



CITY OF OLMSTED FALLS
PLANNING AND ZONING COMMISSION
MINUTES
MAY 20, 2020
7:30 PM
COUNCIL CHAMBERS/VIRTUAL

Commission Members Present: Brett Iafigliola, Gary Pehanic, Garry Thompson, Peter Carpenter, Cornel Munteanu, and Dave Fenderbosch. Michelle Hawkins was absent. Others Present: Andrew Bemer, Law Director and George Smerigan, City Planner. Audience: 3

Chairman Brett Iafigliola called the virtual meeting to order at 7:36 p.m.

1. **Planning & Zoning Case #08-2020** – A request made by Joseph Wagner, owner of 9696 Columbia Road, for final development plan approval of a 40x30 1200 square foot garage Section 1232.06(k).

Mr. Wagner indicated that he is seeking the Commission's approval to build a 30x40, 1200 square foot garage. He appeared before the board in February for a preliminary discussion to get the Commission's opinion on building a structure. He feels that he has met all the concerns of the city and would like to move forward.

He stated that the building will be used as an accessory building for himself. He would also like to perhaps rent out a portion of it in the future to a potential and agreeable tenant. Mr. Iafigliola stated that Mr. Wagner indicated earlier that he appeared before the Architectural Board of Review recently. Mr. Wagner replied that it was a very short meeting and the board was happy with the building. Mr. Iafigliola asked if he previously appeared before the ABR. Mr. Wagner replied that he had in February and listened to their input regarding his virtual idea of a metal building. Overall, the city did not feel comfortable with that idea. He stated that he listened to all of the concerns when he designed this building.

Mr. Smerigan indicated that the Commission did review this concept, on a preliminary basis, and the applicant has completed the drawings for site plan approval. He stated that he and Mr. Sheehy have reviewed those drawings. This site is located in the C-2 zoning district on the west side of Columbia Road and the applicant meets all the setback requirements. He is recommending that the Commission approval the request this evening.

Mr. Iafigliola read an email from Mr. Sheehy dated March 9, 2020 which states "no objection to the proposed site plan and recommend approval. I will need some minor details for erosion protection that he can coordinate through their engineer." Mr. Iafigliola asked Mr. Wagner if he has any objections to the email that he just read; Mr. Wagner indicated that he has no objections to the engineer's stipulation.

Mr. Iafigliola stated that he previously asked Mr. Wagner about the carriage barn and asked if there was any action planned for that building. Mr. Wagner indicated that he would be keeping the barn. Mr. Iafigliola asked if the new building would match the carriage barn. Mr. Wagner indicated that the colors will match but the design will not.

Mr. Iafigliola moved to **approve** the final development plan for Planning and Zoning Case #08-2020 with the following conditions: the applicant must resolve any outstanding issues that may arise with the City Engineer pertaining to erosion protection; Mr. Carpenter **seconded**. Poll: 6 ayes; 0 nays. **Motion carried**.

2. Planning & Zoning Case # 35-2019 - A request made by Anthony Giancaterino, owner of 8119 Columbia Road, PP# 291-20-002 pursuant to Section 1232.06 for preliminary development plan approval and schedule a conditional use permit hearing date.

Mr. Caterino stated that he would like to build a 5,000 square foot building for his printing business Ameriprint. The building will be located on Columbia Road behind his residence.

Mr. Smerigan stated that if the Commission recalls the applicant has previously been before the Commission. At that time the building was located at the rear of the property and after several meetings between the city, himself, city engineer and Mr. Bemer, the applicant and his architect moved the building to the front of the property with access directly from Columbia Road. The building as it is laid out conforms with setback requirements for the MUTND district. The applicant is present this evening for preliminary site plan approval and for the Commission to schedule a conditional use permit hearing. Anything other than a single-family home in a MUTND is permitted by a conditional use. Therefore, the Commission will also need to approve conditional use as well as final site plan.

