



CITY OF OLMSTED FALLS
PLANNING AND ZONING COMMISSION
MINUTES
NOVEMBER 4, 2020
7:30 PM
COUNCIL CHAMBERS/VIRTUAL

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

Chairman Brett Iafigliola called the public meeting to order at 7:31 p.m. The purpose of the public hearing is a request made by David Forni, Forni Landscaping, owner of 8051 Brookside Drive, PP# 291-22-021 for a Conditional Use Permit for a proposed commercial landscaping firm.

Mr. Fontanez stated that we are Forni Landscaping Arts and have been in business for a little over 13 years. Currently we are leasing a property on Center Ridge Road in Westlake and as the company has grown, we have outgrown the area and looking for a permanent home. Our realtor came across the great property in Olmsted Falls and we figure it will be a good fit for us. The building is beautiful and in perfect condition. We have 14 trucks, 13 trailers which will be parked outside, our handheld and smaller tools will be stored inside the building. We plan on adding two sliding gates that will be adjacent to the building and will block the north and south entrances that lead to the back of the building, these gates will be approximately six feet tall and 16 feet long. Given the historic nature of the city, we feel that black aluminum gating will fix the curb appeal better and also secure our property. We plan to increase the privacy of the property with added landscaping from the street view, along with additional screening for our neighbor to the south. We will be adding another burning bush that will block the view from the street on the south side of the property. We do not plan on disturbing any of the healthy trees along the property line to the south, or any of the trees that block the site line from Grand Pacific Junction. In the far back of the property where the Grand Pacific Junction is, we will add two 4" caliber Maple Trees, as there is a small gap in the tree line that we would like to fill in. We are also proposing a custom-built sign to showcase the new home of Forni Landscaping and will be placed in the north side grass lot in the front of the building. The sign will be made out of cedar with our logo on it and phone number along with a raised plant bed around it. We recently canvassed the neighborhood and knocked on a dozen doors and met probably six to eight people in the neighborhood and spoke to the direct neighbor to the south and anyone we did not get in touch with we left a brochure and encouraged them to contact us if they had any questions. To be clear, we are not running a supply yard, we are running a commercial and residential landscaping firm. So, throughout the course of the day we will not have multiple truck traffic in and out or client traffic in and out. To help with the traffic of having 14 trucks we plan on staggering our maintenance divisions against our install divisions, the maintenance employees will start around 7:30 a.m. and the installation teams will start around 8:00 a.m. which will stagger start times. The teams arrive back at the shop around 4:00 p.m. to 6:00 p.m. depending on the type of the project we are at.

Mr. Smerigan stated that applicant is located in the MUTND district and uses in the MUTND district require use permits which is why the applicant is before the Commission for conditional use approval. This use is consistent with the chapter and is a permitted use in the district. The applicant has provided the Commission with drawings and renderings indicating their enhancements to the existing facility including the fencing and landscape enhancements. He believes that this represents a general improvement to the appearance and function of this property. Again, he believes it is consistent with our code and would recommend that the Commission approve the conditional use permit as requested.

Mr. Bemmer stated that this is city property, the old fire station/service garage, the city has a vested interest in the contractual relationship that is ongoing with Forni Landscaping so with that in mind he will make no comment about this application. Mr. Iafigliola asked if Forni Landscaping is the owner of the property. Mr. Bemmer replied that we are under contract with them and has been for at least two months.

Katie Gross, stated that she has two questions. She asked Mr. Forni to describe the type of trucks, they indicated 13 trucks, what type are they. Mr. Fontanez stated that they are medium duty Chevy and Ford pick up trucks, we have a few smaller dump trucks. These are not city type dump trucks they are smaller and locally purchased dump trucks. The trailers are open landscape trailers but some are enclosed, all of which we take a lot of pride in keeping everything clean and looking the best. Ms. Gross asked if ABR had reviewed the plans for the building especially the outdoor gate and landscaping. Mr. Smerigan stated that this will have to go before the ABR board as it is in the historic district. Typically, the conditional use permit is handled first before we begin discussing the building façade.

