comments on the appearance are beyond the scope of this Commission. What we do have a say over is what he considers to be the site plan. He asked if Mr. Wagner had any specific comments regarding the site plan for example his comment regarding traffic. He would caution everyone that this area is zoned for a building like this, so they can build as they see fit and the fact that there is a lot of traffic does not necessarily mean that he cannot build what he wants to build. Therefore, give a compelling reason to make it better. Mr. Wagner replied again, the parking lot, the entrance and the exits have to be wider for the trucks to make the turn. His office is right on Chapin and there is daily truck traffic going in and out of Chapin and that is a very narrow road. Three times since he has been there, we have had trucks take down the utility pole because there is not enough room to turn onto Columbia Road, it stops traffic and the trucks are not able to make the turn. If you narrow the entrance to the parking lot how are cars going to get in and out, it will create even more congestion because the trucks will not be able to make the turn. His advice, if this does go forward, and he certainly hopes it does not, the entrance should be wider and not narrower. Mr. lafigliola indicated that the applicant has provided an apron that is essentially three lanes wide, one lane in and two lanes out and the city engineer is suggesting that it be skinnier but Mr. Wagner is suggesting that it be wider than proposed. Mr. Wagner indicated it should be at least three lanes, if the engineer is recommending that the drive be narrower, he would be against that as it needs to be at least three lanes. He stated that he is a business owner and he is not allowed to have an illuminated sign for his

business, so how is it far that he cannot illuminate his building the way they can so how can the city approve that. Mr. Iafigliola indicated that Mr. Wagner is concerned about traffic, signage and the width of the drive. Mr. Wagner replied yes.

Leanne LaPinta, 25357 Tyndall Falls Drive, stated that there are several others from her development. Tyndall Falls Drive is a nice residential area that is a cul-de-sac on three streets right in front of the railroad tracks. This whole area is residential, we are very against. She is looking at the picture behind everyone of the old city hall and this will be right next door. So, she is looking at the plaque on the wall that says “preserving our past” and she is not sure that this is preserving our past because you will have to change the picture. Aside from this being primarily a residential area, in her wildest dreams would she think that anyone would want to build a Dollar General store in this area. She does not see the need for it and does not think that anyone sees the need for it hence the signature. Aside from that fact there is a tremendous amount of traffic in this area, when people are driving down West River into Columbia to go under the railroad tracks sometimes there are semi’s exceeding 50 mph. We have kids, she has discussed this with the police quite often, people are speeding, not paying attention, traffic backs up, this is a very congested area already. It really makes no sense. So aside from the historic nature of the city and trying to preserve what Olmsted Falls truly is; she has lived here since 1994 so it is very disheartening to her that we even have to discuss something like this. Traffic, historic nature, it’s a residential area, she knows this is zoned commercially but really the idea of a Dollar General store that might be vacant in three or four years makes no sense to her.

Mr. Iafigliola indicated that her free advice for the applicant would be. Ms. LaPinta replied find another location, where there are stores surrounding it to draw people to that area, somewhere in North Olmsted, Berea, there is a Dollar General store 1.5 miles away she can run to it from her house. She is not sure what the need is to put one in Olmsted Falls in the middle of what is essentially a residential area, baring a gas station which serves a great purpose.

Susan Prehoda, 9737 Columbia Road, stated that she lives directly across the street from this lovely area. She and her daughter have prepared a statement and she will read that statement. She stated that she is going to read one from another resident who could not attend this evening. The correspondence is from Jane Kohler, who has the property to the immediate south of the proposed Dollar General. The letter states “some have talked about making the south end of Columbia Road the new historic district. We are not the new historic district we are a historic district. We were Westview and we were proud, then Olmsted swallowed us up. My own home was built in 1853, we have been here since 1958, we have papers from the city honoring us for maintaining are home in the original Greek Revival style. The church on the corner is another historic building that was recently purchased and is being restored. Houses across the road are currently century homes, the town hall on my north side has been restored and maintained as has the garage behind the town hall that was the Westview Fire Department. We have maintained this end of town; kept the history and we deserve better than a dollar store out our windows. The noise the lights the traffic I don’t expect the land to stay vacant but a smaller business that is less intrusive would be a better fit

for our historic neighborhood. We have two-dollar stores within two or three miles, we are glutted with convenience stores, beverage stores, gas stations, please don't put a dollar store six feet from my window. How would you like one in your side yard." Ms. Prehoda stated that she agrees and echo's the comments of the two prior speakers.

Mr. Iafigliola asked for Ms. Prehoda's free advice for the applicant. Ms. Prehoda replied same as the young lady who spoke prior find another place. It's not wanted, it's not needed, go where you are needed; go where people will want you to provide what you have; we already have a glut so we don't need them.

