

**City of Sheffield Lake Planning Commission
Sheffield Lake, Ohio
October 16, 2024**

This regular meeting of the Planning Commission was held Wednesday, October 16, 2024. Chairwoman Pugh called the meeting to order at 6:32 PM.

ROLL CALL OF MEMBERS:

Present: Pugh, Tollett, Tata, Burns, Law Director Graves, Council Representative DeBottis.

Excused: Springborn, Mayor Radeff.

Attending: Service Director Hastings, citizens.

MINUTES: September 18, 2024 – *Motion by Burns/Second by Tollett to approve the minutes with any noted corrections. Yeas All.

CORRESPONDENCE: None.

REPORT FROM COUNCIL REPRESENTATIVE DEBOTTIS: Representative DeBottis reports the city had two new hires, a building inspector, Keith Gudat and a finance director, Corey Rummel. At work session we had Skip and Deanna Leitner who proposed a food truck park at the old Abbe Rd. lumber. They approached council wondering if they were able to do this. They thought it was favorable enough to move forward and that is one of the discussions today.

REPORT FROM ZONING BOARD OF APPEALS MEMBER SPRINGBORN:
Excused.

PRESENTATION: Lengthy conversation on code text amendments with the following key highlights. Chairwoman Pugh says we have two items on the agenda tonight from council and they are to amend text code. Skip and Deanna Leitner made a food truck proposal and in order for that to move forward, there has to be text code amendment. Law Director Graves states the issue of whether or not anyone would make an application at any location in the city is really not before planning commission tonight. The only matter tonight is whether or not to amend the code to create the process. If that ultimately was successful in passing through council, which it will come out of this commission with a recommendation one way or the other and will proceed to council for a public hearing and vote. If that were to pass, those individuals may or may not make an application. The code text amendments would only make that proposal a conditional use. If they were to make an application as a conditional use, that particular proposal would have to come back here to planning commission for a public hearing and back to council for another public hearing. Chairwoman Pugh says we have to be

cognizant of the changing conditions and possible new planning concepts if we vote to approve these. We also have to be significant of the diverse impact of the property in the vicinity of the subject track area. Law Director Graves states I want to remind the chair that planning commission is not considering any particular proposal tonight in any particular area. This would apply to the entire community. Member Burns asks why do we have to change this? Is what they're proposing needs to be changed to add proper area for these? I noticed on one it said temporary outdoor sales of architectural products and they crossed out food truck operations. Why did we change from that? Law Director Graves replies these haven't been to council. You are talking about the ordinance amending 1111.02 and the reason for that is food truck operations are currently classified as temporary special events. There are two types of temporary special events; limited impact and extended impact. If you have a special event more than two times, it becomes an extended impact special event requiring you go through the conditional use process. In taking a look at that, it was thought if someone/business in town wanted to have a food truck special event more than twice a year, it really wasn't appropriate for them to go through the full conditional use process and have two public hearings just because they wanna have a third time. All this does is take food truck operations out of that particular section and basically say they are always going to be a limited impact special event, not an extended impact special event. Chairwoman Pugh says to me, this seems a little bit arbitrary. Member Tollett asks what is our cause tonight? Law Director Graves replies council has directed that we prepare this legislation so that we create a process. Currently, outdoor commercial recreational facilities are a conditional use in B1, B2 and B4. All this does is allow outdoor recreational facilities as a conditional use in B5 and Industrial districts as well. Currently, you can apply to do an outdoor commercial recreational facility in B1, B2 and B4. Again, not a permitted use, but a conditional use. If they were to be adopted and someone were to make an application, then they would have to go through the conditional use process which would include a public hearing in front of planning commission and a public hearing and a vote in front of council. Chairwoman Pugh asks aren't we doing this backwards then? Why are we changing code before we have a proposal? Law Director Graves responds because council discussed the process and said we think it should be allowed as a conditional use in B5 and Industrial just as it is in B1, B2 and B4. Bear in mind when you talking about zoning districts, if you imagine classic pyramid zoning the higher you get to the top, the more restrictive it is. R1 would be the most restrictive. As you go down it gets less restrictive to the bottom is industrial. Industrial has the least restrictions on it. If you are going to allow this type of use in a more restrictive district, why wouldn't you allow it in a less restrictive district? Industrial already allows all kinds of things that might create noise, etc. Member Tata asks do we have any history as to why those zoned areas were excluded previously? Law Director Graves replies we worked with a consultant a few years ago to completely overhaul our planning and zoning code. It was the same company and consultant that Avon Lake and Sheffield Village later used. It's my belief