Mr. Pehanic stated that the applicant has stated that there are 14 trucks that will leave at 7:30 a.m. and asked if they would be gone all day and then return later in the day or are they in and out throughout the day. Mr. Fontanez replied that 99% of the time once the crew leaves in the morning that are out in the field all day and arrive back normally around 5:00 p.m. sometimes earlier if the weather is not working in our favor. Typically, they are out and gone for anywhere from eight to nine hours. Mr. Pehanic stated that the trucks are parked on the property and asked if there would be sufficient screening. Mr. Fontanez replied that to the north there is sufficient screening along the railroad and the south is the same way, from the street we will be adding landscaping to add to the security and the gate will also help. He stated that everything is parked neatly as there is an order to everything and a certain spot for every truck and trailer so it is not a free for all parking.

Mr. Iafigliola asked if the applicant would be storing bulk materials even though they would not be for general resale on the property. Mr. Fontanez stated that they would. They do not plan on having major deliveries to the shop but we do plan on having a couple of areas with concrete blocks mainly for overflow, if a truck happens to have extra mulch from a commercial project, they can dump it in the bin for a later project. Mr. Iafigliola stated that when the applicant makes application for their small-scale storage bin, he believes they would be wise to consider how they could keep the dust down. He stated that the applicant commented on the Grand Pacific Junction, which is one of the hallmarks of the city, plus

there are neighbors all around and his only concern is when people park at Grand Pacific and they look across the creek he thinks it would be appropriate to not see old equipment or a storage area. Mr. Fontanez stated that he agrees. When he canvassed the neighborhood, they walked across the bridge to get the advantage point from Grand Pacific Junction. The area is covered pretty well but there is an opening between the trees and in that opening on his property is where he is proposing a couple of larger Maple trees to fill in the void. They do not keep old equipment as it gets in the way and he would rather dispose of it rather than gathering in the back of the property.

Mr. Fenderbosch stated that landscapers will bring back a lot of grass and leaves and that type of materials will that be stored in the back of the property. Mr. Fontanez replied that there will be no dumping of organic waste at the site as we use off site vendors for our grass clippings, leaves, and brush. You will not see nor will you smell it.

Chairman lafigliola closed the public hearing at 7:53 p.m.

1. Planning & Zoning Case #23-2020 - A request by David Forni, Forni Landscaping, owner of 8051 Brookside Drive, PP# 291-22-021 for a Conditional Use Permit and site plan approval for a proposed commercial landscaping firm.

Mr. lafigliola moved to approve the Conditional Use Permit and site plan for the proposed commercial landscaping for Forni Landscaping at 8051 Brookside Drive; Mr. Thompson seconded. Poll: 5 ayes; 1 nay (Fenderbosch). **Motion carried.**

2. Planning & Zoning Case # 22-2020 - A request made by David Horvath, owner of 9175 Lindbergh Blvd, PP# 291-28-007, for a variance of 599 square feet to Section 1240.09(a)(3)(A) to permit construction of a detached accessory garage of 600 square feet in addition to the attached garage allowing a total aggregate garage area of 1,199 square feet in lieu of the maximum 600 square feet permitted by Code.

Mr. lafigliola administered the oath to David and Stacy Horvath.

Mr. lafigliola asked Mr. Horvath to comment on what has changed from the last time they were before the Commission.

Mr. Horvath stated that he has reduced the detached garage to 600 square feet and we are asking the Commission to grant a 600 square foot. He would like the Commission to understand that before he purchased the property, we saw that it was a wooded lot in a nice area with all kinds of outbuildings in the area which is what we were particularly looking at. We wanted a piece of property close by the city and not in an area like Columbia Station. We came across this property and before he purchased it he went to the building department and asked what were the restrictions, what were the costs and tap fees and so forth. Before he put in a bid on the property he had his realtor go and ask the same questions. He has an email from his realtor, which he presented in his packet stating the same things that he just told the Commission. He however does not have anything in writing because he received his answers verbally. We decided to

purchase this property believing that we would be permitted to build an outbuilding. At some point during the process of purchasing the land the code was changed which is why he is present this evening requesting a variance. He has spoken to all the surrounding neighbors because there was a concern from someone on the Commission, but he does not remember as because the minutes were no on the city's website. There was a concern regarding the vacant lot and he has a written letter from that property owner stating that he has no issues with what we are trying to build up against his property line. He also submitted satellite photo's showing all the outbuildings around the property. He did not submit those across the street as he is assuming those are too far away. Basically, this whole area has one or more structures on their property. He showed the Commission a drawing of the home he is proposing to build and would like to note that there is no attached garage showing on the front of the house. He will build a detached garage that looks the same as the front of the house so from the street you would not know it was detached as it will all look the same and will look just as nice as the house. He had a survey drawn up to show the location of the structure as well. He would ask the Commission to approve the 600 square foot outbuilding. He believes the setbacks from the property lines are all in compliance. Mrs. Horvath stated that the garage will have the same vinyl siding and everything will look exactly like the brand-new house that we are building. Mr. Horvath stated that design wise it will look like the house.