Elise Prehoda, 9737 Columbia Road, stated that she lives right across from the proposed Dollar General. She has something that she has prepared. We have approximately 14 convenience stores in that location, to the north, to the south, east and west. There are two on Sprague, there is a gas station, there is Drug Mart, there is Shaker's IGA, there is a CVS, there is a Friendship Kitchen, those are just in Olmsted Falls generally. There is Gibbs Butcher Block which is a local butcher that has been around for over 30 years. Dollar General is a \$46 billion dollar company; it will cause our local hard-working businesses to close which is essentially what dollar stores are really designed to do by outpricing other businesses. It will cause a loss of jobs, the loss of dreams and eventually a blighted neighborhood. Dollar stores are also potentially at risk of closing due to bankruptcy. Dollar Tree and Company was forced to close 400 stores and 99 Cent Only is nearly \$1 billion in debt. Brick and mortars are at a potential risk of bankruptcy to do online giants such as Amazon, Holler, which is an online dollar store. Not only will Dollar General possible cause a blight, it will close eventually leaving our neighborhood with nothing but boarded windows and empty storefronts. This vacant lot is not big enough for a commercialized box style store. It will increase traffic in an already busy area causing grid lock, noise pollution, danger to families with young children and pets that could be struck by cars and killed. There is an increase in traffic as large semi's pull in and out daily for shipment deliveries and the stores dumpsters will emit an odor and attract wild animals such as racoons that carry rabies. The operations of this company will cause harm to the neighborhood such as run off, litter that will make its way into residential property, as well as unacceptable noise, traffic and light pollution and inappropriate hours. The infrastructure simply does not support this business. She stated that this is about the aesthetics and apologizes, the Dollar General will not blend with the aesthetics of the existing neighborhood, the large yellow block lettering and square shape of the Dollar General design is dated and industrial; the 1970's called, they want their dated aesthetic back. No frills utilitarian look that will not blend with the charming pre-existing Victorian and Greek Revival businesses and structures with historical significance in the immediate area. Businesses and residential dwellings in the neighborhood will face a decrease in property value. Dollar General will bring down the entire area and cheapen the neighborhood. Cal Turner, Jr., is the owner of Dollar General and is currently worth \$1.5 billion dollars, he wants to put a store across the street from her home, which is essentially her legacy, her mother was a single mother, she was the Clerk of Council for this city and other cities for many years and she put her heart and soul into our home and our gardens, that is her legacy that she will pass down and now because of someone who is worth \$1.5 billion dollars and wants to get richer her property and her

legacy is at the risk of being devalued. She feels that we could do better as a neighborhood and she feels that the property owners deserve better. Her advice is to relocate, to go somewhere else, there are areas in the township; there are many areas of vacant land; this just isn't appropriate for the neighborhood.

Ashley Krupa, 9767 Columbia Road, stated that her driveway is on their drawings. She stated that she would like to point out the traffic for a business of this, you are going to have semis. She has had to wait 15 minutes to back out of her own driveway in the morning because the traffic is so congested. At lunch time today she had to be at work at noon and she waited seven minutes; seven minutes to back out of her own driveway. Now you are going to add semi-trucks; she does not understand how a semi-truck is going to pull in and pull out of that area and not take out her mailbox. She has had her own mailbox taken out by city trucks multiple times; the city has replaced her mailbox twice; she does not understand how you expect a business of this such with semis to operate in such a small residential area. She understands that it is zoned for commercial use but a small insurance company is perfect, its quiet; doesn't have a lighted sign; it doesn't cause the traffic that a business like this would for the rest of the residential in the area. The illuminated sign is going to shine into her windows and she already has a gas station that does that. She bought her house because she liked the area, she loves her back yard that is full of woods and animals. Like it was pointed out the dumpsters; the added trash; the added litter and it doesn't mesh well with the area. Mr. Iafigliola asked what Ms. Krupa's free advice to the applicant would be. Ms. Krupa replied that it is not a good location, it honestly isn't. She does not understand how semi's that are delivering goods are going to get in and out of that without disrupting the residential in that area.

Barbara Richardson, 9722 Columbia Road, she stated that she is the facility that is on the lower right hand corner of the painting behind the commission. She and her husband own the property which they purchased in 2014. She doesn't want to speak long but thought it was important to come and speak. She knows that Dollar General may comply with everything that is stated in zoning but she feels that beyond that being a part of Olmsted Falls its sort of like your responsibility and our responsibility to support one another. She is grateful for Ms. Prehoda and Mr. Wagner and all the people that are present that are voicing their concerns about our community, not just the look of the community, the safety issues, and the traffic. We sympathize with Mr. Wagner and all the individuals that have spoken about the traffic because we can't get out of our drive sometimes and we sit and wait. For all the reasons of what aesthetically and morally seem to be the right thing to do that is why she came up to speak. As a recommendation of what Dollar General can do, when she looks at Dollar General's and she knows it is a part of our world today she thinks Dollar General's sort of belong in a place where they are next to like minded businesses where you are going along and that is how you want to shop and there are other things around you, there is nothing else around this Dollar General that would help them in their business. She thinks it is better for a strip section not this location.

