



CITY OF OLMSTED FALLS
PLANNING & ZONING COMMISSION
MINUTES
SEPTEMBER 6, 2017
7:30 PM
COUNCIL CHAMBERS

Commission Members Present : Brett Iafigliola, Bob Sculac, Michelle Hawkins, Gary Pehanic, Fran Migliorino, and Terry Klimchak. Tony Budak was excused.

Others Present: George Smerigan, City Planner. Audience: 4

Meeting was called to order at 7:30 p.m.

1. Planning & Zoning Case # 14-2017 – A request by Russell Forkapa, owner of 8948 Columbia Road, PP# 291-11-002 for a 24 foot side setback variance to Section 1249.09(a)(1)(A) to build a 36' x 60' accessory building 6 feet from the side lot line.

Mr. Iafigliola administered the oath.

Mr. Forkapa indicated that he would like to build an accessory building and he is permitted to have a total square footage of 3,880 and he is well within the square footage. The code requires that the wall facing the property line has to be half the distance off of the property line. He has just under three acres which gives him enough property but unfortunately he property is only 74 feet wide, which means the narrower he makes the building the longer. He would like to build the new building behind an existing accessory building.

Mr. Iafigliola indicated that Mr. Sheehy wrote in an email dated August 25, 2017 "I have no objections in relation to the engineering matters on this site. Finished improvement plans will need to provide detailed design and illustrate how storm water and other utilities are being managed on the site." Mr. Forkapa indicated that the existing two-car garage has above ground drainage. His neighbor's were not happy that the downspouts, installed by the previous owner, dumped rained into their yard so rather than cut all the roots to his neighbor's trees he installed above ground 4" pvc and raised it two feet into the downspouts which empties onto his driveway which pitches into a drain that runs to the storm sewers. He will tie into the north side of the proposed building into this above drainage in order to avoid damage to his neighbor's trees. The south side of the proposed building he would prefer to trench towards the back of his property and drain into Plum Creek.

He stated that, mistakably, he was under the impression that he could build this building when he purchased the property. Two families have displaced and sold their previous homes and joined as one family all based on building this accessory building.

Mr. Smerigan stated that Mr. Forkapa has 2.93 acres of land and can have an accessory building of 3,000 square feet. He is proposing a building that is slightly over 2,100 square feet. Normally an accessory building is five feet off the property line; however, when an accessory building is larger than a specific size the side setback is based on the length of the wall adjacent to the side line. He stated that Mr. Forkapa has a practical difficulty due to the shape of his property. He is recommending that the Commission determine there is a practical difficulty and grant the variance.

Mayor Donegan stated that as a neighbor she supports Mr. Forkapa. As the Mayor, she appreciates Mr. Forkapa's candor. We strive for 100% correctness and making certain we handle all customer service with excellence. She stated that Mr. Forkapa did all the right things, contacted the building department before purchasing the land and was told it was permitted, so he purchased the property. Once he went back to obtain his permit he was informed he would need a variance.

Ms. Migliorino asked if the proposed building would be the same height as the existing building. Mr. Forkapa stated that the proposed building will be the same elevation but with a different roof pitch.

Mr. Iafigliola **moved** to grant a variance of 24 feet pursuant to Section 1240.09(a)(1)(a) to permit the side yard setbacks to be six feet in lieu of the required 30 feet on the condition that the drainage described to the Commission be subject to the City Engineer's review; Mr. Pehanic **seconded**. Poll: 6 ayes; 0 nays. **Motion carried**.

2. Planning & Zoning Case #15-2017 – A request by Cynthia Bujnak, owner of vacant property on Columbia Road, PP# 281-33-010 for a 5 foot variance to Section 1240.05(a)(3) to permit total combined side yard setbacks of 20 feet, and a 10 foot variance to Section 1240.05(a)(5) to permit a rear yard setback of 30 feet.

Mr. Iafigliola administered the Oath.

Packy Hyland indicated that PadSmart is a start-up home builder business. He would like to purchase the property on Columbia in order to build a house for his daughter. This lot is smaller than a standard conforming lot and is 7,000 square feet. In order to fit a single story home on the property he would need the requested variances. The variances would permit them to build a 1213 square foot home. He would like to build a single story home because he is building homes that are energy positive as well as universal design so you can age in place. The home will have no thresholds and are designed for long term living. He does not want to build large homes as he wants them to be energy positive. He will be 10 feet from each neighbor's property line as opposed to 12.5 feet or 10 and 15 feet. He is also requesting a 10 foot rear yard setback variance in order to build a 1200 square foot home. If this is request is not possible he would need to build a two-story home, but rather than building a full 1500 square foot two-story house, which is the minimum.

Walter Minor, 25413 Holton Road, stated that he likes the idea of the solar panels and technology but his concern is with the home being so close to his property line it will impact his view and privacy, lighting and air flow. His kitchen and living room are in the back of his home and since the other neighbor did not attend tonight's meeting he would prefer that the home be built closer to them. He also prefers the one-story home rather than a two-story home.