Mr. Bemer stated that the access driveway is on the neighboring property and he is assuming that there is some type of easement provided by deed and he would suggest that the applicant provide some type of documenting record to that affect in order to make sure there are no restrictions for residential use. Mr. Smerigan indicated that the city engineer made the same comment and would require that documentation for final approval. Mr. Iafigliola stated that the applicant has indicated that he has already spoken with the neighbor who has no issues with the proposal and the applicant is waiting for preliminary approval before formalizing.

Mr. Thompson stated that he believes moving the building to the front of the property is a much better lay out as opposed to the building being located in the rear of the property. This will make the building more accessible and it meets the code more than it did previously.

Mr. Iafigliola read into the record an email from Mr. Smerigan dated March 4, 2020 and states: "In my opinion we should put him on the agenda for preliminary approval and we can sort things out there and give him direction for a final submission."

Mr. Iafigliola asked if the applicant would have traffic for his business. Mr. Caterino replied that he has minimal vehicular traffic. Mr. Iafigliola asked for the record if Mr. Caterino could explain the properties to the north, south and the east. Mr. Caterino replied that to the south there is a business Mr. Yard; to the north is a private residence; and to the east is a nursing home. Mr. Iafigliola asked if Mr. Caterino could either have the private resident appear for the public hearing or provide a statement to the Commission indicating their opinion of the proposed project.

Mr. Iafigliola stated that Mr. Caterino has indicated that he would build a 5,000 square foot building and use half for his business and the other half as rental property. He asked Mr. Smerigan if he had any issues with the parking arrangements, location of the parking spots which point towards the Mr. Yard business. Mr. Smerigan indicated that he is in agreement and the applicant is in compliance with the code regarding the number of parking spaces. In his opinion everything around Mr. Caterino is already being used as a mixed-use district. He stated that he has spoken with the applicant's architect and discussed what the applicant will need for final site plan approval.

Mr. Iafigliola moved to **approve** the preliminary development plan pursuant to Planning and Zoning Case #35-2019 and schedule a conditional use public hearing on June 17, 2020 at 7:30 p.m.; Mr. Munteanu **seconded**. Poll: 6 ayes; 0 nays. **Motion carried**.

3. Planning & Zoning Case # 09-2020 – Ordinance 18-2020 referred by Council for a recommendation from Planning and Zoning Commission regarding amendment to the Zoning Code Section 1240.09(a)(3)(A) - Codified Ordinance Section 1212.05.

Mr. Munteanu indicated that this amendment was discussed when the issue of the larger garage being built last fall. At that time a resident on any size lot could build up to an 880 square foot garage, this amendment changes that to a 600 square foot garage for properties under one acre; if more than one acre the garage can be 880 square feet.

Mr. Iafigliola indicated that the main change is reducing the 880 to 600 and is the only change. Mr. Munteanu replied that is correct. Mr. Iafigliola asked how the 600 square foot size was established. Mr. Bemer indicated that after reviewing other ordinances for smaller lots or in developments where there is not an acre or more of land space between residential uses. Mr. Smerigan stated that the size of an average two car garage is 550 square feet so this is an attempt to be generous to give the ability to open a car door or get in a longer vehicle.

Ms. Jones replied that the 600 square foot size is an average 2 ½ car garage. She just wants to make sure that garages being built are not larger than the homes or take up the space of the entire lot. She is present to support the amendment.

Mr. Pehanic stated that in this particular case the square footage was not an issue it was the height of the building. Ms. Jones replied yes. Mr. Pehanic stated that even if you have a 600 square foot and maintain the same height is still would not fit the lot. Mr. Smerigan indicated that Mr. Pehanic needs to keep in mind that the garage that was built was not built according to the current code. If you will recall the current code has a limit on height

that was missed when the permit was issued for the garage. Ms. Jones replied and then the inspector missed it too. Mr. Smerigan stated that if you take this square footage and the current height restrictions the garages built would not be anywhere near the size of the garage we are referring to. Mr. Pehanic stated that he just wanted to make sure that we recognize the height.

Mr. Iafigliola moved that the Commission **recommend** City Council adopt Ordinance 18-2020, Planning and Zoning Case #09-2020 as it pertains to the modified code section 1240.09(a)(3)(A) and Codified Ordinance Section 1212.05; Mr. Munteanu **seconded**. Poll: 6 ayes; 0 nays. **Motion carried**.