Mr. Smerigan stated that if the Commission recalls, when the initial application was submitted, based on the way it was designed the applicant needed three variances, they have modified their plans. They made the garage that is attached to the home smaller, they have made the proposed detached garage smaller, and as a result the request is down to a single variance for square footage. As the applicant has indicated the proposed location of the 600 square foot detached garage will comply with the code in terms of setbacks. Their plans to indicate that the façade of the detached garage would match the façade of the home and as the applicant noted, because they will have a side entry garage you would not see the attached garage from the street; the only garage that you will see from the street is the detached garage. He would also note that in terms of impacts on adjoining properties, since it is permissible to have a 600 square foot detached garage the size of the structure would be what would be expected to be seen on an adjoining property; so from that standpoint, he finds that there will be very minimal impacts from the granting of this variance.

Mr. Iafigliola asked the applicant why the letter from Mr. Birkley was included in the packet. Mr. Horvath responded that Mr. Birkley was his realtor at the time and this is an email that was sent to him. This is the only thing he had in writing, besides his verbal discussions when he was at the building department. The other letter from Felix Berry is the adjoining property owner and again he was not able to see the minutes so he is unsure of who had the issue with the adjoining property owner selling the lot. He stated that Mr. Berry does not have any issues and does understand where the garage will be located by his property. Mr. Iafigliola read Mr. Berry's letter into the record which states: "My name is Felix Berry and I have no problem with my neighbor next to my lot parcel #291-28-017 Lindbergh Road, Olmsted Falls, building a structure listed as a

garage on the applied permit. My understanding is that the garage will be eight feet from my lot parcel D. Any questions to me you can reach me by my cell phone.”

Mr. lafigliola stated that the drawings dated August 8, 2020 he believes that Parcel D is the one to the immediate north of the applicant’s property. Mr. Horvath replied yes. Mr. lafigliola stated that he is noting this because it looks as if an Ann Pincombe owns the parcel and he is unsure if this is accurate. Mr. Horvath stated that Mr. Berry is the trustee for the late Ms. Pincombe and is the gentleman that he purchased his lot from. He stated that Mr. Berry owns the vacant lot and the lot north of his property, which was recently sold.

Mr. Thompson stated that he believes this is a much better design and plan and the street view will only show what looks like a garage and the rest will look like the home. He has no issues with the size. This whole area has a number of large outbuildings that have been in existence for many years and believes this will look nicer than most of the buildings in this neighborhood.

Mr. lafigliola thanked the Horvath’s for their patience and working with the Commission and designing to make the proposal more compliant with the code.

Mr. lafigliola moved to **approve** Planning & Zoning Case # 22-2020, a request made by David Horvath, owner of 9175 Lindbergh Blvd, PP# 291-28-007, for a variance of 599 square feet to Section 1240.09(a)(3)(A) to permit construction of a detached accessory garage of 600 square feet in addition to the attached garage allowing a total aggregate garage area of 1,199 square feet in lieu of the maximum 600 square feet permitted by Code; Mr. Munteanu **seconded**. Poll: 6 ayes; 0 nays. **Motion carried**.

3. Planning & Zoning Case # 24-2020 - A request made by Mike Hicks, owner of 24114 Lantern Drive, PP# 291-30-039, for a 11-foot variance to Section 1240.05(a)(5) to permit a rear yard setback of 19 feet in lieu of the required 30 feet.

Mr. lafigliola administered the oath to Mr. Hicks and Mr. Pauley.

Mr. Hicks stated that he would like to build an addition to the back of his home. The addition will be a reverse gable and will be in compliance except for a small section that comes out from the rear wall of the main addition about 10 feet which is why we are asking for a variance. Mr. Pauley stated that the drawing submitted is basically the floor plan showing the property lines. Mr. Hicks stated that the small section will be on a slab. It was pointed out that we are in violation of the 30-foot setback by 11 feet. He stated that there is no home behind his property nor is the land developed, it is all wooded and goes back to the interstate. He does not think that there is an ability to develop this land since it used to be a sewage treatment plant for the Plum Creek Subdivision. For the 30 years he has lived in his home the land immediately behind him has basically been abandoned; he has not seen anyone working the land or cleaning it up so nobody would be able to see the structure other than people walking through the woods as it is not visible from the street since it will be located behind his house.

