



CITY OF OLMSTED FALLS
PLANNING AND ZONING COMMISSION
MINUTES
JANUARY 18, 2023
7:30 PM
COUNCIL CHAMBERS

Commission Members Present: Brett lafigliola, Garry Thompson, Brian Chitester, Peter Carpenter, Michelle Hawkins.

Others Present: George Smerigan, City Planner. Audience: 2.

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

1. **Planning & Zoning Case #19-2022** - A request made by James Ellis, owner of 9807 Columbia Road, PP# 291-13-013 and 291-13-014 a Conditional Use Permit and preliminary site plan approval for a restaurant with outdoor seating in a C-3 Community Commercial District.

James Ellis, 11300 Tinkers Creek Road, Valley View, stated that he would like to convert the church that has been vacant for a long time into a café/art place to display art.

He stated that there is a section of the property that is owned by the state they acquired when the bridge was built. He has two versions for parking, one utilizes the land he owns and the second assumes he acquires a piece of the states property that the state has verbally agreed to sell. Plan A has 13 parking spaces and Plan B would expand to 17. He has been in discussions with the state but it could take up to two years to acquire the property which actually requires the governor's signature. He did not want to wait which is the reason he submitted two different plans and would like them both approved; if he does acquire the piece of property he would not have to come back to the commission and would be able to just expand the parking.

Mr. lafigliola asked Mr. Smerigan to confirm that the applicant is requesting preliminary site plan approval and if granted, the next step would be to return with a final plan which would be subject to review by him, the city engineer and the commission. Mr. Smerigan replied that was correct.

Mr. lafigliola stated that in previous meetings we discussed egress off of Columbia and Sprague; the number of parking spaces and the dumpsters, and taking into the account the topography the proposal seem reasonable. He stated that on the final plan he would ask that the applicant focus on neighbor screening, if that is a fence, what kind of fence, if it would include some vegetation, how far it's going to go and how tall it would be. He stated that he was struggling with the ground signs. Based on the aerial it looks great but in real life there are traffic control boxes and other light devices there. Mr. Ellis stated that he would like to discuss the topic with ABR. Mr. Chitester indicated that at his last meeting with ABR he made them aware that Mr. Ellis would be coming in at a future date. Mr. Ellis stated that if his conditional use permit is approved then he would go to ABR. Mr. lafigliola

stated that we also discussed how the patio would be screened from traffic because there is a lot of truck traffic and he sees a tree but it is not obvious what is being proposed. Mr. Ellis stated that there was currently a tree there and he would add a second. Mr. Iafigliola stated that he is suggesting Mr. Ellis consider some sort of screening like a fence off of the building. Mr. Ellis stated that he was not a big fan of fencing but if the commission tells him he has to then he will; but he would rather screen with trees and shrubbery.

Mr. Iafigliola stated that Mr. Thompson asked if there was concern going across the state's property on an easement for the driveway. Mr. Smerigan stated that Mr. Ellis has a right for that driveway. Mr. Thompson asked if there was an easement. Mr. Smerigan replied yes; this property was given the driveway at the time of the widening, so he has the right to cross the state property.

Mr. Smerigan stated that the conditional use is for the outdoor dining which he sees no issues. We have reviewed the site plan several times and thinks the one-way traffic flow makes sense. Obviously, he is limited with the amount of parking he can have and the single largest issue is adequately screening the most immediate neighbor and he has made an attempt to do that.

Dennis and Dwana Belford, 9795 Columbia Road, stated that regarding the issue of screening he took Mr. Ellis into his backyard and showed him what we needed. On the new proposal the fence only goes to 10 feet and the back of his property would be left open. There was kind of an agreement made that we needed to go to the next stump which is 40 feet for screening in order to separate our yard from his parking. When we first moved in 17 years ago this property was wooded; Mr. Williams purchased the property and cut down the trees; we then had plans with Mr. Williams for a fence. Mr. Iafigliola stated that Mr. Belford's request is that Mr. Ellis continues the screening an additional 30 feet beyond the garage. Mr. Belford replied yes. Mr. Iafigliola asked what material he would like. Mr. Belford stated that Mr. Williams was going to install a six-foot shadow fence. Mrs. Belford asked what the city's rule is for the fencing between a commercial and residential property; is it from the front of the property line to the back, is it six feet tall, what is the rule. Mr. Smerigan stated that it requires a six foot fence; the exact nature of the fence is the discretion of the commission. He stated that Mr. Ellis is showing the fence coming down the property line and then continuing in front of the proposed parking so he is screening all the parking. Mrs. Belford stated that her property is not blocked from Sprague Road so when people get backed up at the light and we are in the back yard they can talk to us so we would like some sort of screening to block us from the road. Mr. Ellis stated that the plan was to go 10 feet beyond the garage and match the fence that is on the other side of their property. In the back he would have a guardrail to prevent cars from going over the bank, keep in mind there is a valley because they did have someone drive into their backyard. Mr. Iafigliola asked if it would be wood or a highway guardrail. Mr. Ellis stated wood and would match the fence the best he could. Mr. Smerigan stated that would not comply with the code; the reason he thought that was a fence is because our code will require a fence. Now given the nature and the fact that its not on the property line the fence could be shorter than six feet but it would still need to be a fence based on our regulations. It could be a four-foot fence that would keep the cars hidden and block the headlights, but Mr. Ellis can't park with headlights shining into the neighbor's back yard. He would have the taller

fence along the property line and the shorter fence as he gets further and further from the neighbor; the whole idea is to block the headlights. Mr. Belford stated that was fine.