4. Planning & Zoning Case # 10-2020 – Ordinance 23-2020 referred by Council for a Recommendation from Planning and Zoning Commission regarding the sale of a public building (Charter Section 10.06(c)).

Mr. Iafigliola indicated that this proposed building is known as the “old service garage” and is located at 8051 Brookside Drive, PPN #281-22-021.

Mr. Bemer indicated that this was referred to the Commission pursuant to the charter which requires Planning & Zoning Commission’s recommendation for the sale of any public property. This particular ordinance authorizes the listing as well as the sale being mindful that any contracts for the disposition of real estate also require councilmanic approval. He stated that Mr. Borczuch is present and has first hand knowledge of the existence of this particular property and its former use as a service garage and what has occurred through a leasing agreement for a fitness center.

Mr. Borczuch replied that this building was the old service garage as well as an old fire station. The service department moved into the building when the new fire station was built in 2003. The service department moved out of the building approximately four (4) years ago and Unbroken Fitness was looking for a place to rent. Other than this fitness center, the building does not have any other use for the city. The city demolished the back building and the current structure is in need of a new roof which would cost over \$50,000. He does not see any other city use to justify the city maintaining the building. The city does pay property taxes for this property since there is a tenant utilizing the building. A study was completed approximately six to eight years ago regarding parking issues; the individuals completing the study stated that the city has over 400 parking spots within the downtown area and deemed there was no need for additional parking, even though everyone believes there is a need. Currently, the city maintains this building and grounds. The city does not have the funds to retain the property or turn it into a parking lot, as the city funds and budget are extremely tight.

Ms. Jones stated that she looked at the property this evening and she has no issue with selling the parking spots on the right or the building; but, if you go behind the property there is five acres and wonders if it would be possible to split the lot and sell the front half but retain the rear property for maybe future park use. She does not believe that most of the five acres is being utilized. She stated that just because the city does not have money currently does not mean that we will not have money in the future. She stated that Mr.

Borczech has indicated that there is not a need for parking but, that is not what she hears from people and she thinks that this is nice land to keep for future use because you are getting five acres in downtown Olmsted Falls. The city rezoned to MUTND want to expand to that side of the river with businesses and if you start doing that it would be nice maybe one day to connect the two sides and people talked a long time ago about maybe a bridge to connect the two areas and use that to park and walk down to the other way so they wouldn't have to walk through the neighborhood. She is thinking long term not the next two years and she thinks it would be nice to keep the land by the river.

Mr. Borczuch stated that there is a storm sewer that runs down the middle of the property so there would have to be a set easement therefore completing a lot split would be a difficult situation. A tree buffer was planted for the neighbor to the south; to the north side of the building is owned by Norfolk Southern; there is also a riparian setback that would have to be considered if any type of parking would be installed and the setback and flood zone would eliminate a lot of the property. He also looks long term, being with the city as long as he has been, and does not see a benefit to holding onto this property when there is a possibility of someone purchasing and developing which would bring extra income tax into the city.

Mr. Smerigan stated that when the city authorized construction of the new service garage part of those discussions was that the old service garage would then become surplus. We evaluated the city needs and decided that it was going to be surplus and would be put on the market to generate revenue for the city and to put it back on the tax rolls so it's a positive aspect as part of downtown. That position was further solidified when we did the rezoning, if you remember part of the discussion during the rezoning was that we were trying to put in a zoning category that made the most sense for future use as something other than a service garage and we have been consistent through that. He believes that it is also important to keep in mind that the only thing the Commission is being asked to vote on this evening is concurrence to City Council that the Commission believes it makes sense for the city to market the property and then City Council will make the decision as to who they sell it to, what they sell it for, and if they want to put any restrictions on how it is developed. The Charter requires that in order for Council to dispose of public property they have to first ask the Commission for a recommendation. He believes it is consistent with the city's long-range plan, consistent with what we did when we built the new service garage, and consistent when we rezoned the property; this property was always going to be marketed and put back on the tax roll. When someone comes in with a development plan then we can talk about things like protecting the stream corridor or building a bridge across but those are development issues not sale issues, the only thing before the Commission this evening is whether or not we still believe that the proper disposition of this property is to sell it and take it from public use to private use to put it back on the tax rolls and he believes that is pretty clear.

