



CITY OF OLMSTED FALLS  
PLANNING & ZONING COMMISSION  
MINUTES  
JANUARY 25, 2017  
7:30 PM  
COUNCIL CHAMBERS

Commission Members Present : Brett lafigliola, Fran Migliorino, Jay Linn, Michelle Hawkins, Gary Pehanic, and Tony Budak.

Others Present: Santo Incorvaia, Asst. Law Director, George Smerigan, City Planner, Terry Duncan, Councilwoman, Ward III and Bob Sculac, Council Liaison. Audience: 13

Asst. Law Director Incorvaia called the first meeting of the Planning and Zoning Commission to order at 7:33 p.m. He stated that the first order of business will be to nominate and vote on an Acting Chairman in order to proceed through the agenda.

Mr. Linn **nominated** Brett lafigliola as the acting chairman; Mr. Pehanic **seconded**. Poll: 5 ayes; 0 nays; 1 abstain (lafigliola). **Motion carried**.

Mr. Incorvaia then turned the meeting over to Mr. lafigliola as acting chairman.

#### **INTRODUCTION OF BOARD MEMBERS**

Mr. lafigliola welcomed everyone to the very first meeting of the Planning and Zoning Commission and asked that each member introduce themselves.

Michelle Hawkins stated that she was a member of the Environmental Protection Board.

Fran Migliorino stated that she was a member of the Planning Commission. She has been an Olmsted Falls resident for 40 years, public service has always been her career working for various different public entities. She believed it was time to put some of her intellectual capital into Olmsted Falls.

Tony Budak stated he was a member of the Board of Zoning Appeals. He is serving on this Commission to help his community and help create a connection between the public and government.

Gary Pehanic stated he was a member of the Board of Zoning Appeals. He is involved with this new Commission because he enjoys being involved in the activities that run the city and appreciates the opportunity.

Jay Linn stated that years ago he was a part of the Trash Committee from there he served on Planning Commission for 20 years; tandemly he served six years on the Board of Zoning Appeals and he is the current Council President. He would like to thank all of the volunteers for serving on the new Commission. He is also blessed with a wonderful City Council that has ever served the City.

Brett lafigliola stated that he was a member of the Planning Commission for a number of years. He is a civil engineer and works for a local construction company. He is also involved in other volunteer pursuits around town, has three young children.

Bob Sculac indicated that he has the pleasure of serving as Ward I Councilman and he is currently in his 4<sup>th</sup> term. Previous to his Council term he served eight years on the Board of Zoning Appeals, previous to that he served an additional 10 years as a Council member, previous to that eight years on the Park and Recreation Board. He has lived in the community for 40 years and his wife is a retired teacher from Falls Lenox Elementary School. He has an MSW from Case Western, which is a masters in Social Work, he was the Assistant Director of Children Services in Lorain County prior to retiring.

### **ELECTION OF CHAIRMAN**

Mr. Pehanic **nominated** Brett Iafigliola as Chairman of the Planning & Zoning Commission for 2017; Mr. Budak **seconded**. Poll: 5 ayes; 0 nays; 1 abstain (Iafigliola). **Motion carried**.

### **ELECTION OF VICE CHAIRMAN**

Mr. Linn **nominated** Gary Pehanic as Vice-Chairman of the Planning & Zoning Commission for 2017; Mr. Budak **seconded**. Poll: 5 ayes; 0 nays; 1 abstain (Pehanic). **Motion carried**.

### **DISCUSSION OF POLICIES AND PROCEDURES**

Mr. Iafigliola indicated that a copy of the Planning Commissions procedures were distributed. These would need to be updated and revised for the new Commission.

### **APPROVAL OF 2017 MEETING CALENDAR**

Mr. Iafigliola would like to point out the meeting schedule, which will now be the first and third Wednesday of each month.

Mr. Linn moved to **approve** the 2017 meeting calendar of the Planning & Zoning Commission; Ms. Migliorino **seconded**. Poll: 6 ayes; 0 nays. **Motion carried**.

Mr. Iafigliola opened the public hearing at 7:45 p.m.