Mr. Belford stated that he also has pictures that shows where the pin is in the driveway and asked Mr. Ellis to show him a way around that, so people won't be walking on his property. He is concerned about them stopping by the front of the building letting someone out and that person tripping and falling onto his yard. Show him something around that so we are not held responsible for somebody who trips and falls because of where the pin is located. Mr. Ellis stated that he does not know what solution there is for that. The Belford's could have someone on their property who could fall over onto his property too. He has shrubs there so people can clearly see where the property line begins and ends and thinks that is the best he can do. Mr. Belford stated that we also did not agree to the shrubs or the sign those just suddenly popped up. Mr. Smerigan stated that Mr. Ellis is not permitted to put a sign off of his site. Mr. Belford replied that is what happened.

Mr. Carpenter stated that if the number of parking spaces increasing to 17 he sees one ADA labeled spot, it probably wouldn't be a bad idea to have two ADA spots. Mr. Ellis asked if there was a rule. Mr. Smerigan replied that there is a code requirement.

Mr. Iafigliola moved to **approve** Planning and Zoning Case #19-2022 as it relates to 9807 Columbia Road, PPN# 291-13-013 and 291-13-014 a conditional use permit and preliminary site plan for a restaurant with outdoor seating in a C-3 Community Commercial District; Mr. Chitester **seconded**. Poll: 5 ayes; 0 nays. **Motion carried**.

2. Planning & Zoning Case #01-2023 - A request by Rose Rini, owner of 26580 Cranage Road, PPNs: 281-01-022 & 281-001-021, for approval of a lot split plat.

Pete Formica, 8408 Brentwood, stated he is a licensed realtor with Keller Williams Realty. He is representing Mrs. Rose Rini who is elderly and disabled. He stated that Mrs. Rini attempted to sell her property through Keller Williams, made a sale, and after the fact we found out, as in many cases when structures were built in the early 1900's, the garage encroached three feet onto the other lot that we are attempting to sell. The solution was to take approximately the last 70 feet and move the line 12'7" over which meets the requirement. The goal is to make the sale for Mrs. Rini and have a lot that's potentially buildable for the new person; but we are not here for the build today.

Mr. Smerigan stated that we have a house that was built over the property line which prohibits them from being able to sell the adjacent lot because it has an encroachment. This solves that problem and both lots meet all of our minimum code requirements. He believes this makes a great deal of sense and is recommending that the Commission grant approval.

Mr. Iafigliola stated that the house was built over the property line which is irrelevant if its one big lot but if you're trying to split it then you obviously have to do something different to accommodate that. Mr. Formica stated that there are two parcels and Mrs. Rini needed the income to pay bills. Mr. Iafigliola asked Mr. Smerigan to confirm that Parcel A is a

conforming lot and Parcel B, which is being split, is also a conforming buildable lot. Mr. Smerigan replied yes.

Mr. Thompson stated that for clarification there are two parcel numbers and then you sold one parcel and found out that the house was built on that part of the parcel which is the reason for the request. Mr. Smerigan stated that the problem is under our code only one dwelling is permitted and technically there is a dwelling on the second parcel. Mr. Thompson asked if there were two parcels to start with. Mr. Smerigan replied yes, there are two parcels, but because of the encroachment the second parcel is unbuildable under our code. We are not creating a new parcel we are doing what he would term as a lot line adjustment in order to make the other parcel buildable. This is the simplest and easiest way to solve the problem. Mr. Thompson stated that what confused him was that it states lot split and consolidation, so he was looking for a consolidation. Mr. Smerigan stated that you are splitting a piece off of one lot and adding it on the other so the technical term is lot split and consolidation but what it comes down to is simply a lot line adjustment.

Mr. Iafigliola moved to **approve** the request of 01-2023 for 26580 Cranage Road, PPN# 281-01-022 and 281-001-021 for approval of the lot split plat as presented; Mr. Carpenter **seconded**. Poll: 5 ayes; 0 nays. **Motion carried**.

COUNCIL LIAISON REPORT – Mr. Chitester stated that he will once again inform ABR of Mr. Ellis’ intentions to discuss stylist approaches for his signs.

OTHER BUSINESS – Mr. Iafigliola stated that he regrets to inform the Commission that Mr. Weber has, by his choice, resigned his seat due to family commitments. He would like to wish him well and thank him for his time on the commission.

APPROVAL OF MINUTES – Mr. Iafigliola moved to **approve** the meeting minutes of November 16, 2022, as modified; Mr. Chitester **seconded**. Voice Vote: 5 ayes; 0 nays. **Motion carried**.

Mr. Thompson moved to **approve** the meeting minutes of December 7, 2022, as presented; Mr. Chitester **seconded**. Voice Vote: 5 ayes; 0 nays. **Motion carried**.

Mr. Chitester moved to **approve** the meeting minutes of December 21, 2022, as presented; Mr. Thompson **seconded**. Voice Vote: 5 ayes; 0 nays. **Motion carried**.

ADJOURNMENT: Mr. Iafigliola moved to **adjourn**; Mr. Chitester **seconded**. Voice Vote: 5 ayes; 0 nays. **Motion carried**.

Meeting adjourned at 8:09 p.m.

Planning & Zoning Commission Clerk

Date

Planning & Zoning Chairman

Date