Mr. Thompson asked if there was anyone interested in the property. Mr. Bemer replied that there has been antidotal interest which has been going on for the last year and a half, nothing firm. Mr. Thompson asked if there were any contractual issues with the fitness center. Mr. Bemer replied that their lease ended at the end of December, 2019 and they continue to exist on a month-to-month tenancy. The city forgave a few months due to

COVID-19. He stated that the fitness center also has a new location but he is unsure of their relocation plans. Mr. Smerigan indicated that he has been speaking with them and they do plan to relocate and does not believe that the lease is an issue. There has periodically been interest in the property but obviously this is the first stop in the process of pursuing any interest, until we get through this process Council cannot even consider acting on a request to purchase.

Mr. Iafigliola asked what the square footage of the building was. Mr. Borczuch replied that he believes the building is 40 x 65 feet. Mr. Iafigliola replied that is approximately 3,000 square foot and is smaller than what the second applicant this evening wants to build. Mr. Borczuch replied that it is a small building with a flat roof that leaks and continues to leak. There is also a sanitary sewer that runs through the office area so there is a lot that would need to be done to the building if the city retains it. Mr. Iafigliola stated that the city as the lease holder is responsible for the repairs. Mr. Borczuch replied yes.

Mr. Iafigliola stated that as a reminder to the Commission, we are not being asked to develop the property but rather being asked to make a recommendation to Council as the checks and balance so Council cannot sell every building it owns. He stated if the Commission recommends approval, is there is a timeline for that approval. Mr. Bemmer stated that there is a listing agreement and his recollection was that the property would remain on the market for one year. Mr. Iafigliola stated that no one has any idea what to expect with the current pandemic, but who is to say what would happen in three or five years. If the property did not sell within the year maybe then it would be in the city's best interest to take some action. He is just asking if this gives an open-ended long-term approval. Mr. Bemmer replied that if the past four years are indicative of the city's needs and no indication that the city would expand those needs to require the retention of this particular asset. Mr. Iafigliola stated that at one time the current administration building was owned by the school district, so needs change over time in ways that no one could anticipate. Mr. Smerigan indicated that it is hard to predict what type of timeframe. He believes that this will open the door for Council to pursue disposition of the property, if after a certain period of time he believes Council would come back to the Commission for another recommendation. It could take two to three years to sell the building. Mr. Iafigliola agreed and would not consider any timeframe under three years but at the same time the legislation authorizes the sale of the building. Mr. Smerigan indicated that the Commission takes the long-term view of the city and made the recommendation for the comprehensive plan. The idea is, does this move make sense in terms of the current comprehensive plan and he believes it does.

Mr. Iafigliola stated that he is aware that this property has been marketed for some time but now it is coming before the Commission and could be why Mr. Thompson asked if there was a pressing reason. So, why is this coming before the Commission now even though the property has clearly been for sale for at least four years. Mr. Smerigan stated that for four years the building was not in the current zoning classification but rather an industrial zoning classification. He believes it would be very difficult to fit an industry into this piece of property due to its location. Mr. Iafigliola replied that he agrees, but the ordinance does not say whether the lot is buildable but rather it states whether the city sells it or not and was just curious why it was presented to the Commission now. Mr. Bemmer stated that there was

some movement with interest with specific dimensions of use but received no interest. The city will be losing the tenant and the city's fiscal situation is such that our revenue is anticipated to be down by 10% as a result of the pandemic and should continue into 2021. There was a decision to pursue the sale of unused real estate in order to frankly, balance the budget, there was terminations of employment beginning with this administration in January of 2018 in order to cut approximately \$300,000. So, as expenses go up there is a significant need in order to find ways of generating revenue at least to build up our general fund which seven years ago had a \$2.2 million dollar balance at the end of the year and that was dissipated and when Mayor Graven came into office the balance was \$686,000 so there was significant expenditures above revenues for those four years and this administration has been trying to hold on. We need to determine how best to use our properties and find other methodologies of creating some revenue.