that when we work with those consultants, they come in with a model code and we adapt it to our local needs. I don't recall that ever being discussed, so my sense is it was just part of the model code and never addressed. Chairwoman Pugh asks Representative DeBottis why they should consider this. Representative DeBottis replies we heard the Leitner's discuss their plans and at that point we felt it could proceed forward to planning and if it passed planning then it would work itself through. That doesn't mean council said OK, we are going to approve this. As it gets to council, then we will have a true set of prints, more detail and three readings. We still have a very lengthy process from here and a lot of discussion. Member Burns says basically we are just voting on the legislation for this to might happen or might not? Law Director Graves replies that is correct. Planning commission is to make a recommendation one way or the other. It's not like you can vote no and kill it tonight. If the commission says we recommend this not be approved, it's still going on to council with that recommendation. Member Tata asks would you say this, excluding those districts could have been an oversight in its' original designation? Law Director Graves responds I don't know that it was an oversight, it was just something that wasn't discussed. Member Tollett asks there is nothing there currently, right? Law Director Graves replies again, we are not really talking about any specific proposal. If you want to talk about what initiated this, the Leitner presentation, they own the old Abbe Rd. lumbar property and they are considering something of this nature. Service Director Hastings says as the Director of Public Service, the volume of people that have pursued what limited industrial areas we have, is very low. This simply is a mechanism to expand the use of the property to the benefit of the community. It is just creating a tool this evening, not considering any specific proposal. If you put it in place, there is a profound level of checks and balances. From a planning perspective, it increases our tool box of what we might do to improve the City of Sheffield Lake. Chairwoman Pugh says I live in this area. I purchased land next to an industrial area and so therefore, I have to take the responsibility of that. We all know reading this that council has already had a planning session and as Mr. DeBottis said they very much like the idea and they are now bringing these to us so they can go through that process. I am bias, I know that. These people are here because there have been many community meetings and I have attended none of them, because I am trying to keep an open mind. I take responsibility that when I buy a home, I know where it's at. I'm struggling with music from an outdoor food truck venue until 11 o'clock at night by my house. That's all of the issues that were discussed by council if you look at the minutes. I think it's very clear here there was a work session and they like this idea and they now wanna change a code amendment so that program can move forward. Member Burns asks if we change these ordinances, it is an opportunity for other things to move into that area? Not just the food park or music, etc. It just opens up more opportunities, correct? Law Director Graves replies yes.

*Motion by Burns/Second by Tollett to recommend approval of code text amendment amending table 1107-03 of section 1107.04 and 1131.02.

ROLL CALL: Tollett, Tata, Burns

Nay- Pugh

*Motion by Burns/Second by Tollett to recommend approval of code text amendment amending section 1111.02(c)(4)(C).

ROLL CALL: Tollett, Tata, Burns.

Nay-Pugh

OLD BUSINESS: None.

NEW BUSINESS: None.

