

CITY OF AMHERST PLANNING COMMISSION

206 Main Street
Amherst, Ohio 44001

January 31, 2018
Members Present:
John Jeffreys
Dave Andrews
Charlie Marty
Mike Ireland
Mayor Costilow
Dale Rosenkranz

MINUTES

City Hall 6:00 p.m.
Members Absent:
Gordon Brown

Other City Officials
Frank Carlson
David Macartney

Mr. Jeffreys opened the meeting at 6:00pm.

1. Mr. Rosenkranz nominates Mr. Jeffreys as Chairman of the Planning Commission, seconded by Mayor Costilow. Approved 6-0.
2. Mayor Costilow nominates Mr. Marty as Vice Chairman of the Planning Commission, seconded by Mr. Ireland. Approved 6-0.
3. Mr. Bryan Petel representing Airgas USA. Mr. Petel stated they are seeking a Certificate of Occupancy to open a retail, warehouse and storage facility at 1897 Cooper Foster Park Road. Mr. Petel stated they are one of the nation's largest compressed air and gas distributors. Mr. Petel stated they supply many different companies including metal, food, chemical, government and defense facilities. Mr. Petel stated they operate 1200 retail facilities over the country. Mr. Petel stated the closest store they have is in Cleveland and then Toledo. Mr. Petel stated they have about 200 customers in the Lorain, Amherst and Elyria areas and would like to better serve those customers. Mr. Petel stated they would install a 6ft high with barbed wire fence to enclose the cylinders. Mr. Petel stated they would work with the city to modify the fence if needed. Mr. Petel stated some of the cylinders would be flammable and would need to be separated from other flammable gases in some kind of concrete bunkers. Mr. Petel stated their hours of operation would be 7:30 to 4:30 pm and no late night business. Mayor Costilow asked how many jobs this would bring to the city. Mr. Petel stated about 8 jobs. Mr. Marty asked if any of the employees would be using a tow motor. Mr. Petel stated that at least two of the employees would be trained. Mr. Petel stated that Airgas is very serious when it comes to safety. Mr. Petel stated Airgas has their own Safety team and they assure that everything is in compliance with OSHA and they go above the normal safety regulations. Mr. Andrews asked what types of gases are stored in the tanks. Mr. Petel stated argon, propane and helium. Mr. Petel stated they will not be filling cylinders at this facility like some of the surrounding companies. Mayor Costilow stated this is a two part process. Mayor Costilow stated if the Planning Commission approves then they would need to recommend to Council for their approval. Attorney Carlson stated they would need to comply with Chapter 1141. Mayor Costilow stated he likes the idea of this company going into that building which has been vacant for some time. Mayor Costilow stated he believes this is the same as what Tractor Supply does

and believes this is a good fit. Mr. Jeffreys stated he concurs with the Mayor this is a good fit for the existing building and location. Mr. Jeffreys asked Attorney Carlson if he had anything to add. Attorney Carlson stated this had come before the Zoning Board of Appeals last month asking for a variance to permit an industrial use in a commercial district. Attorney Carlson stated after reviewing permitted uses warehouses are permitted in an I-1 zoned area and this needed to go before the Board of Review. Attorney Carlson stated they are asking for a Certificate of Occupancy which refers to the requirements in Chapter 1141. Attorney Carlson encourages the applicant before it goes before Council to carefully review Chapter 1141 and to try to submit to council information that will satisfy the requirements under that Chapter. Mr. Jeffreys asked Mr. Macartney if the Building Department had any issues with this submittal or request. Mr. Macartney stated the Building Department would assist Mr. Petel in pulling that information which they may have already in their packet but not the format that would be the easiest for Council to have. Mr. Macartney stated this is before Planning Commission because of their warehouse storage space. Mr. Macartney stated as far as the Building Department we had no real issues. Mr. Marty asked if the Planning Commission would want a fence that would be completely enclosed so you could not see in. Mayor Costilow stated he believes the chain link fence is best for our Police and Fire Department to be able to see what is going on in the storage area just like the one at Tractor Supply in the plaza.