Mr. Iafigliola asked what the general use of her property is as it pertains to the proposed store. Ms. Richardson stated that her building was build in 1880 as a school house;

early in the 1900's it turned into Westview City Hall so it was a city property. It was then purchased many years later by Bill York who was a CPA and he ran his business from there so he only used it for his office. Currently she runs an art studio and her business is devoted to art and design and beautiful aesthetic things. She has classes and work shops and demonstrations so it is a very quaint business that fits Olmsted Falls and she thinks fits the neighborhood. She thinks every one of her neighbor's would agree. We have done our level best and she knows the Commission is not the ABR, but she spent so much time in front of them to get approval for every little thing they did. The color on the outside; the landscaping; repairing concrete porch and walkway; the garage and we have done everything we can to add to the aesthetic value of the property and Olmsted Falls because we care; we just so much care about this community. She cannot thank the Commission enough for listening and for her neighbor's.

Katie Gross, 7244 River Road, stated that she would like to ask a question to the developers. Mr. lafigliola indicated that he will give the developer a chance to respond to all the questions at once. She would like to know why this parcel of land. She has an idea in her head as to why but is wondering if they could speak specifically as to why this piece of land. Obviously, she does not live on this road but being a resident of Olmsted Falls and you are probably all are familiar with the other dollar type store that is down on the other end of Columbia by the Bi-Rite shopping center. For her personally having the city book ended by dollar type stores does not reflect the caliber of the city that we have. She understands that the land is zoned commercial and as others have stated they may be meeting every requirement of what they can and cannot do with the property and the building but it still doesn't mean its logical. A box store in a historic residential neighborhood is not logical, she is sorry but its tacky, and she does not think, again as other people have stated, that there needs to be another store, convenience store a cheapo store built within our city limits when there is plenty of opportunity for residents there is plenty of shopping options for residents in Olmsted Falls and the surrounding communities. So, again, it might look right on paper, in black and white they may be meeting everything that they needed to do or comply with everything that they need to comply with but logically it just doesn't make sense for the city. Mr. lafigliola asked what her free advice would be. Ms. Gross stated that she would have to echo what everyone else said, don't built here, we don't want it, its tacky and its cheap and we don't want it and we already have one and one is probably more than enough in her opinion.

Laura Lapohn, 25378 Tyndall Falls, stated that she agrees with everyone else. She does not think it belongs here and she does not think it fits the conformity of our city, its definitely not part of heritage days and that is what we live for. You go into small town shopping and that is who we are; that is where you want to go; you want to go to Clementine's or Mary's Hair Salon or the little places there Matteo's and get your nice little Italian dinners. We have the Marc's the dollar store, Drug Mart, we have everything around here we don't need that in this city. She has been here for over 20 years and she lived locally before that she has been around this town for pretty all her entire life. She agrees with everyone else and her advice is we don't want you; we don't need you; it doesn't fit our city.

Vince Ponikvar, 26100 Hickory Lane, stated that he is relatively a new resident to Olmsted Falls and another one of the other residents said the same thing that he said to his wife, look at the picture behind the commission, this is why we moved to this city. We came from an area where dollar generals were every third store, it also sets a dangerous precedent where we don't have any real chain stores in this area. While we mentioned we have other dollar stores they are actually in the township or Berea or Columbia Station where a lot of these convenience stores are. What he thinks it does is it sets a dangerous precedent for Olmsted Falls to start letting stores like Dollar General consume our spaces. We are a grass roots community and he think that we need to have more local businesses come in and occupy these types of spaces rather than big huge chain stores. So, he thinks his free advice is when choosing a location ask the people what they really want because as everyone is saying we don't think we need you here and we don't want you here.

Susan Prehoda, 9737 Columbia Road, stated that she thinks Mr. Williams who just passed away did a wonderful job in our city and he has preserved so much and made is so beautiful; he purchased the church building and we were here a couple of weeks ago, the amount of money that he would put into that building along with the amount of money that the insurance, the art gallery and the behavioral dog clinic have spent to preserve all of that as well as what Clint Williams has done in all due respect to him alone for what he did she thinks we should respect it and keep going forward with the same type of look for our city.