**Planning & Zoning Case # 01-2017:** A request by David Stasko, owner of 9499 Driftwood, PP# 291-01-043 for a variance of 440 square feet to Section 1240.09(a)(3)(A) in order to build 880 square foot detached garage in the rear of the existing structure which has a 440 square feet attached garage for a total of 1320 square feet of garage floor area in lieu of the permitted 880 square feet; a variance of 8 feet to Section 1240.09(a)(2) to widen an existing nonconforming 16 feet wide driveway apron on the public right of way with the addition of 2 feet of concrete on each side for a total driveway width of 20 feet in lieu of the permitted 12 feet; and variance of 10 feet to Section 1240.09(a)(2) to construct a 22 feet wide driveway apron on the public right of way in lieu of the permitted 12 feet.

Mr. Stasko indicated that he currently has a two car attached garage. He has two classic vehicles that he would like to store on his property. He would like to construct a building for that storage. His driveway is currently 25 feet long which leaves him no additional space to store vehicles. He has no intention to run a business out of the structure; but would like a big enough structure to store a third vehicle, if necessary.

Michael Stasko indicated that his family is a car family and owns two custom cars himself. He lives in Willowick and recently went through this same process and is present to support his uncle. He build a 980 square foot garage and was built by hand.

Mr. Iafigliola read Ms. Jane Perkins email into the record dated 01/20/2017 (see attached). He also read a memo from the City Engineer dated 12/29/2016 (see attached).

Mr. Smerigan stated that code limits the width of the driveway at the right-of-way. It is permissible from the edge of the right-of-way to flare out and get wider to accommodate the two car garage. He does concur with Mr. Sheehy that within the public right-of-way it makes sense to retain the code required right-of-way width but certainly there is enough room for the new driveway to flare out. He does not recommend widening the driveway at the right-of-way and does not object to any flaring out.

Mr. Smerigan indicated that the variance to widen the existing 16 foot wide driveway should be four feet.

Mr. Stasko indicated that he is willing to leave the apron of the new driveway at the required size at the right-of-way but, the driveway needs to be at least 16 or 22 feet wide at some point and then taper down. As far as the existing driveway, he would like the addition of two feet on each side to the street, if possible. He stated that when his neighbors have replaced their driveways they have installed driveways as wide as their garages. He stated that whether he builds a two car, which is permissible, or four there will still be an outbuilding effect in his back yard.

Mr. Pehanic asked if the proposed structure meets the rear and side yard setbacks. Mr. Smerigan replied yes.

**Kevin Gordon, 9519 Ponderosa Lane**, stated that he will be Mr. Stasko's neighbor. His concern is that he has a large sunroom on the back of his property. He has two small children and a play area also in his back yard. Beyond this play area would be the proposed structure. He has had to remove a number of trees as they began dying which means he is losing his camouflage and the last thing he wants to do is see a garage. He understands that with antique cars they need to be run and he is unsure as to what type of motors these vehicles have and do they have to run constantly or once a day or once a week. As he is listening he believes that this is not a garage but a storage facility because antique vehicles are being parked inside of the structure. He purchased his property because of the sun room and has been in the home for 12 years and the gentlemen he believed that lived in the property was Brad. Mr. Stasko indicated that he is across the street from that property. Mr. Gordon indicated that there are electrical lines on the property as well as a swale, which constantly clogs. Mr. Gordon indicated that he does not want to sit in his back yard and look at a garage. The proposed 880 square foot garage is larger than a standard sized garage. Mr. Stasko stated that the home owned by the individual Brad went through a foreclosure and the address is 9488 Driftwood Drive, the property he is talking about is not his property, his property is located across the street at the intersection of Crosswood and Driftwood. Mr. Gordon indicated that he was incorrect and has no objections.

Ms. Migliorino stated that if the neighbors objected to this proposed property she would have objected but due to the email she received from Ms. Perkins who indicated she had no objections she does not have any objections to this structure.

Ms. Hawkins stated that she is concerned about the neighbors in the back of the property and the aesthetics of the structure. Ms. Stasko indicated that he did speak with the neighbors behind him and are happy about the proposed structure due to the fact that it will enable some privacy. He indicated that the aesthetics of the new structure will match his current home.

