

CITY OF AMHERST PLANNING COMMISSION

206 Main Street
Amherst, Ohio 44001

January 27, 2021

MINUTES

6:00 p.m.

Members Present:

John Jeffreys
Dave Andrews
Mayor Costilow
Terry Tomaszewski
Dale Rosenkranz
Mike Ireland
Charlie Marty

Members Absent:

Other City Officials
Atty. Patrick Ward
David Macartney
Tammy Paterson
Matt Nahorn
Brian Dembinski
David Janik

Mr. Jeffreys opened the meeting at 6:05pm.

Mayor Costilow requested to be recused from participating and voting for agenda item 1 in tonight's meeting out of an abundance of caution so as not to appear or cause actual or potential conflicts of interest. Mayor Costilow stated he and Mr. Russo have a partnership in another non-related business venture.

1. Nomination for Chairman: Mr. Rosenkranz nominated John Jeffreys as Chairman, seconded by Mr. Ireland. Approved 7-0.
2. Nomination for Vice-Chairman: Mr. Andres nominates Mr. Marty as Vice-Chairman, seconded by Mr. Tomaszewski. Approved 7-0
3. Mr. Mark Zappa requesting to relocate his business, Lorain Music and Vending Company, to a building he purchased at 350 Rice Industrial Parkway. Mr. Zappa stated he was fortunate to be able to buy this property from Dick Rice and he would like to move his business to the new location. Mr. Zappa stated this new building is a better fit for his company. Mayor Costilow asked for a better description of the what the company does. Mr. Zappa stated they do primarily food and drink vending but they also have entertainment items (i.e. pool tables, arcade machines, etc.). Mr. Zappa stated they are more a distribution center and will have no changes on what they currently do if they are able to move. Mr. Zappa stated they have been in business in the City of Amherst for 50 years and they were excited when the opportunity arose to buy the building and stay in Amherst. Mr. Macartney stated he has no comments but to say this is a formality to stay in compliance with the City Ordinances which state any changes to Industrially zoned property must go before the Industrial Review Board which includes the Planning Commission and City Council.

Mayor Costilow motions to recommend to Council for their approval, seconded by Mr. Rosenkranz. Approved 7-0

4. Mr. Britt Lilley requesting rezoning of 5 parcels, 05-00-041-105-046, 05-00-041-105-049, 05-00-041-105-055, 05-00-041-110-003, 05-00-041-110-009, from a C-2 to a Planned Development District (PDD). Mr. Lilley stated he worked on this project last year and came up with a new design that he thought was a better fit. Mr. Lilley stated in this new development there will be a civic center with a work-out area and a meeting area. Mr. Lilley stated this would be a 55 plus retirement community. Mr. Lilley stated the water, sewer and electric would be owned by the City but the street would remain private. Attorney Ward stated Mr. Lilley's proposed development does not constitute a *per se* violation of the PDD provisions contained in Chapter 1128 of the ACO. However, whether allowing this development to move forward would be prudent city planning practice or consistent with the spirit and legislative intent underlying the PDD ordinances are issues which can only be decided by the Planning Commission. Mr. Tomaszewski asked for a brief description of the different zoning. Attorney Ward stated the Planned Development District provides more flexibility to adapt and facilitate both commercial and residential areas but does not require a mixed-use development. Attorney Ward stated a C-2 district is more limited and has many different uses listed in the ordinances. Mr. Tomaszewski asked if residential is permitted in a C-2 district. Mr. Macartney stated residential uses are only permitted in a C-2 district on a second floor or higher such as the apartments above the businesses in the downtown area. Mr. Tomaszewski asked if this new development could be completed in a C-2 zoning. Attorney Ward stated he did not believe so. Mr. Tomaszewski asked if there were any other zoning they would fall under. Mr. Macartney stated an R-3 depending on how the development is set up. Mayor Costilow stated the Planned Development District does give some flexibility and provides the City has much more control and only allows certain things to happen. Mayor Costilow also stated there is the Sunset Clause and if this is approved and does not happen within one year the property reverts to the C-2 zoning. Mr. Macartney stated he researched this property and in 2000-2002, under a different ownership, a rezoning from C-2 to R-3 was approved by the Planning Commission but never submitted to or finalized before Council. Mr. Macartney stated that this is a general development plan submittal so Mr. Lilley will need to come back to the Planning Commission for more details. Mr. Macartney stated the general development plan approval would allow the applicant to move forward with their final planning for presentation of a final development plan to the Planning Commission.

Mr. Ireland motions to approve the rezoning of parcels and recommend to Council, seconded by Mr. Tomaszewski. Approved 7-0

5. Mr. Britt Lilley requesting approval for a General Development Plan for a 55 plus senior manufactured home gated community.