Mr. Zawadski thanked everyone for attending tonight's meeting and he appreciates everyone comments and feedback. He took very detailed notes on everything that has been said. We are going to work hard and do everything we can to make this a project that hopefully Olmsted Falls is proud of. He stated that he does not want to lump dollar stores into one group as there are multiple individual companies that are dollar stores so when you read headlines about dollar stores, they may not pertain to Dollar General and he wanted to clarify that statement. Specifically, to Dollar Genera and this project traffic and truck deliveries was a major concern, for the typical Dollar General store there is one truck delivery per week.

Mr. Iafigliola indicated that he spoke with Law Director Bemer today in order to determine how the Commission should approach this case, among other things he mentioned that he would encourage that the Commission members would say where they stand or ask questions.

Mr. Fenderbosch indicated that he is a life long resident and this area is well wooded and knows that would be destroyed if the store is built. He knows that they also have the legal right to build. He would have to go with the legal side of this issue even though he does not want to but he does wish they could find another site.

Mr. Munteanu stated that one of the issues that was brought up is that a traffic study should be performed and some how figure how a truck is going to pull in and out of the drive. The way it looks now is a truck will come in they would pull in front of the building and turn around and back up but it looks like there is curbing and seems like that will be

difficult. Mr. Iafigliola indicated that he believes what Mr. Munteanu is looking at is striping rather than curbing. The trucks pull in and then back up in the rear and come back out. Mr. Munteanu indicated that the truck would pull in by the dumpsters. Ms. Haas replied correct. Mr. Smerigan indicated that the trucks go to the rear of the lot and turn around. Ms. Haas indicated that they have truck moving programs that clearly identify that. Mr. Smerigan indicated that if there were issues, we would require that an auto turn be run on the site plan which indicates the turning radius of the maximum size that would go onto the site and whether or not it would work. For a building of this size we do not normally require a traffic study because it doesn't generate enough traffic to warrant the study the results always come out the same when they are this small. The engineer felt that the driveway could be slightly smaller and he hears everyone indicating that the driveway should be wider. Obviously, the engineer's recommendation was a suggestion and is not a code requirement, the driveway as designed complies with the code. He would keep in mind that this is a state route and the property is zoned commercial and is zoned for this use. This property is zoned in such a way that you could have a 20,000 square foot building on this site and this store is less than half. He stated that he does not feel there will be an issue with the trucks as they do not back out of the site but rather turn on the site. They will back to the rear of the site where the dumpsters are located so the garbage trucks will do the same thing.

Ms. Hawkins stated it was previously indicated that trucks would only deliver once a week but she would like to know what day and time the delivery would take place. Mr. Zawadski indicated that he could not answer that question. Ms. Hawkins indicated that this is one of her concerns because when businesses are conducting business or rush hour or children, she doesn't know how that would work. She really has a concern regarding that if this comes to fruition.

Mr. Thompson stated like Mr. Fenderbosch he is a lifelong resident, he lives in the area and his business is in the area. When he first heard about this coming and looking at the plans this is probably one of the most extremely difficult cases that comes before the Commission. Everyone heard the variances and variances require a public hearing which we are basically doing that tonight but there are no variances; if there were variances that would give us a lot more latitude in what we can require of the applicant. In this case our hands are tied because they comply with zoning and all of the site plans setbacks. We can control some things like lighting and the timing. Everyone addressed the traffic issue and when he grew up here that area was a four way stop and there were no turn lanes. Today, there are lights, turn lanes, and the state route was widened 30 years ago which is basically the reason, he thinks they want to locate here because of the traffic. Everyone sites the traffic but if the traffic count wasn't there and he can tell everyone that they have done the traffic counts, any business this size knows what the traffic counts are, and that is why they are moving here. He wishes there was something more that we could do and looking back there might have been something that could have been done but everyone was focused on the downtown area, including Mr. Williams, as far as being a historic district. But, when you look at the history of Olmsted Falls Westview is where the city began as that is where James Geer first put his log cabin down on that part of the river that is where the whole thing started. In 72 was when the two villages joined together to become one and everyone looked at the

downtown but no one paid a whole lot of attention to the Westview end of town. Maybe that was because that is where all the saloons were back then; there were five right in this area. His biggest concern is going to be the aesthetics and that is not something the Commission has any direct control over especially because he knows what Mr. Wagner had to go through to re-do his building and the same with the old city hall. So, they comply with everything that is in our code, which is what Mr. Smerigan is stating, and we have limited authority. They can do what they want if its within the confines of our code. He stated that Mr. Wagner had to do what he had to because it was within the Architectural Board of Review's purview and had nothing to do with this body; his building was pre-existing and he had to comply with the ABR. This developer has to go through ABR as well and they will look at the aesthetics to determine if it fits in. He does not know what ABR will do; he has not spoken to them but he will be. The developer is within their legal rights to develop that property.