Mr. Smerigan indicated that the site is zoned D-3 Single Family Residential District. The lot is non-conforming with regard to both area and width, it is only 7,000 square feet in area and is 60 feet in width, but, it is a legal non-conforming lot and is a buildable lot. Any construction of a single family residence will require some variance, in his opinion. The application submitted meets the minimum side yard setback requirement, which is 10 feet, which means he is

permitted to build a home 10 feet off the property line. The way the code is written it states that the minimum is 10 feet but the combined amount of the two side yards has to be 25 feet. Given the 60 foot width of the lot it will be virtually impossible for him to build a home that meets the 25 foot side yard setback requirement and not have the house look extremely odd because it would be a very narrow home. The small area of the lot is what is driving the rear yard setback where he is asking 20 feet in lieu of the code requirement of 30 feet. Mr. Smerigan is recommending that the Commission determine that the literal enforcement, because of the small area of the property and narrowness would result in a practical difficulty, he is recommending that the Commission grant the combined side yard setback variance of five feet and the variance of 10 feet in the rear to permit the rear yard setback to be 20 feet in lieu of the required 30 feet. He believes these variances are relatively modest given the nature of the lot and the desire to use this lot for a conforming single family home.

Cynthia Bujnak, 21465 Detroit Road, Rocky River, stated that she purchased this property with the intention of building a home. All of her children have moved away and it did not seem like a good time to build a home when none of her children come home so she decided to sell the property. She is anxious to sell the property, even though the lot is paid off she continues to pay the taxes and has to pay someone to mow the lawn twice a month.

The Commission members discussed options which would move the home further away from Mr. Minor's property line. Mr. Smerigan indicated that if any other suggested options are considered a decision by the Commission could not be made this evening as any changes to the variances would require another notice be mailed to the 500 foot property owners.

Mr. Iafigliola **moved** to recommend that Mr. Smerigan's recommendation be passed that would determine a practical difficulty from the literal enforcement of Section 1240.05(a)(3) with regard to the combined side yard setbacks and Section 1240.05(a)(5) with regard to the rear setback specifically **to grant** a variance of five feet pursuant to Section 1240.05(a)(3) to permit the combined side yard setbacks to be 20 feet in lieu of the required 25 feet, on the basis that the setbacks are 10 feet per side; to grant a variance of 10 feet pursuant to Section 1240.09(a)(5) to permit the rear yard setback to be 20 feet in lieu of the required 30 feet; with the condition that suitable landscaping be provided to assist in screening the northern face neighbor with such things as the City Planner may deem appropriate; Mr. Sculac **seconded**. Poll: 6 ayes; 0 nays. **Motion carried**.

3. Planning & Zoning Case #13-2017 – A request by Clover Communities Olmsted Falls, LLC for a Conditional Use Permit and MUTND Development plan approval for a proposed 119 unit Senior Residence facility and associated parking at 9299/9345 Columbia Road.

Rob Jack representing Clover Communities, 348 Harris Hill Road, Williamsville, New York, stated the he is proposing a 119 unit senior residential facility. The facility will be a market rate alternative for seniors who want to age in place and stay in the community. The facility is not subsidized and pays full taxes; we do not put any load on the schools and generate light traffic as our residents do not travel a great deal. We are the developers, contractor, and we also operate the facility as well. Our residents typically come from a five mile radius to the community and prefer to be close to family, friends, doctors, and churches. Currently we operate 30 facilities, with four open in the Cleveland area, Parma, Willoughby

Hills, Strongsville, and Reminderville and facilities opening shortly in Medina and Lorain. All our facilities are three story and generally 120 units. Density is 7 ½ units per acre, 20 units are permitted per code. Our communities are age restricted to 55 plus and we comply with the Fair Housing Rules & Regulations. This facility will be located across the street from the fire station, adjacent to the turnpike with Schuster's Nursery and Greenhouse to the north.

Bob Yagersz Polaris Engineering, stated that the proposal consists of a boulevard entrance with landscaping in the front. There will be three garage areas, two up front with one off to the side of the building. There will be storm basins along the main road with swales in the back because we want to minimize the clearing of the back property. A retention pond will be in the northeast corner before the railroad tracks. There are wetlands areas on the property that we are avoiding in order to keep our impacts under a 10th of the acre. There will be 34 garage spaces, 93 surface spaces for a total of 127 parking areas for 119 units. Mr. Jack stated that there is not a provision for senior parking in the city ordinances. Mr. Iafigliola stated that parking is an issue and since there is no specific provision, as Mr. Jack interprets our code, they are proposing 127. Mr. Jack indicated that was correct, generally we park at about 1.05 to 1.1 spaces per unit, since not all of our residents have cars. Obviously we are not going to build a facility that does not have enough parking for our tenants. Mr. Klimchak asked if the proposing parking request is consist with the 30 other properties; Mr. Jack replied yes. Mr. Yagersz stated that this proposal has more spaces, usually they provide 119 to 120 spaces.

