



CITY OF OLMSTED FALLS
PLANNING AND ZONING COMMISSION
MINUTES
DECEMBER 2, 2020
7:30 PM
VIRTUAL MEETING

Commission Members Present: Brett lafigliola, 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: 2

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

1. Planning & Zoning Case #27-2020 – A request by Valore Properties, owner of Falls Glen for approval of the final development plans and final subdivision plat pursuant to Chapters 1268, 1232 and 1224.

Mr. Suhail stated that last year he appeared before Planning & Zoning to consolidate some lots that had open spaces in front of them to make them clean rectangular lots. The second part was the addition of nine lots in the cul-de-sac and the temporary cul-de-sac will be made permanent and the second phase of this subdivision will not be built so the entire back area is now open space. Currently there are a total of 23 sublots in this subdivision. Mr. Valore stated that the subdivision was reduced from 31 sublots to 23. Mr. lafigliola stated that the back portion will remain natural. Mr. Suhail replied correct. Mr. lafigliola stated that the applicant is seeking final plat approval. Mr. Suhail replied yes. The final plat once approved by Planning and Zoning will not be filed until the construction improvements are done, unless it can be filed earlier without the improvements in place but he is not sure if that can be done. Mr. Smerigan replied that it is possible to record the plat without everything being finalized as long as the remaining work is bonded. Most of the improvements are in place so there really isn't a lot to do and if they really wanted to record the plat immediately you could bond the work and record the plat immediately otherwise you will have to wait until everything is finalized and accepted by the City Engineer.

Mr. Smerigan stated that as noted this plat takes the place of the old plan for this project; it reduces the total number of units from 31 to 23 and increasing the amount of open space to about six acres, which is a high percentage. Essentially the second phase is deleted and becomes all open space, the existing cul-de-sac becomes a permanent cul-de-sac and some of the lot shapes were fixed. As the Commission will recall they approved the preliminary plat and as part of that preliminary approval the Commission asked for a couple of things; one was an open space connection from the cul-de-sac so there would be an accessway for residents to use and that has been incorporated in the plan. He discussed the plat and the construction improvement plans with the City Engineer who indicated that he is comfortable with this project moving to final approval. So, he and the City Engineer are both recommending that the Commission grant final subdivision plat approval. He stated that the Commission will

approve the subdivision plat and since this is a planned residential development the Commission will also approve the final development plan at the same time.

Mr. Iafigliola stated that he would like to thank Mr. Valore for including access from the cul-de-sac to the back acreage as he believes it is important for people to access it. He would like to know if he was one of the 23 residents how would they know that they are allowed to walk in this area will there any kind of fencing or hardscaping. Mr. Valore indicated that he will have some type of pathway whether that is asphalt or concrete between sublots 13 and 14 which will come into almost a circle into the open space. He stated that there will be clear definition and at this point he does not think need fencing would be needed but maybe some type of sign which would be in clear view once. He stated that the residents that live there know they can walk into the area if they want to.

Mr. Iafigliola stated that he would like to verify for the record Sublots 20 through 16 all show a 30' setback but the setback line on 21, 22 and 23 does not appear but on another page the setback line does appear, so he would like to make sure that it is the intent to maintain that 30' setback. Mr. Suhail stated that it may not have printed but there will be the same setback all the way across. Mr. Iafigliola indicated that it should be added to make sure the plat is clear.

Mr. Iafigliola asked if there were any additional approvals needed from any other city board. Mr. Smerigan replied no. If you recall Phase I was completely approved with all the board approvals. Phase II is making the temporary cul-de-sac permanent so there is no new right-of-way so there is no need to go to the tree commission.

Mr. Iafigliola stated that he noticed on the page regarding typical paving section it appears as if the sidewalk will be on one side of the street as opposed to sidewalks on both sides without any sort of safety lawn or tree lawn is that the intent. Mr. Suhail stated that the intent is to duplicate the typical paving detail from the original plan and that is what we did because there is an existing section you have to follow it and not change it mid-way. Mr. Smerigan stated, for the record, the original plan was approved with sidewalks only on one side of the street and that was part of the PRD approval so that was the way Phase I was done and since we are not extending into Phase II but simply putting the lots at the end of the cul-de-sac, he does not think it makes sense to go back and try to put sidewalks on the other side and he had that discussion with the City Engineer. Mr. Iafigliola stated that he just wanted the explanation for the record.

Mr. Iafigliola asked Mr. Suhail to confirm what paving material the cul-de-sac will be built out of. Mr. Suhail replied it would be concrete.

Mr. Thompson stated that it is his understanding that the next St. Jude Home will be built in this development as well. Mr. Valore replied yes on Sublot 3. Mr. Iafigliola asked which Sublot the first St. Jude Home was located on. Mr. Valore replied that the current one is on Sublot 10 and the new one will be built on 3. He stated that Sublot 19 has recently sold and will hopefully start construction in the next few weeks.

Mr. Iafigliola moved to **approve** Planning and Zoning Case #27-2020 a request made by Valore Properties owner of Falls Glen for final development plans and final subdivision plat pursuant to Chapters 1268, 1232 and 1224 subject to final approval of the construction plans by the City Engineer; Mr. Munteanu **seconded**. Poll: 6 ayes; 0 nays. **Motion carried**.