Ross LaPinta, 25357 Tyndall Falls, stated that he is going to reiterate what everyone else is saying. But, to Mr. Thompson's statement that the Commission's hands are tied and then Mr. Iafigliola stated that this is not the forum for objections so he is wondering what is the point of applying. It sounds like everything is in compliance, the Commission's hands are tied so what good are our voices. I mean our residents don't want this its very clear. He lives on the end of the street across from where this will go in and there are 20 bus stops of kids every day, twice a day, all school year, the traffic from that intersection on Sprague and Columbia goes all the way down the street. He stated that a semi cannot turn into a two-lane road. A semi turning into a driveway with only one in and one out onto a two-lane street that is not going to happen. Again, there are so many things going on there and he thinks these people are all saying listen to your residents. You are all Olmsted Falls residents; this is your town and that is your picture on that wall. This is not Olmsted Falls and that is what everybody is saying and if you are going a hear a voice, hear the voice don't just hear us talking and just brush us off for the money.

Mr. Iafigliola stated that he appreciates Mr. LaPinta's passion which is why he said in the very beginning, which by the way he does not think he said this is not the area to voice your grievances, so other than taking exception to that, he hears what he is being said. Now, what you have to understand is they are not applying to enter into Olmsted Falls, that is the misconception. They are applying under what is called a preliminary development plan. He stated that he is a licensed engineer and not a lawyer however, this section is what the Council and governance of our city has decided that we are going to follow. This particular section is development plan review and this applicant has to follow all the things listed for a substantial development so we are not voting on whether to allow them in or not, which is why Mr. Thompson stated that our hands are tied. For example, this body has the ability to regulate hours that the store is open so hypothetically if we were to go to the extreme and say that we will permit the store but we know the residents don't want it and we permit them to be open from noon to 12:30 on Tuesdays because we are trying to force their hand and they say that is when they will be open; now does that sound like a reasonable restriction on their use of the property; the answer is no and we would lose in court every single time. They are also not asking for a rezoning and sometimes you read in the newspaper that a developer is

asking for a rezoning and the people at large vote on it that. What we are saying is that they meet the requirements but we have the ability to restrict some issues. He still has several questions that he has not had the opportunity to ask. He asked Mr. LaPinta if he understand where the Commission is coming from. He indicated that he believes the residents need to write a letter to Dollar General and say thanks but no thanks. Mr. LaPinta indicated that is what we are saying here and to everything the Mr. lafigliola has stated his question again is what is the point of our voice here. Ms. LaPinta asked if the petition has any say; if we got every single resident in the City of Olmsted Falls to sign that they do not want Dollar General present would that have any affect. Mr. lafigliola indicated he cannot answer that.

Mr. Smerigan stated that what we have is a property owner who has property rights just like everyone has rights with their property. If everybody in the neighborhood signed a petition that Ms. LaPinta could not move into her house does she think that would be reasonable and fair. Ms. LaPinta replied if she would decrease the value of their property then yes. Mr. Smerigan replied that the Commission cannot make a determination as to whether or not this is going to increase or decrease property values, the issue is that every property owner in the City of Olmsted Falls has the right to use their property based on the zoning. As long as they follow the zoning, they have the right to do that and if the city denies them the right to do that it would be an unconstitutional action and the city can be sued and could be liable for substantial damages. He understands the opinion of the neighborhood and the Mayor feels the same way, but we are a community of laws and the law says what someone can do with their property and as long as they follow the law we are going to have to permit them to use their property in accordance with the law. We are not going to change the law for one property and make it different than we make it for every other property owner, so, we are going to be consistent and we are going to do this in the legal and proper manner. He realizes that it does not make the residents happy, that they have concerns and he is not saying that those concerns are not valid he totally understands where they are coming from. Ms. LaPinta stated that this is ruining and the city and she cannot believe that there is no control over that. Mr. Smerigan indicated that this property has been zoned C-2 for over 20 years.

Mr. lafigliola indicated that he is going to ask the questions that he heard from many residents and would like to ask Mr. Zawadski them one by one and would ask that he address them as he sees fit. There has been a lot of comment on traffic and truck traffic would the applicant have any objection to performing a traffic study. Mr. Zawadski indicated that if that is something the city engineer believes is warranted for the project then he is happy to comply. Mr. lafigliola stated that there was an indication of some signage disparity and even though the Commission does not have authority over signage and in the interest of the concern could he speak about the proposed signage. Mr. Zawadski indicated that Mr. Smerigan touched on the issue; we are in compliance with the size requirements for the city and the design of the signage will have to be reviewed and approved by the Architectural Board of Review. There will probably be some tweaks to the design but he would rather have ABR comment. Mr. lafigliola indicated that this question is not meant to pry into his business dealings but he does feel that it warrants a brief explanation of his firms role in the project, Dollar General's

role in the project, and the owner of the land. Mr. Zawadski indicated that the current owner of the property is separate and has no affiliation to his company or to Dollar General, which is Mr. Belich, who is a private land owner and we have a contract with him to purchase this property. An entity of Zaremba would purchase the property; we would then be responsible for building and developing the property on behalf of Dollar General. Therefore, we would be the owners of the property and would lease it to Dollar General. So, the board is aware, the minimum lease term is 15 years with Dollar General as there were some concerns about stores closing a couple years after they open. Mr. Iafigliola indicated that the reason he asked is, if there was a problem or something became unsightly who would the city contact. Mr. Zawadski indicated that they would contact Dollar General as they will be responsible for all maintenance.