Motion made by Mayor Costilow to recommend to Council for Airgas USA for their Certificate of Occupancy, seconded by Mr. Ireland. Approved 6-0

4. Mr. Khaled Fawzy representing TJCO East, LTD. Mr. Fawzy is requesting parcel # 05-00-021-103-097, which is located on the corner of Cooper Foster and North Main Street to be rezoned from an R-1 to a C-2. Mr. Fawzy stated they are requesting a rezoning so they can build a medical building which would also include a Dialysis center. Mr. Fawzy stated the physicians already have three offices in Lorain County. Mr. Fawzy stated they have a purchase agreement to buy the property contingent of the rezoning approval. Mr. Fawzy stated the medical building would be about 2500 Sq. Ft and the dialysis center would be about 10,000 sq. ft. Mr. Fawzy stated the property is very important since a majority of their patients are from this area in Lorain County. Attorney Douglas Swearingen stated the property today is vacant and he believes this is the best use for the land. Attorney Swearingen stated there is an existing medical building across the street. Attorney Swearingen stated there would be no nuisance issues like a bar or restaurant could possibly cause. Attorney Swearingen said it is Commercial but would be respectful of their surrounding neighbors. Mr. Fawzy stated the location is very beneficial and convenient for any patients in the area and who are located outside like Vermilion. Mayor Costilow stated for a property to be rezoned the Planning Commission would need to recommend to Council for their approval. Mayor Costilow stated he does have traffic concerns and the city plans on working on that intersection and believes it is a great opportunity for the city to work with the developer together. Mayor Costilow stated he believes this project is a great fit for that area. Mr. Marty stated there are currently two dialysis center close by. Mr. Petel stated they are working with the facility on Cleveland Avenue to relocate to the new building. Mr. Rosenkranz asked if they planned on using all four acres. Mr. Petel stated the new building and parking lot would take up about half the acreage. Mr. Fawzy stated the other two acres would be used for future development. Mr. Rosenkranz asked Attorney Carlson if the Planning Commission could place restrictions on the rezoning. Attorney Carlson stated no, once a property is rezoned as long as it is a permitted use they can build. Mr. Rosenkranz stated he had concerns that they would sell

out the remainder of the acreage to a box company like a Dollar General. Mr. Petel stated to his knowledge that is not what they are looking to do. Attorney Carlson stated one way to control is to ask for a lot split for only the acreage needed for the physicians. Attorney Carlson said they could then ask for the rezoning of that parcel and ask for rezoning at a later time for the remainder of the land. Attorney Carlson stated the city in the future needs to take a look at the general plan overall and the rezoning process. Attorney Carlson stated the city needs to embark on a strategic plan on what the city wants developed in a general way instead of a piece meal way. Mr. Marty stated Mr. Petel said they would have a curb cut on Cooper Foster and North Main Street. Mr. Marty has concerns about the North Main entrance since the road is very busy and hard to see around the curves. Mayor Costilow stated if the rezoning is approved from the Planning Commission and Council the Building would need to come back before the Planning Commission for approval at which time the curb cuts and traffic would be addressed. Mr. Ireland stated he also had traffic concerns. Mr. Matt Nahorn thanks the Planning Commission for addressing the concerns on the traffic flow.


Mayor Costilow motions to approve the recommendation for the rezoning be sent to Council for approval, seconded by Mr. Marty. Approved 6-0