CITIZENS' COMMENTARY: *David Cheyne, 5365 East Lake Rd.* says my concern tonight is about section (inaudible) which is the (inaudible) zone and code committee that you people are responsible for. There is a minimum requirement where you can look at eight requirements within that situation. The first one, and I'm going to mention the criteria. I don't see any necessary call for this ordinance to be declared an emergency. It doesn't need to be rushed through anything. I wish you in this particular situation to withdraw what you've come to set. Let's look at the criteria by which you are supposed to look at. The first one is to be consistent with the adopted city plans. The city has recently just adopted a master plan. In terms of industrial area, the use of tax incentives should be introduced to ensure that it attracts more viable situations into the city. Ford is spending billions around the corner and we have a fantastic opportunity to develop that. Short back and forth had between members of board and audience. Mr. Cheyne says the next one, be consistent with the state and purpose of the zoning district. Your own zoning code says largely takes place within enclosed buildings to allow for quiet and clean industrial area. This is your own code that you are looking at, that you have ignored. Criteria number six, not likely to have a significant impact on the natural environment including. All these zones that you are looking at have adjacent residential properties. Noise is an issue. Number eight, not likely to have a significant adverse impact upon other property in the vicinity of the subject track. There are lots of properties within the immediate vicinity. You are not looking at what is require here and you haven't reviewed it. I strongly suggest that you reject this and say we made a mistake, we send this out for proper and appropriate inspection, proper appropriate evaluation. This has just been ran through.

Rosa Gee, 272 Gayle Dr. states I'm right down the street from it too. It's zoned industrial. If you look on our records there can be a dog kennel with 100 bloodhounds in industrial. There can also be fertilizer plants or stamping plants because the area is over two acres. They can have a stamping plant that chooses to run 11-7, that's legal. What we are trying to do with this city is get more things for the residents and we are trying to give things the residents want. I understand there has not been anything agreed upon yet, but for some reason you keep saying on the corner of Lake Rd. It's

only the fenced in area that is Abbe Rd. lumbar. That is not on the corner of Lake Rd. The closest buildings to it are Gordon (inaudible) daughter's house, an apartment building that sets further back and two storage facilities that are quite tall. All the rest of that property is auto mechanics, etc. I don't see why someone putting illegal letters in mailboxes got all of you believing a misstatement. You should have realized if they were putting something illegal in your mailbox, they got a problem already. All the residents around there got letters in their mailbox saying this was a big thing the city was doing on Lake Rd. Member Tollett says we aren't here saying it's happening. We are saying take a look at it and give it a shot, right? Isn't that our job to look at things that can be better for our community and then let council decide? Chairwoman Pugh says my issue isn't so much what the code changes are, I just don't like the fact that there is a work session and then there are these out without me having a full understanding of why. I need clarity before I fairly vote on something. I would like a proposal before I change amendments. Member Tollett responds it will all come back to us to look at properly. I thought my job on planning commission was to look at things that could benefit the city or be best for the city and if we just say no and don't get a chance to look at something, how am I voting in the right way for our community?

Tammy Asire, 648 Maplewood Ave. says yes, we have a master plan and that master plan is to attempt to bring new business into the city and to improve recreational development in our city. That is our city's master plan. You have possibly/possibly not, nobody knows for sure if they are going to come back with a proposal. All you have done tonight is set up an opportunity for council to look at setting a procedure in case somebody anywhere in the city asks for this. There is absolutely zero place in this city that is zoned business, industrial, etc. that isn't close to residential. Even the proposal about putting apartments at Shoreway, that would be putting residential in the middle of a retail facility. You can't get away from residential in this town. There are already food trucks in town. When the people at the corner of Maplewood/Robinwood have five food trucks in there and cars parked up and down the street, you know what? It can get a little loud and hard to get through Maplewood. Does that mean that I should fuss and shut down their business opportunity because 1-2 weekends a year they are there? I don't think so. I would like for people to take a moment, calm down and realize these are just procedures to setup to be used anywhere. There are very few homes built around here where those bars, industrial areas, mechanic shops weren't already there. If you wanted to stop anything from being there, you could have bought it.