Mr. Iafigliola stated that Ms. Jones had mentioned a lot split and he does not feel that what is currently being asked of the Commission would preclude that possibility. He stated that Council can split the property anyway they deem feasible but, Mr. Borczuch did indicate some easements and challenges to that happening. He indicated that Ms. Jones also mentioned future use and identified specifically a bridge across, a park, or parking and again he does not see anything in the ordinance that would necessarily preclude that from happening. We can all agree that in the property's current condition there is no way across the creek, so if anything were to occur he believes it would be better than what we have now. He indicated that Ms. Jones also raised the issue of parking. He has been on the Commission for a number of years and anytime a new restaurant opens there is a lack of parking perception in downtown. He stated that there is no parking that selling this building would close, if it was a public lot, which it is not, and it was being closed and sold then there would be another use. In his opinion, you are going from a building with a tenant to something potential better so the risk is minimal and the reward is potentially much more significant.

Ms. Jones stated that she has no issue with selling the building and some of the parking but for it to be better and was just looking at the part by the river. She does not feel that the city should sell off all of its property but believes this would ultimately result in an improvement.

Ms. Jansen stated that she would like to thank everyone for their input. She has learned a lot by listening to everyone and it seems that everyone's concerns are equal to hers. She also agrees with Ms. Jones and believes it would be fantastic if there was a way to split the lot as it does sound like the rear area would make a beautiful park but also understands the city's current financial needs. She has also heard parking complaints as well. It would be nice if there was some type of compromise, like splitting the lots, but is unsure as to what would have to happen in order to accomplish that. Mr. Iafigliola stated that as it pertains to the Commission there is nothing in the ordinance that would encourage or discourage Council from splitting the lot.

Mr. Iafigliola moved to **recommend** City Council adopt Ordinance 23-2020 as it pertains to Planning and Zoning Case #10-2020 referred by Council for a recommendation to sell a

public building pursuant to Charter Section 10.06(c), located at 8051 Brookside Drive, PPN #281-22-021; Mr. Thompson **seconded**.

Mr. Iafigliola indicated that his only concern is a timeframe and feels that it is reasonable to set that timeframe as no less than three years and not over five years. He asked that this concern be relayed to City Council. Mr. Thompson agrees that the approval should not be forever and believes the timeframe of no less than three years and not more than five is reasonable. Poll: 6 ayes; 0 nays. **Motion carried**.

COUNCIL LIAISON REPORT – Mr. Munteanu stated that Council discussed the two ordinances that were on tonight’s agenda and have been tabled since there. He is happy that Council can now move on both of those items and dispose of them.

OTHER BUSINESS – Mr. Iafigliola asked the Commission how they believe tonight’s meeting went with the new format. Mr. Pehanic indicated that he had a difficult time hearing the second applicant and asked if there was a way to increase that. Mr. Iafigliola noticed that the microphone at the podium could be turned on to help that issue. The clerk indicated that at the next meeting she would turn on the microphone.

Mr. Iafigliola stated that Mr. Wagner indicated that the ABR board met in person. The clerk replied that was correct. The ABR board is small and did not approach the 10-person limit. The applicants also waited in the hallway and only one applicant was permitted in Council Chambers at a time. Mr. Iafigliola asked if it was fair to say to the Commission members that if they wanted to attend the meeting in person they could. The clerk responded yes, it is each individuals choice.

APPROVAL OF MINUTES – Mr. Thompson moved to **approve** the minutes of February 19, 2020, as written; Mr. Pehanic **seconded**. Poll: 6 ayes; 0 nays. **Motion carried**.

ADJOURNMENT: Mr. Iafigliola moved to **adjourn**; Mr. Pehanic **seconded**. Voice vote: 6 ayes; 0 nays. **Motion carried**. Meeting adjourned at 8:50 p.m.

Planning & Zoning Commission Clerk

Date

Planning & Zoning Chairman

Date