COUNCIL LIAISON REPORT – *No Report*

OTHER BUSINESS: Mr. Iafigliola stated that there was a question the other day amongst some Facebook chatter regarding some tax abatement issues on the project being built on either side of Columbia. He stated that someone posted a copy of Ordinance 27-2019, which established the Community Reinvestment Area (CRA) and Section 7 states: “a Community Reinvestment Area Housing Council shall be created consisting of two members appointed by the Mayor, two members appointed by City Council, and one member appointed by the Planning & Zoning Commission.” It also states “the majority of the members shall then appoint two additional members who are residents.” He is not trying to interfere with what the Mayor or Council are doing but he asked if this body had been established and does the Commission need to take some action to fulfill our end of the deal. Mr. Bemer replied that the administration has not taken any steps to create the housing council, and does appreciate it being brought to his attention. He will confer with Mr. Smerigan and the Mayor and make a determination when this administrative body should be created. We will also need to discuss the scope of their authority and purpose and once we get to that point then we would engage the Commission to look for their appointment. Mr. Smerigan stated that he knows this created the CRA last year and does not believe we have anything that is active yet; once we get something active that Council has to be in operation so he does not believe we are behind at this point but it is clearly something that needs to get done. Mr. Iafigliola indicated that his purpose of asking is to make sure that the Commission is diligent in our duties.

Mr. Thompson stated that the chatter was that some sort of tax abatement was given to those lots and asked if that was true. Mr. Bemer replied that all new construction whether it's a half million-dollar new property structure or adding a new bedroom onto your home is entitled to a 10-year tax abatement at 50% of the step-up appraised value. Mr. Thompson asked anywhere in the city. Mr. Bemer replied yes, it is city wide. This was a project that came highly recommended in view of the fact that most communities that have land for development or re-development has CRA's. In order to be a part of that competitive market for example, Fairview Park has had one for probably 20 years, the Lorain County cities have them, and frankly when you have open space in a community like Avon that is growing in leaps and bounds, we need to be competitive. By statute it is something that City Council had authority to promulgate without consent of the school board as this is an abatement of real estate taxes. The school board was informed and we met with the superintendent and one of the board members to let them know our plans. Again, the philosophy is that you are not being hurt by your current tax base and going forward the new construction will only take a 50% step up in the new appraised value as the result of construction with that 10-year period of time anything above the 50% or above 10 years in duration does need school board approval. Mr. Thompson asked if it was just for residential or is that also on commercial improvements. Mr. Bemer replied that it applies

across the board. Mr. Thompson asked if the Dollar General fell into that or not. Mr. Bemer replied that was a good question and that he would check. Mr. Thompson stated that he is unsure when they received final approval. Mr. Bemer stated that the individual who was leading up this task was our Economic Development Consultant and during COVID when we had to make cuts he was furloughed and he has not been brought back. Mr. Smerigan stated that in order to get the abatement you have to apply before construction starts and he is not sure if that happened. As Mr. Bemer indicated since there has been some turnover the person who was handling this directly is no longer with the city so we are doing some catch up to figure out where things were. Again, in order to qualify for the abatement, you have to get the approval before construction so the city can certify the increase in value to the County Auditor. Mr. Thompson replied that makes sense. So, then the homes that are being built in the Western Reserve Development be notified. Mr. Smerigan stated that he does not know if Dollar General applied but again he is not the one handling the program so he is talking second hand and we would have to look at what was filed with the city and he is not aware that they filed for it. Mr. Bemer stated that he will check and get back to Mr. Thompson. Mr. Thompson stated that what he has heard and he has not driven into the area because he has been busy with the weather, but on their sign it states that an abatement was granted to them, he has not seen the sign but that was what raised all the questions. Mr. Smerigan stated that the fact of the matter is, there was not an abatement granted to them there was an abatement district created city wide and since they are in the city, they are eligible but in order to actually obtain the abatement they will have to apply individually house by house. Mr. Iafigliola asked when do you define the start of construction, is it the start of the road or the individual house and that may not be for us to answer but is something to keep in mind because these people are going to say that their developer told us, which is code for a lot of things that we on this Commission hear frequently and is not usually favorable.

APPROVAL OF MINUTES – Mr. Iafigliola indicated that in the heading it states Council Chambers/Virtual and asked if Council Chambers should be removed since no one is there. The Clerk indicated she would remove Council Chambers. He asked since LeBistro was an informal discussion no motion was made. The Clerk replied yes. Mr. Iafigliola indicated that the Commission will hold a public hearing for Gibbs Butcher and Brews on December 16th. Mr. Thompson indicated a typographical error.

Mr. Thompson moved to **approve** the minutes of November 18, 2020, as amended; Mr. Munteanu **seconded**. Poll: 5 ayes; 0 nays; 1 abstain (Munteanu). **Motion carried**.

ADJOURNMENT: Mr. Iafigliola moved to **adjourn**; Mr. Munteanu **seconded**. Voice Vote: 6 ayes; 0 nays. **Motion carried**.

Meeting adjourned at 8:12 p.m.

Planning & Zoning Commission Clerk

Date