Cynthia Mihalic, 5320 Willow Lane says we just purchased a house that is close to some of this industrial property we are talking about. In reviewing the master plan, I had some concerns that this amendment, I'm not a legal person but I agree we are

putting the cart before the horse, so it does seem that things are not above board. As a resident when I'm looking at the way things are running and the way that this is being passed, it seems like we are pushing things through and it feels very undemocratic. I don't know a lot about this. Your master plan talks about encouraging new industrial development and looking at the maps, we don't have a lot of undeveloped except for some of the properties we are talking about. So, to all of a sudden make it appropriate for somebody to take it and make it an outdoor recreation area instead of allowing some ancillary factory things to go along with Ford that you can bring in employees that might be making \$50 an hour vs \$10 an hour on a food truck. It just seems silly especially when there is massive growth at the Ford plant to not try and attract something there. I come from a huge factory community where we had five Ford plants, three Chrysler and two Gm and the bulk of people are working. There's a lot that goes into it and I think it would be good for the city to pursue that for that property. Attracting something that would bring more revenue for the city than a food truck park. What the first speaker talked about, I agree with this review and pushing this through for recommendation without a proper review; those eight points that are on the code that I pulled up, the eighth point says that the proposed amendment is not likely to result in the significant adverse impact on property in the vicinity and the subject tract. Again, the way Sheffield defines industry is light noise, indoor, in the building. It doesn't talk about stamping plants that are loud or anything loud. We are a small community and that might be way, but it's in the written zoning or coding book that the city put together. Something like an outdoor recreation, for instance in Lakewood it runs from 11am to 1pm Thursday, Friday and Saturday is going to make the \$250,000 investment we just put into our backyard with a pool and pavilion almost unusable. I don't want to sit back there and listen to I'm assuming a lot of racket, a lot of noise. I agree that it is good for the city, but I think right place makes sense. The master plan talked about the library area that's owned by the city and there could be the possibility of moving the library and relocating them and taking over that building. That's a good area for something recreational. It also highlights one of the city's biggest assets, that large waterfront marina area and beach. I don't understand why we wanna develop away from that and again use up the last little bit of industrial tract we have and make it available to recreation which is a really low money draw.

Cindy Cheyne, 5365 East Lake Rd. says my comment is in regard to the amendment classifying food truck operations as temporary special events as limited impact regardless of duration or frequency. As Director Graves explained, limited impact is two times a year and only administrative approval. Everything else would be extensive impact and extensive impact requires conditional use approval which goes through planning and has public hearings, city council and has public input. There is a whole host of criteria that has to be considered. What concerns me about this amendment in

particular is that it singles out food truck operations and classifies them as limited impact regardless of their duration and frequency and that's the important thing. It eliminates any review by planning, it eliminates any opportunity for citizen input. Every other temporary special event including sellers of agricultural products, would be subjected to that conditional use approval process. They would be considered extensive impact if they wanted to show up for more than twice a year, but food trucks amazingly would not and they are an extensive impact. The way this amendment reads, any food trucks or trucks as long as it does not constitute a food truck park, would be allowed unlimited duration and frequency without anything other than administrative approval. It keeps being said that 4-5 times a year they don't wanna have to go through the whole process. It also means they can be there 365 days a year or 6 months or 5 months. That means anywhere in the city, a food truck can sit for as long as it wants and the people are subjected to that that live near there for any length of time. That is an extensive event, extensive impact and should be addressed as such. The other thing about addressing them is you need temporary events, how is only allowing food trucks unlimited duration and frequency without any regard for impact in the best interest of the city as the amendment language states? It might be in the best interest to the food truck owners or the investors in the food truck park, but definitely not the rest of the city. As for the comment about homes not being close to the industrial areas, there are three in Sheffield Lake, three industrial districts. Two have residential property on at least one side and the third one, 185 Abbe, the homes to the north are as close as 280 ft., 150ft. to the south, 430 ft. to the east and just across the street to the west. So, this is definitely not far away from homes. The sheer definition of outdoor recreation is outdoor, noisy. If you look at that purpose statement of an industrial it is quiet, clean environment largely indoors. There is no reason to add a conditional use of outdoor recreation to an industrial property. It goes against the city plan which was trying to get tax incentives, offer tax incentives to bring industry to the area. You can do things in other areas; you don't need to add it to the industrial areas. We have so little industrial area as it is. There is only three areas in the entire city. According to the plan, we should be trying to get companies to come in there, not sitting back and waiting for them, but actively pursuing them rather than having outdoor recreation which by its very nature is going to be loud and affect every one around it.