Mr. Iafigliola asked Mr. Zawadski to discuss building lighting and parking lot lighting, in general. Mr. Zawadski indicated that a photometric plan will be reviewed by the Architectural Board of Review and it is absolutely Dollar General's preference to have no light pollution as possible at their stores from the building and pole fixtures in the parking lot. He can assure the Commission that there will not be any light trespass across property lines. This plan will be reviewed by the ABR and Mr. Smerigan to ensure compliance with city ordinances. Mr. Iafigliola indicated that as Mr. Zawadski is aware there is a residence to the south. He indicated that he does not see any poles in the parking lot indicated on the present plan. Mr. Zawadski indicated that there are usually one maybe two light poles in the parking lot.

Mr. Iafigliola asked when the applicant would be appearing before the ABR. Mr. Smerigan indicated that meeting has yet to be scheduled. Mr. Iafigliola indicated that there will be comments regarding aesthetics and historic elements. He suggested that the applicant begin thinking about ways to incorporate these types of features.

Mr. Iafigliola indicated that a lot of residents indicated that this was not a good location and asked why locate in this area. He asked the applicant why this particular area was chosen. Mr. Zawadski replied that the main reason is that Dollar General wants to be in the Olmsted Falls community. They see it as an excellent market for their retail stores and is the number one answer. Dollar General stores like to be along corridors that have traffic and visibility and this property is appealing for both of these reasons. They have identified that there is a lot of residential uses nearby but there are also some commercial uses nearby as well as industrial, so there is some complimentary uses and some noxious uses. If they had identified an area that was in the middle of a subdivision of course that doesn't make sense but this is an area that is zoned commercial and has a road with traffic generators, gas stations nearby, these are the reasons that he believes this property is appealing.

Mr. Iafigliola indicated that he does not see anything specifically identified as to storm water management and that could be due to the fact that this is only preliminary approval. However, on the site plan the applicant is proposing a 42" detention. Ms. Haas indicated that the 42" pipe will be used for underground detention storage. Mr. Iafigliola asked if that was sufficient for the parking lot. Ms. Haas indicated that she will obviously run all the calculations but preliminary that is what was determined. Mr.

Iafigliola stated that other than the underground detention the applicant is not proposing any type of open pond dry retention. Ms. Haas replied that there will be no open pond all the detention will be underground.

Mr. Iafigliola asked if Mr. Zawadski, if he or a representative from his firm, had any input into why this particular site was chosen and would there be any possibility that there are other sites that have been identified and because this site might be too controversial that he could go to Dollar General and say the feedback is stiff would it make more sense to go somewhere else. Mr. Zawadski replied that we did drive the market with his client and this is their preferred location for the store.

Mr. Iafigliola indicated that there is a residential property to the south and a commercial property to the north and asked for the record, why not mirror that relative to an east west access which would put the building on the north side of the property. Ms. Haas indicated that she believed it would be beneficial to have the parking lot next to the other commercially developed property as opposed to next to the residence.

Mr. Iafigliola asked if the applicant would comment on the note indicating a privacy fence as well as the general landscaping idea. Mr. Zawadski indicated that the plan illustrates a fence on the south side of the property. This will be a six foot tall privacy fence and is being installed to provide a buffer for the residential use to the south. This will provide no function to the store. Mr. Iafigliola asked how far west the fence would go because the plans indicate that the fence will randomly stop in the middle of the building towards the back third. Mr. Zawadski indicated that was correct as that is where it is proposed to end currently. He believes that past the fence is a heavily wooded vegetation. So we have the fence along the east side of the property where the adjacent residence is actually located. Ms. Haas indicated that there will also be an emergency access walkway that will have sidewalks and would like to leave that open.

Mr. Iafigliola indicated that Ms. Prehoda read a letter from the immediate south resident of the property. He stated that if this was to move forward he believes that this resident should have a say in whether or not they agree with what is being proposed as a reasonable fence, and if they believe the fence is too long or too short he would like to believe that the applicant would be open to their comments. Mr. Zawadski indicated that he would love to speak with the resident.