**Fred Tszanz, 9427 Driftwood Drive**, indicated that he is four houses from Mr. Stasko and his only concern is that he was unsure of the type of structure, will it be a wooden structure. Mr. Stasko indicated that was correct with a standard roof, siding will match existing home, and will have a two car garage door. Mr. Tszanz was concerned that it would be a metal structure.

Mr. Iafigliola indicated that currently behind Mr. Stasko's property is a large condominium complex, which is a large building. Mr. Stasko indicated that was correct. Mr. Iafigliola indicated that the height of the proposed structure will be 11'8" at the peak; Mr. Stasko indicated that was correct.

Mr. Iafigliola asked if Mr. Stasko would be agreeable to the additional two feet on each side of the driveway but the additional feet would terminate at the sidewalk rather than extend into the right-of-way. Mr. Stasko indicated that he would be agreeable. Mr. Iafigliola then asked if Mr. Stasko would be agreeable to 16 feet for the proposed driveway which could flare out as you move towards the garage. Mr. Stasko asked if the flare out could be as wide as the garage or would there be a restriction. Mr. Smerigan indicated that the code permits the flare to be as wide as the garage but has to narrow down at the sidewalk. Mr. Stasko indicated he would be agreeable.

Mr. Iafigliola closed the public hearing at 8:40 p.m.

Mr. Iafigliola moved to **grant** a variance for docket item 01-2017 for Mr. Stasko at 9499 Driftwood pp# 291-01-043 to build an 880 square foot detached garage in the rear of the existing structure as noted in his application; to construct a 16 foot wide driveway which is wider than permitted 12 foot and is less than the applicant requested; applicant is allowed to construct a driveway the full width of the garage which is understood to be 22 feet; the materials used to construct structure should be consistent with the housing stock in the neighborhood; Mr. Budak **seconded**. Poll: 6 ayes; 0 nays. **Motion carried**.

Mr. Iafigliola opened the public hearing at 8:45 p.m.

**Planning & Zoning Case #02-2017:** A request by Robert & Janet Samoly, owners of 8855 Lindbergh, PP# 291-39-005 for a variance of 15 feet to Section 1240.05(a)(4) to allow a corner lot side set back of 35 feet in lieu of the required 50 feet and a variance of 4 feet to Section 1240.09(a)(2) to construct a 16 feet wide driveway apron on the public right of way in lieu of the permitted 12 feet.

Mr. Samoly indicated that this is a corner lot and is approximately 80 feet x 300 feet and is an elongated lot. He was unaware that there was a 50 foot setback on both streets, this dictated the size of the home he could build. He would like to move the home slightly to the northwest to the center of the property and better utilize the property. There is approximately 150 feet from the proposed home to West Street. He stated that he is requesting a 16 foot driveway

because he is building a three car garage. The driveway will flare out to the garage in order to allow a vehicle to turn around in the drive to pull out onto Lindberg rather than backing out. He is requesting the 16 foot apron because of the stop sign located at Lindberg and West. If you are heading north on Lindberg towards West and he turns on his signal to turn into his drive and someone is behind him he will not be sure if he is going to turn into the driveway or onto West. The 16 foot apron will give him better egress off of Lindberg for safety issues.

Mr. Iafigliola indicated that the City Engineer has no issues with the proposed plan and does recommend approval per his memo to the Commission dated 12/29/2016.

Mr. Smerigan indicated that there is a practical difficulty situation on this lot given the long and narrow nature. He stated the due to the curvature of Lindberg the proposed property will not sit in front of any other properties. He does not believe there will be an issue building the home at 35 feet as opposed to the 50 foot setback. He understands the concerns with the driveway and his initial position he had was that they could meet the requirement of the code at the street and then flare out and does believe that since Mr. Samoly is close to the intersection it will be difficult to determine if you would be turning at the intersection of the driveway.

Mr. Iafigliola closed the public hearing at 8:54 p.m.