Mr. Smerigan indicated that this property is located in the MUTND District. The district provides for as a permitted use age restricted senior residences and as the applicant indicated they will age restrict their building to 55 and over, which is permitted by federal law. They are basing their density request based on that standard and are within those requirements. The building height is within the maximum in the MUTND District and the site appears to meet the minimum setback requirements both in terms of the building and parking. The MUTND district also requires that residential buildings have a certain percentage of masonry veneer on the front. The development in the MUTND is a conditional use so a public hearing will need to be scheduled. Once the hearing is held the Commission will be in a position to take action on the preliminary development plan. Once the preliminary development plans are approved they will come back to the Commission with more detailed drawings for their final design drawings. The code requirement in 1232 indicates that they must provide a topographic and boundary plans; they have provided both. They need to provide the general location and arrangement of their buildings and drives; they provided both. They need to show their vehicle and pedestrian access; which they have. They also provided a truck turning radius drawing to show their compliance with the provision for emergency vehicles. There is also a requirement that they provide a phasing plan; they have indicate that there will be no phases so that requirement is not necessary. It is his belief, given the location of the facility, that this will act as the southern buffer for the MUTND and gives the city an opportunity to set the tone in terms of building design which he believes is important. The one issue he wants the Commission to consider when reviewing the final design is the one existing home located at the front of this property that the facility will loop around. He has expressed his concerns to Mr. Jack and they have indicated that they are prepared to comply with the fact that we need to certainly protect and buffer this single family residence.

Mayor Donegan stated that the city and Mr. Smergian have been working on and off with Clover for two to three years and she believes this will be an exciting addition to our community. The City has been working on NOACA grants and one of the grants we are submitting is the connectivity of Columbia Road. If you remember from the Master and Strategic Plans the goal is no matter where you live in the community you will be able to get downtown. This facility can contribute, in terms of numbers, to get that grant satisfied and we will be asking them for a letter of support which will add to the creditability of this connectivity grant. The last is the concern about the existing home. She would also add that the previous owner of this land did some changes to the topography that has caused this one home to also become a wetland in and of itself. Ms. Jane Kennedy is the owner of the existing home and has had a dry yard forever and then after the previous changed the topography her property became wetland. She would ask besides buffers that we make certain her property is reviewed so that we can co-exist together. She would add that she supports this project and couldn't be happier to get this project started

Mr. Jack indicated that he will certainly look at Ms. Kennedy's backyard and see if we can help with drainage.

Mr. Iafigliola moved to **hold** a public hearing for Planning & Zoning Case #13-2017 a request by Clover Communities Olmsted Falls for a conditional use permit and MUTND Development plan to be held on October 4, 2017 at 7:30 p.m.; Mr. Klimchak **seconded**. Poll: 6 ayes; 0 nays. **Motion carried**.

Ms. Migliorino asked if the facility would be a gated community; Mr. Jack replied no, however, the buildings are secured.

Mr. Klimchak stated that he would like to make sure the Commission sees some sort of storm water mitigation plan in relation to the adjacent property owner's issue that the Mayor brought forward.

Mr. Iafigliola asked if the following could be submitted to the Commission: an aerial photo; some sort of indication of what the neighbor's buffer may include; the code specifies a certain amount of masonry or some other form of hardscaping perhaps there is a way to give us a sense of what is being proposed in terms of materials and percentage; light spillage; and addresses of other facilities in this area.

COUNCIL LIAISON REPORT: - Mr. Sculac stated that Council is on summer recess but did meet in a special meeting last week. At that time they authorized the Mayor to sign the first lease on the building for a tenant upstairs. The city is finally the recipient of the funds from the old library purchase and those funds will be utilized to build out the upstairs. The first tenant is a financial advisor company from Fairview who has been waiting for over a year now to get the roof completed and build out the upstairs. We feel that once the first tenant moves in others will look at the property. He stated that the filing deadline for Council and the Mayor offices was August 7th. All current Council people, except for one, has filed petitions for re-election as well as the Mayor.

OTHER BUSINESS: - *None*

APPROVAL OF MINUTES: Ms. Migliorino moved to **approve** the Planning Commission minutes of November 9, 2016; Mr. Pehanic **seconded**. Poll: 6 ayes; 0 nays. **Motion carried.**

Mr. Sculac moved to **approve** the Planning & Zoning Commission minutes of July 19, 2017; Ms. Migliorino **seconded**. Poll: 6 ayes; 0 nays. **Motion carried.**

ADJOURNMENT

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

Meeting adjourned at 9:42 p.m.

Planning & Zoning Commission Clerk

Date

Planning & Zoning Chairman

Date