Mr. Iafigliola stated that the plans indicate that building will be five feet off the property line and asked Mr. Smerigan if a variance would be needed. Mr. Smerigan indicated that no variance is needed due to the fact that this property is adjacent to commercial property. All the properties in the area are zoned commercial. Mr. Iafigliola stated that he believes that we need to be sensitive of how we can minimize the bulk of the building close to this property.

Mr. Iafigliola indicated that he is an advocate for sidewalks even if they do not make sense. He is aware that the sidewalk basically terminates at the properties northern border and he is happy to see that even though it may go beyond your property line it

looks to him that the applicant is including a section of sidewalk from the northern driveway through their apron and then as far south as the property extends.

Mr. Iafigliola indicated that he would like to issue an open challenge to the applicant to consider how the building could be made better than a normal store. He asked how this store would compare to a typical store. The applicant indicated that this store would be 9,100 square feet and asked if that would be considered big or small as a stand-alone store. Mr. Zawadski indicated that 9,100 square feet is the average store size for Dollar General, they have a smaller store that is 7,500 square feet and a larger store that is around 11,000 square feet so this is their standard store size. Mr. Iafigliola asked if Dollar General generally build stand alone stores or moving into strip centers. Mr. Zawadski indicate that they operate in both formats, most of their new stores are stand alone stores and some of their older store locations are within strip centers. He indicated that they prefer to be at a stand-alone location.

Leanne LaPinta stated that first and foremost she wants Dollar General to understand that there are some leaders of the community in this room that have influence. If there are a thousand people that have already signed a petition this is a very contained area for the people that are going to shop at that store and if you do not believe that there is actually people in this community that can influence others to shop at that store or not shop at that store that is a message that you have to listen to; you need customers to walk through the door to purchase products in order to remain making money. So, understand that there are people that can have influences on the amount of business that walks through that door. Secondly, there absolutely needs to be a traffic study done absolutely positively. She has lived in this community since 1994 and the amount of traffic that we are faced with trying to get out of Tyndall Falls the way it is, is ridiculous. There are buses, kids walking and to ignore that when everyone has stepped up here and said that there is already a traffic issue there; this project should not go forward until there is a traffic study. She does not if it will change the outcome but it is just too compact of an area and there is too much going on there already.

Joe Wagner indicated that as far as water drainage, it is showing there is a catch basin being put in under Columbia Road is that existing or does it need to be installed. Ms. Haas indicated that the catch basin under Columbia Road are already existing and we will tie in.

Elise Prehoda stated that she was an employee of Charlotte Russe and they were a business that filed for bankruptcy. We see stores that we thought would never be touched by Amazon and shopping online; stores that we thought would never close down such as Sears, JCPenney, Macy's; they are all either filing for bankruptcy or in danger of filing for bankruptcy. She would like to know how Dollar General is Amazon proof and how they prove to stand the test of time; how they will not cause a blighted area and won't end up being a closed down store front because she is someone who was faced with unemployment and was told that she was leaving her job as the manager, she loved her job and loved her team and she was told that she had to go. So, that is a huge concern of hers especially looking at today and modern shopping trends. Also, there was a comment that said all dollar stores are not the same and she

agrees. She believes Dollar Tree bought Family Dollar and they are a business together and they are facing bankruptcy. She is urging you to look at trends and consider trends because no one thought that Wet Seal and Body Central and Sears, and this is just fast fashion and retail, would go under. She was with a company that had been around since 1975 and they were closed down so that is a big concern of hers. I would like some clarification on that.

Katie Gross asked if the owner has sold the land to Zaremba. Mr. Zawadski indicated that he does not currently own the property. Ms. Gross asked if the original owner still owned the land. Mr. Zawadski replied that was correct.

Mr. Iafigliola indicated that we have a request by Olmsted Falls BTS Retail, LLC pursuant to Section 1232.06 for preliminary development plan approval. He stated that he will be making a motion to approve the request essentially on the basis that they are meeting all the needs and what that will allow to happen is the applicant to go back with his notes taking into account what we have said and allows him to both advance his project but also give you the residents the opportunity to hear it when he comes back with some further information which will both be at the applicant's choosing.

Mr. Iafigliola moved to **approve** Planning and Zoning Case #21-2019 a request made by Olmsted Falls BTS Retail, LLC pursuant to Section 1232.06 for preliminary development plan approval for a Dollar General store to be located at 9736 Columbia Road subject to the following conditions (1) when submitting final development plan approval the applicant needs to pay particular attention to fencing, screening, landscaping; (2) a traffic study be undertaken, which should include the truck traffic that the store expects and customers they would expect; (3) that they pay particular attention to lighting both in the parking lot and light spill off of the property and hours of lighting; Mr. Munteanu **seconded**. Poll: 6 ayes; 0 nays. **Motion carried**.