Mr. Iafigliola moved to **grant** the variance for 8855 Lindberg Blvd., pp#291-39-005 for 15 feet pursuant to the setback of 35 feet in lieu of the required 50 feet and to allow the driveway width to be 16 feet wide at the public right-of-way; Mr. Linn **seconded**. Poll: 6 ayes; 0 nays. **Motion carried**.

**NOTE:** the applicant is permitted to flare out the driveway once the driveway is beyond the right-of-way. The 16 feet does not include the taper that should be appropriate where it immediately intersects the street.

**Planning & Zoning Case #03-2017:** Ordinance 03-2017 referred by Council for a Recommendation from Planning and Zoning Commission regarding the proposed change in zoning classification for pp#281-02-135, located on Elm Street, from D-3 "Single Family Dwelling District" to P-2 "Professional Office/Multi Family District."  
(Action requested: public hearing needs to be scheduled)

Mr. Mike Cloud with Northcoast Design Build, 32730 Walker Road, Avon Lake, Ohio, stated that he is the civil engineer and general contractor for the proposed project.

Mr. Cloud stated that essentially there is three levels of care, independent, assisted living, and skilled nursing. It is typical in these communities to have all three components on the same campus. When Sprenger Health Care studied the facilities they discussed there is a need for some additional nursing beds in the community. The proposed addition lays on the existing parcel but for skilled care it is desirable to keep everything on one story. In order to get the right number of beds and not to go to multi-story there is a small amount that would need to rest on the additional parcel. Typically the fire department wants to see good access in order an evacuation is needed. There is a consideration for an emergency fire lane which will visually be low impact. The materials will be discussed with the fire department. He stated that

they will aesthetically mirror the front entrance on the addition. It is our desire to have the addition to be of same materials as the existing facility. For the privacy of their residents there will be screening and a detailed landscape plan will be submitted. He stated that the majority of the additional parcel would not be built upon. He stated that the parcel is landlocked so you could never build a single family home. During the public hearing representatives from Sprenger will be present to indicate the number of jobs that will be added and the revenue. He stated that the state regulates the number of beds that can be added. Mr. Linn asked if state has given Sprenger approval. Mr. Cloud indicated that they had not because we need to know how many beds can be added, market study indicates 30 but we will not add 30 if planning does not approve the request.

Mr. Linn asked why not add to the end of Elm Street as that is the direction the corridor is moving. Mr. Cloud indicated that piece of property is not owned by Sprenger.

Mr. Sculac indicated that this request was discussed during the Council meeting. There is a public meeting needed by this Commission and Council, when this was discussed Council is considering setting their public hearing for March.

Mr. Iafigliola moved to **schedule** the public hearing for February 15, 2017 beginning at 7:30 p.m.; Mr. Linn **seconded**. Mr. Linn asked if any variances are anticipated. Mr. Cloud stated that his understanding is once the property is re-zoned any applicable setbacks related to the new zoning would apply and in their analysis no variances will be needed, based on the intended design. Mr. Smerigan indicated that he met with Mr. Cloud and if the zoning is changed, we applied the new zoning for that district and he does believe all the standards will be met. Poll: 6 ayes; 0 nays. **Motion carried.**

**PC 11-2016:** Recommendation from Planning Commission regarding the proposed change in zoning classification for pp#281-14-001, consisting of 53 acres, located west of Mapleway Drive from I-2 "Industrial Manufacturing District" to MUTND "Mixed-Use Traditional Neighborhood District."

Mr. Incorvaia indicated that this agenda item was referred to Planning Commission by Council and the public hearing has taken place. This Commission has three options recommend to Council as requested, grant with modifications, or deny the request. This will then move back to Council who will hold their public hearing and make their decision. There is also a requirement that the Commission take action within 30 days, it is his understanding that Council approved an extension for that 30 days on this agenda item and the next item.