5. Mr. Britt Lilly requesting final approval for lot split, right of way vacation and improvement plans for the extension of North Dewey Road and Subdivision. Mr. Lilley stated he reviewed the concerns from Bramhall engineering and a lot of the concerns they have already agreed to take care of and item 1 is open to discussion. Mr. Lilley stated the city has a requirement that sidewalks be installed but down at the end the sidewalks would not be going anywhere and ask that not be a requirement. Mayor Costilow stated that Mr. Lilley had met at his office with Bramhall Engineering, Polaris Engineering and the Building Department to go over the issues Bramhall had. Mayor Costilow stated the majority of the concerns or issues were easily fixed except for the streets and sidewalks. Mayor Costilow stated per Attorney Carlson the Zoning Board of Appeals does not have jurisdiction to grant any variances when it comes to sidewalks or streets. Mayor Costilow stated this falls under the jurisdiction of the Planning Commission if approved to pass it onto Council. Attorney Carlson stated the Zoning Board of Appeals jurisdiction is to review the use, height and area regulations and the building line regulations. The Zoning Board of Appeals deals with variances not construction standards of the city. Attorney Carlson stated you have an ordinance that states certain construction standards and specifications are to be met and that is the Planning Commission responsibility. Attorney Carlson stated the Planning Commission is a body to recommend final development plan, subdivision plat to Council and does not have the authority to vary from those standards only recommend to Council. Attorney Carlson stated he believes you can recommend to Council with a non-conforming application which is what you're doing then Council deals with it as they see fitting. Mayor Costilow stated government has rules and in a perfect world all those rules would be met but in the City of Amherst we have a lot of unique properties. Mayor Costilow stated North Dewey Road is already a 21ft road and it seems not prudent and you might want to make an exception so the last part of the road fits the existing road. Mayor Costilow stated there are no sidewalks anywhere down the road and this is an opportunity for the Planning Commission to make a different decision from what's on the books and do what is right. Mayor Costilow stated he felt having the same size road extended will not hurt or be a safety issue. Mr. Marty asked how you make the decision on who does or who doesn't have to install sidewalks or street constructions. Mayor Costilow stated this is what the Planning Commission is here for to see what parcels are unique in the city and make those decisions based on that particular piece

of property. Mayor Costilow asked Mr. Macartney if we have allowed other houses to be built without installing new sidewalks. Mr. Macartney stated yes, when a new house is being built and there are no other sidewalks on that street they do not require that builder to install sidewalks going nowhere. Mr. Macartney stated this is done more on a single lot and not multiple together particularly on Middle Ridge and Tower Lane. Mr. Rosenkranz asked if the vacant parcel across the street wants to be developed how they require them to install sidewalks and streets that match city specs. Mr. Lilley stated that if the land were to be developed he would assume they would need to match city requirements with all new roads unlike his road which is just an extension of what is already there. During discussion Mr. Macartney verified that the land across from Mr. Lilley's property is zoned C-2 not R-1. Mr. Marty stated he was not at the last meeting but questioned if the Fire Chief signed off on the plans or did they have issues. Mr. Macartney stated he has had conversations with the Fire Department and they had questions and concerns regarding the fire hydrant placements and the turn arounds. Mr. Macartney stated Mr. Lilley and his engineers provided the auto cad details for the largest of the trucks the Fire Department owns and it meets the requirements with the "T" turn around. Mr. Macartney stated there were no other issues from the Fire Department. Mr. Marty stated looking at sheet 5 there are a few houses that look to be in the flood area. Mr. Macartney stated that was part of the discussion they had on January 20, 2018 and those houses will be relocated to ensure they are out of the flood area. Mr. Lilley stated his engineers spoke to Bramhall Engineering and they will move the houses and not deal with trying to get the maps updated. Mayor Costilow stated he just wanted to say he felt there was no reason to have 5 houses with sidewalks and 1800 feet of street with no sidewalks. Mayor Costilow stated if the vacant land decides to be developed then the five houses will be assessed along with the new development for sidewalks but at this time does not see any reason for sidewalks. Mr. Macartney stated in the past when there is a new subdivision the Building Department will not release any permits until all approvals have been completed and approved from Bramhall Engineering except for the field verifications or subdivider's agreement.

Mayor motions to recommend the development plan and plat as submitted subject to Bramhall's requirements exception item #1 to Council for their approval, seconded by Mr. Jeffreys. Approved 6-0

6. Approval of Minutes from July 26, 2017 with the first page correction adding Mayor Costilow as present: Motion made by Mr. Andrews, seconded by Mr. Ireland. Approved 6-0.
7. Next scheduled meeting will be held on Wednesday February 28, 2018 at 6pm. Approved 6-0.
8. Motion made by Mr. Rosenkranz to adjourn at 7:06pm, seconded by Mr. Ireland. Approved 6-0.



John Jeffreys, Chairman

2/2/2018

Date



Tammy J. Paterson, Sec

2/2/2018

Date