Mr. Charlie Marty asked if the Civic Center would be open to the public. Mr. Lilley stated no, this would be only for the residence in the gated community but there will be a public park with a walking trail open to the general public. Mr. Marty asked how many residences are in the abutting development on Caesar Circle and how many acreages they have. Mr. Macartney stated they have 159 units, and they sit on 22.3 acres. Mr. Macartney stated they have 52 mobile homes and 107 modular homes. Mr. Lilley is looking to develop his 24/25 acres. Mr. Macartney stated that in researching the Ohio Revised Code, manufactured homes are defined by a specific set of criteria and that if that criteria is not met, the dwelling units would be considered modular or mobile homes. Attorney Ward stated mobile homes are not permissible in the City of Amherst. Attorney Ward stated if the proposed plans do not comply as

manufactured homes then the Zoning Board of Appeals would be needed to approve a variance. Mr. Marty asked if the plans they received showing the three homes are all that is being offered. Mr. Lilley stated there are three models with different views, porches, and exterior looks but the interior is all about the same. Mr. Tomaszewski asked if this new development will be connected to Amherst Village Estates. Mr. Lilley stated no, we are separate. Mr. Tomaszewski suggested the traffic study be followed up with a report.

Mr. Ireland motions to approve the General Development Plan, Seconded by Mr. Rosenkranz.
Approved 7-0

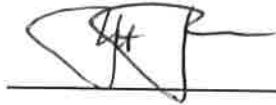
6. Mr. Jim Yorks representing Partner Pak, LLC requesting lot combinations for six parcels, 05-00-023-106-043, 05-00-023-106-044, 05-00-023-106-045, 05-00-023-106-046, 05-00-023-106-047, 05-00-023-106-030. Mr. Yorks stated recently Hot Doge Heaven had a fire that burnt more than 60% of its value and they needed to raze the building. Mr. Yorks stated the Building Department found an ordinance that stated since the building was destroyed by 60% the property must comply with the current R-1 residential zoning and could not be rebuilt. Mr. Yorks stated they decided they would need more property and were able to obtain the abutting properties. Mr. Yorks stated they needed better egress/ingress and was very fortunate to acquire all six parcels. Mr. Yorks stated to rebuild, they would need the rezoning. Mr. Yorks stated they did meet with the Fire Department and took their comments serious and have made design changes to comply with their requests. Mr. Yorks stated they requested some type of protection for the fire apparatus and wider egress/ingress for their trucks. Mayor Costilow stated the rezoning of this property just passed the second reading at Council with the third reading and the public hearing scheduled for two Mondays from now. Attorney Ward reminded the Planning Commission that there will be separate votes for agenda items. Mr. Jeffreys asked Mr. Yorks to speak about the traffic. Mr. Yorks stated they did review the comments from the City department heads and took careful aim on how to handle the traffic. Mr. Yorks stated he spoke to the Police Chief and he asked for a right turn only onto Cleveland. Mr. Yorks stated the Fire Chief asked for the aisle width on Axtel to be 20 feet and increase the Washington aisle to 26 feet. Mr. Yorks stated they also had a request to designate some ADA accessible parking on the west side of the building, create a couple of spots for pick-up only and ensure proper lane markings are visible for the public. Mr. Yorks went over the fire department connection request and state they would comply with their request. Mr. Yorks stated there would be a few telephone poles that will need to be relocated but will work directly with those entities. Mr. Yorks stated they worked with all City departments to comply and make requested changes. Mr. Yorks stated they are not opposed to a traffic study, but it will just hold up the project. Mr. Marty asked if the Cleveland exit is directly across from Hastee Tastee. Mr. Yorks stated no it is farther east but after reviewing the overhead view determined it would be. Mr. Marty asked why the duplex was staying. Mr. Yorks stated at the time of the application the property had not transferred to Partner Pack so they could not add it to their application but was happy to say they are now the owners of the property. Mr. Rosenkranz asked if they were worried about the back-up on Cleveland Avenue. Mr. Yorks stated no they should have plenty of space, but anything is possible. Mr. Rosenkranz asked if the second floor will have an elevator. Mr. Yorks stated no, and they are not required per ADA requirements as long as they could make reasonable accommodations.

Motion to approve 6(A) lot combination for parcels 05-00-023-106-043, 05-00-023-106-044, 05-00-023-106-045, 05-00-023-106-046, 05-00-023-106-047, 05-00-023-106-030 by Mr. Marty, seconded by Mr. Rosenkranz. Approved 7-0

Mayor Costilow asked to recuse himself for the 6(B) regarding the Final Development Plan due to a business relationship unrelated to the agenda item before the Commission to avoid the appearance of any impropriety. Mr. Ireland motion to approve Mayor Costilow's recusal on item 6(B), seconded by Mr. Marty. Approved 6-0

Motion to approve 6(B) Final Development Plan for redevelopment or property known as Hot Dog Heaven by Mr. Ireland, seconded by Mr. Rosenkranz. Approved 6-0

7. Approval of minutes from the November 18, 2020 Planning Commission meeting. Mr. Tomaszewski motions to approve minutes as submitted, seconded by Mr. Marty. Approved 7-0.
8. Next scheduled meeting will be held on Wednesday February 24, 2021 at 6pm. Approved 7-0.
9. Motion made by Mr. Marty to adjourn at 7:09pm, seconded by Mr. Ireland. Approved 7-0.



John Jeffreys, Chairman

1-29-21

Date



Tammy L. Paterson, Sec

Date