Rick Pietrick, 5180 East Lake Rd. states I am here representing Sheffield on the Lake Allotment. It's a homeowner's association known as SOTLA also and I'm the vice chairman/trustee. SOTLA is located starting at the intersection of Lake and Abbe Rd. going west all the way to the east of The Perch. All those properties on Lake and Edgewater is SOTLA. It includes 49 property owners on Edgewater and Lake Rd. and represents approximately 280 residents. Many of the SOTLA homeowners have questions or concerns that need answers regarding these two code changes and the

Sept. 17, 2024 city council work session which appeared to many of them to have prompted this legislation. I am a little perplexed tonight, because I thought with the planning, I don't know why it couldn't have been tabled until more information came forward so you could make a more educated and informed decision on what's really being presented. Many valid questions and concerns have been brought forward tonight. Residents to the east and west of Abbe Rd. will be the most directly affected if/when the code changes occur. That includes all the industrial areas. I would propose the mayor and council to have an ad hoc meeting or a public meeting specifically for the residents that reside within 500ft. or more of the zoned industrial areas that these code changes affect the most. This would allow an open dialogue to discuss questions and concerns that many of the residents have regarding the affects that it may have on them and will have on these neighborhoods. In return it allows the mayor and council members the opportunity to address constituents and alleviate facts from fiction. As far as I know, I don't see an emergency to pass or go forward with these code changes as presented in the current state, but it's going forward to council, because that's what council wanted according to the law director.

Law Director Graves says to clarify the factors that were referenced, those factors pertain to both code text and map amendments. A map amendment would be where the city was seeking to rezone property, this does not involve a rezoning. Amending the zoning map is a much more significant process. I would suggest that not all of those factors are applicable to a text amendment. Secondly, these outdoor recreational facilities are currently allowed as conditional uses in B1, B2 and B4 districts throughout the city which are more restrictive zoning districts and are also very close to residential. They could come in and apply in any of those right now for conditional use.

Unidentified person says I would ask the planning members to read the work session that was Sept. 17th. I believe in reading you can see why the citizens had more questions than answers. One's imagination is allowed to go unanswered and people will seek their own truth. Without answers, our perception is our own reality. Since the law director did bring up about B2, etc. when you do read the work session, you can see they are going to apply for a liquor license for that area. Currently, only B2, B4 and B5 are allowed taverns and bars. That would change the whole thing. I believe there would have to be a zoning change for industrial to serve alcoholic beverages.

MEETING ADJOURNED: With no further business before this committee, *Motion by Burns/Second by Tollett to adjourn at 7:25. Yeas All.

CLERK OF COMMITTEE AFFIRMATION: This meeting of the City Committee of the City of Sheffield Lake, Ohio was held and conducted under All Rules and Regulations Governing the Sunshine Laws of the State of Ohio as they may apply. All meetings are recorded and available in Councils Office.

CLERK OF COUNCIL/COMMITTEES

Brandy Randolph

I, Brandy Randolph, duly appointed Clerk of Commission of Sheffield Lake DO HEREBY CERTIFY that this is a true and exact copy of the Minutes of Planning Commission of October 16, 2024.

CHAIRPERSON

Cathy Pugh

COUNCIL PRESIDENT

Rick Rosso