Mr. Smerigan indicated that the issues surrounding the land use and zoning use on this property are straight forward. The recently adopted Master Plan did make a recommendation that this property be included and developed as part of a traditional neighborhood development. As you know, the MUPD district was modified to an MUTND district which includes all the property on Columbia Road. The recommendation is that this parcel be included in the same district and style. He stated that it makes sense to rezone this property into the MUTND and is consistent with the master plan. When the property owners comes forward with a development plan he will need to submit under the new regulations with is more stringent that the rules that use to apply. This property was subject to a court case which allowed it to be developed under the D-4 regulations, he believes that there is more control

and desirable outcome for the city under the MUTND. His recommendation is that this Commission recommend approval to Council to resolve this issue.

Mr. Pehanic stated that based on the court ruling if nothing is done the owner can develop the property as D-4. If this property is rezoned to an MUTND this will give the city a lot more control over what is developed on the 53 acres. Mr. Iafigliola indicated that part of having more control means that there are less defined regulations which were the concerns of the residents at the public meeting, which means it is incumbent on the new Commission to say what will be required.

Ms. Migliorino moved to **recommend** to City Council that the proposed change in zoning classification for pp#281-14-001 consisting of 53 acres located West of Mapleway Drive from I-2 "Industrial Manufacturing District" to a MUTND "Mixed Use Traditional Neighborhood District" be approved; Ms. Hawkins **seconded**. Poll: 6 ayes; 0 nays. **Motion carried**.

**PC 12-2016:** Recommendation from Planning Commission regarding amendment to Chapter 1218, Tree Preservation and Management; and Section 1232.06(c)(5) of the City's Planning and Zoning Code to provide for landscaping and tree preservation and replacement requirements.

Mr. Iafigliola indicated that this amendment applies to all property larger than two acres. The intent is if you are a single family home and want to remove a tree that is permissible if you happen to own a larger parcel you are then subjected to this amendment. He stated that during the public hearing there were some hotly contested items but yet he does not see any revisions from those individuals or from Mr. Smerigan. Mr. Smerigan stated that subsequent to the Planning Commission he met with the Chairman of the Shade Tree Commission. He believes that after further review Shade Tree understands the distinction between the tree preservation and management plan and the development regulations. He does believe that they are on a path to common ground. He believes there is additional language the Shade Tree would like to "tweak". He stated that Shade Tree did hold a work session on Monday, but he was not able to attend that meeting. He would recommend delaying action on this item until he can meet with the Chairman of Shade Tree one last time.

Mr. Iafigliola moved to **table** docket item 12-2016; Ms. Migliorino **seconded**. Poll: 6 ayes; 0 nays. **Motion carried**.

**APPROVAL OF MINUTES:** Mr. Iafigliola indicated that there are only two remaining Planning Commission members and inquired as to how the minutes could be approved. Mr. Incorvaia stated that there is no requirement that you be present to vote for the minutes. Often times it is traditional to let someone who is not present to abstain. All it will take for the minutes to be approved would be one affirmative vote and if everyone else abstains they would be approved.

Mr. Iafigliola indicated a grammatical error, which was corrected.

Mr. Iafigliola moved to **approve** the minutes of December 14, 2016 as modified; Ms. Migliorino **seconded**. Poll: 3 ayes; 0 nays; 3 abstains (Linn, Pehanic, Budak). **Motion carried**.

**COUNCIL LIAISON REPORT:** Mr. Sculac welcomed everyone on behalf of the Mayor, who is currently ill, and thanked everyone for serving on the Commission. He stated that the city's income was up considerably last as well as the city's surplus more than was anticipated.

**OTHER BUSINESS:** Mr. Iafigliola indicated that a copy of the master plan was distributed he would ask that each member have good understanding of it. He was involved in development of the plan and one of the items he believed was important is that the Planning & Zoning Commission should review the plan to see if the city is moving forward. The Commission is within its right to make a motion to Council to recommend that issues move forward, if they believe it should be moving forward a little faster.

**ADJOURNMENT**

Mr. Iafigliola moved to **adjourn**; Mr. Budak **seconded**. Poll: 6 ayes; 0 nays. **Motion carried.**

Meeting adjourned at 10:02 p.m.

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Planning & Zoning Commission Clerk

\_\_\_\_\_  
Date

\_\_\_\_\_  
Planning & Zoning Chairman

\_\_\_\_\_  
Date