4. Planning & Zoning Case #23-2019 – A request made by Valore Properties, owner of Falls Glen Clusters, for informal review of proposed revisions to the approved final development plan for the Falls Glen Clusters PRD.

Tony Valore of Valore Properties, 23550 Center Ridge Road, Westlake, Ohio and Sam Suhail, 6325 Cochran Road, Solon, Ohio.

Mr. Valore indicated that he has been building homes and developing land for over 40 years predominately out of Westlake and several other communities. We are involved with Cleveland Custom Homes who is involved with the St. Jude Foundation. He stated that Cleveland Custom Homes asked that he look at the property in order for them to come in and build. The property was originally set up in 2004 to have 31 lots and over time the market did not move this project forward as there were very few sales. Currently, there are seven homes built with 14 lots available. From his perspective as a builder and marketing over the years one of the challenges for this project was the fact that certain lots were designed to have open space in front of the properties. We are not in favor of a street that runs back 1500, 1600, or 1800 feet which this has as well as a long cul-de-sac. By fate and time wetlands showed up on the back of the property and

now that portion of the lot is virtually unusable. We would like to eliminate all the open space in front of the properties and call the back portion of the development a preservation area which we can't use any way. There would be access to this preservation area through a walkway at the end of the cul-de-sac. The other challenge is there is a ditch that run on the west side of the property which now has riparian setbacks. Now, with the open space setback that was put in front and the riparian rights in back your building block gets smaller which could be one of the reasons that this development has been so slow to grow over the years as there as been a pretty active market since 2014. So, we are excited to be a part of this and believe we have the right building concept for this and we are looking to see if we can get support to go ahead and reset the street effectively; take the existing property that has open space in front of it and eliminate it and add that open space to the lot which would then let us pull the building lines forward and give more depth in the back so we could make this a nice community of homes.

Mr. Suhail indicated that sublots 1 and 2 have small open spaces in front of their lots and these currently have homes built on them. Sublot three also has open space in the front, likewise 8 and 9 are vacant and have small open space in the front of the property, lots 29, 30 and 31 also have open spaces in the front. These open spaces in the front of vacant lots restrict the type and size of homes that can be built on the property as they also have riparian setbacks in the back of the property because of a ditch. If the open spaces are eliminated the home can be placed more towards the front of the property in order to build a larger home due to the riparian setback.

Mr. Valore indicated that the original development was approved for 31 lots in 2004, there are 7 lots that have existing homes and 7 vacant lots with open space, he is asking to add nine lots for a total of 23 lots. Mr. Smerigan indicated that in 2004 a PRD development was approved with 30 plus units along with a certain amount of open space. The open space was configured oddly as they placed open space in front of lots which is problematic. It is difficult not to be able to control the land that is between your home and the street. Only the first phase of the development was given final approval and recorded as a subdivision. He indicated that Mr. Valore would like to re-configure the original PRD and re-subdivide what was already recorded to create a smaller subdivision. We will eliminate density and increasing the amount of open space. They will still meet all the PRD requirements. The Commission would have to approve a revised PRD approval for the overall plan and a resubdivision due to the fact that the first phase was previously recorded.

Mr. Thompson asked how the current homes would be impacted. Mr. Smerigan indicated that they will have to sign off on the resubdivision, if they are included in that resubdivision. The applicant can resubdivide the property without including the existing homes which would prevent their situation from changing. He stated that in 2004 when the property was platted there was no riparian setback requirements but now there are setbacks which is making it very difficult to build on those specific lots. By re-configuring the lots the setback issues will be eliminated.

Mr. Iafigliola indicated that he would suggest that the site plan indicate which lots have existing homes and which lots are vacant. He asked who would get the open space that is in the front of existing homes. Mr. Suhail stated that if the current owner approves we would add that to their parcel. Mr. Smerigan indicated that if the owner is in agreement with the replotting then their parcel could be reconfigured to include these open spaces. If they do not agree, then the area will remain open space.

Mr. Iafigliola asked if the back parcel since it is wooded would remain open space. Mr. Valore indicated that these property will, at some point, be deeded to the association. Mr. Iafigliola asked if the homes build on lots 38 and 37 could be moved over slightly to give room to build an access easement in between sublots 38 and 39 to the back property. Mr. Suhail replied yes. Mr. Iafigliola asked for an aerial photo as well of the area.

COUNCIL LIAISON REPORT – *No Report*

OTHER BUSINESS - *None*

APPROVAL OF MINUTES - *None*

ADJOURNMENT: Mr. Thompson moved to **adjourn**; Mr. Munteanu **seconded**. Voice Vote: 6 ayes; 0 nays. **Motion carried**. Meeting adjourned at 10:15 p.m.

Planning & Zoning Commission Clerk

Date

Planning & Zoning Chairman

Date