Mr. Pauley stated that the small part that shows “jetting out” on the floor plan is the variance that is being requested. This area will allow an access and the rest of the addition is actually a full basement and this is a staircase allowing the applicant into the basement area.

Mr. Smerigan stated that an 11-foot variance does not seem to be a very substantial. There is no home located behind this property. There is an open area that does not have a dwelling on it and is a large parcel so there will be no one directly impacted by the granting of the variance. One of the criteria is whether or not the variance is the minimum necessary to obviate any practical difficulty and in this instance, he does not think there is much to be gained by trying to reduce the variance and doing that would create other internal issues in the function of the dwelling and not accomplish much since there is no building to the rear. From the administrations standpoint we have no objection to the granting of the variance.

Mr. Bemer stated that he would like to see a site plan which identifies adjacent properties and other structures adjacent thereto and lot sizes. He will make an assumption, with Mr. Smerigan, that there is no lot coverage issue but we can't tell with the minimal foot print that is presented. He stated that this comment is more for the administration so when they are accepting these applications, they need to make sure there is a good solid record with a site plan that includes adjacent properties as well as to assure that the lot coverage percentage is not exceeded.

Mr. Thompson stated that he is familiar with the property having campaigned down this street many times. He has also been in the Hicks home on several occasions. He stated that the only impact may be a neighbor but everything is behind the home and the home is not that large to start with and this is certainly a much-needed addition. He has no concerns with the submittal other than having a site plan submitted. He stated that the Hicks have been substantial citizens of our community and would like to see them stay.

Mr. lafigliola stated that noted on the application is a statement which states: “above two pictures taken from each side of the house from rear corner looking back to common area basketball and playground has been for the past 15 years.” He asked if the swing set or playground area was on the applicant's property. Mr. Hicks replied that area is off of his property. Mr. lafigliola asked if the stone wall was located at the applicant's property line. Mr. Hicks replied that it is close to it, maybe about a foot to a foot and a half outside of his property line.

Mr. lafigliola moved to **approve** Planning & Zoning Case # 24-2020; A request made by Mike Hicks, owner of 24114 Lantern Drive, PP# 291-30-039, for a 11-foot variance to Section 1240.05(a)(5) to permit a rear yard setback of 19 feet in lieu of the required 30 feet on the condition that a site plan be submitted to the Olmsted Falls Building Department; Mr. Munteanu **seconded**. Poll: 6 ayes; 0 nays. **Motion carried**.

COUNCIL LIAISON REPORT – *No Report*

OTHER BUSINESS: Mr. lafigliola stated that he happened to notice a couple of articles in the Sunday paper dealing with storage facilities. One of the articles from Middleburg Heights states: "City Council has passed a six-month moratorium on accepting and processing applications for new storage facilities. We are in the middle of doing two sizable projects ... I think it is prudent for the city to put any storage applications in a temporary moratorium until we complete those two projects." He stated that he thought this was interesting and noteworthy that storage facilities and retirement type homes and dollar stores for that matter are rage in the development community, there is a need for them and they are relatively inexpensive to build and easy to get through Planning Commissions. He stated that when the dollar store came to Olmsted Falls there was an outcry that the city was not prepared, he does not necessarily agree with that sentiment, it was certainly allowed, permitted and was build. However, he believes that we would be wise to be aware that these sort of projects and developments are always looming in the horizon and is there anything that we need to do in our code to fully address where we would like to see them go and how we would like to see them go in.

Mr. Smerigan indicated that the concern with storage facilities is that they do not have any substantial point base since the city's principal source of income is income tax they don't contribute to a city's tax base which is why some communities have taken to limiting where they can go or discouraging them in general. It is simply a revenue issue, you are taking land that has been set aside for revenue producing development, whether that is commercial or industrial, and using it for something that has a very small tax base.

APPROVAL OF MINUTES – Mr. Thompson moved to **approve** the minutes of October 7, 2020, as amended; Mr. Munteanu **seconded**. Poll: 5 ayes; 0 nays; 1 abstain (Fenderbosch). **Motion carried**.

ADJOURNMENT: Mr. lafigliola moved to **adjourn**; Mr. Thompson **seconded**. Voice vote: 6 ayes; 0 nays. **Motion carried**.

Meeting adjourned at 8:42 p.m.

Planning & Zoning Commission Clerk

Date