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TO: Olmsted Falls Planning And Zoning Commission

FROM: George Smerigan, City Planner 

DATE: July 20, 2018

RE: **P&Z Case No. 09-2018**  
**Proposed Map Amendment**

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This memorandum is intended to address the questions and concerns raised by residents at the public hearing held on July 18, 2018 regarding the proposed rezoning of 8.64 acres of land on Mill Street, Garfield Avenue, Brookside Drive, and Elm Street from P-1 Professional and Medical District and I-2 Industrial Manufacturing District to MUTND Mixed Use Traditional Neighborhood District. It is also intended to supplement my Report To City Council dated May 17, 2018, which report should be made a part of the record for this Case.

That report clearly explains that this proposed rezoning is intended to implement the recommendations contained in the Master Plan to

- Expand and enhance the downtown area; - Master Plan Pg 138; Action 2
- Provide for mixed-use development; Master Plan Pg 137; Action 1
- Provide for the reuse of City owned land and other underutilized lands near downtown; Master Plan Pg 148; Action 1
- Promote walkability around the downtown. Master Plan Pg 137; Action 1

My Report To City Council also notes that the proposed rezoning is intended to implement the recommendations of the Economic and Real Estate Development Marketing Strategy Report prepared for City Council in January 2017 by Juniper CRE Solutions, which identified the best reuse of the City owned lands near downtown.

Where multiple speakers raised the same concern or question, I have grouped them to make a single response. I have tried to respond to the main issues raised that relate directly to the rezoning. Issues that were either personal in nature, or do not relate to either zoning or land use have not been addressed.

Mr. Repenning of the Railroad Club questioned whether there was an intent to make them relocate. There is no such intent. They are a unique operation that fits

perfectly with the intended future expansion of the downtown area. It is expected that their facility will receive more visitors as the boundaries of downtown are expanded. The zoning change from I-2 Industrial Manufacturing District to MUTND Mixed Use Traditional Neighborhood District is intended to provide them with more flexibility with regard to their operation. It would, for example, permit them to supplement their dues and subscriptions with a small gift shop should they choose to do so. That is something that is not permitted under their present zoning classification. I think it is clear that the current industrial zoning classification is not the most beneficial classification for their operation. While their tax situation is beyond the scope of this rezoning, I would think that their operation would be eligible for some tax relief.

Ms. Schwimmer questioned the present zoning of her property, and when it was placed in that district. Based on my review of historic zoning records, her property has been zoned P-1 Professional and Medical Districts since at least 1975. As a nonconforming use in that District, if her home were damaged beyond 50% of its replacement value it could not be replaced. Under the proposed zoning her residence would be a permitted use and that situation would not exist. There is no question that the proposed zoning change would increase the value of her property. In response to comments by Ms. Schwimmer and Mr. Evanko, the zoning change itself does not in any way mandate the removal of her home.

Ms. Miyashiro, Ms. Schoeffler and others questioned truck traffic. The proposed change from P-1 Professional and Medical District and I-2 Industrial Manufacturing District to MUTND Mixed Use Traditional Neighborhood District does not necessarily equate to an increase in truck traffic. Since the new regulation is a planned district, the Commission would have greater authority to control truck deliveries that currently exists. Certainly, there is no reasonable way to limit truck traffic to industrially zoned land.

Ms. Miyashiro, Ms. Vogt, and Ms. Gross indicated that what is desired are “cute little stores”, niche destinations, art galleries, artists lofts, coffee shops, work live arrangements, and buildings that reflect the established architectural character of downtown. That is precisely what is intended by the rezoning and without the rezoning those types of uses will not occur. The very purpose of the MUTND District includes the following:

*“encourage economic development that is compatible with the existing character of downtown”*

*“reinforce the present small-town mixed-use environment”*

*“create neighborhoods which are pedestrian oriented and which are focused on walkability”*

Obviously there is not going to be a Wal-Mart on this acreage. But the standards contained in the MUTND District, are meant to discourage such uses and to encourage the very types of shops, restaurants, and live work situations that these residents, and others, have indicated are the preferred development scenario. That approach is also consistent with the public input obtained during the Master Plan process and is the very basis for creating this zoning district and recommending this change. The idea is to expand and enhance the downtown in a manner consistent with the established character and quality of downtown, not to do something that would detract from what we have. Having residences located within and adjacent to the downtown will enhance walkability since those residents will not need to drive to patronize the various shops and restaurants.

We are trying to accomplish exactly what these residents are suggesting. In order to be successful at achieving that goal, the downtown needs to achieve a certain "critical mass." Unless we can provide for expansion to meet that critical mass, the downtown will not have sufficient strength or draw to successfully compete.

Ms. Gross questioned whether the Economic and Real Estate Development Marketing Strategy Report prepared by Juniper CRE Solutions is available. It is a public record and can be obtained from the Clerk of Council. I believe it is also on the City's web page.

Mr. Schiely and Mr. Lorek both indicated that they were in favor of what is being proposed but that they wanted to see more done. Clearly, every journey or project begins with a first step.

Mr. Roberts, Mr. Tomasch, Ms. Vogt, and Ms. Gross questioned the role of the Architectural Board of Review. The ABR has no role in the rezoning of land. The use of land and zoning of property is the function of the Planning and Zoning Commission. The ABR, as their name suggests, deals with architecture and building design, not land use. There are current seven (7) different zoning districts in existence with the City's Historic District. The zoning and permitted uses are separate matters from architectural design. Any new buildings or renovations to existing buildings that are proposed within the Historic District will be referred to the Architectural Board of Review just as they are now, regardless of zoning classification.

Mr. Roberts and others suggested that perhaps the zoning change should go further and encompass more land area, specifically extend further down Depot Street. Certainly the Planning and Zoning Commission could consider expansion of the proposed rezoning, but that would require additional notices and hearings since those areas were not included in the required public notices nor in the required

legal description for the rezoning. The comments have merit and should encourage us to consider the second phase or step in implementing the Master Plan.

Ms. Gross questioned why we needed a rezoning to have the types of shops described above. It is because the land in question is zoned only for industrial and office uses and does not permit either commercial or residential use. She also commented about tax abatements. This is merely a rezoning. Tax abatements are a completely separate and unrelated issue. Nothing in this rezoning application provides for any tax abatement for any property. In fact, the Planning and Zoning Commission has no role or authority with regard to requests for tax abatements.

Ms. Manuel and others questioned whether there is sufficient sanitary sewer capacity to accommodate the proposed rezoning. Keep in mind that the land in question is not raw vacant land or land that is designated for open space. It is zoned either office or industrial and the office uses include medical uses which are heavy sanitation users. While there may be changes in sanitary flow volumes, they are not projected to be significant and it is the Administration's opinion that there is adequate capacity available.

Ms. Miyashiro, Ms. Vogt, Mr. Lorek and others had comments or questions regarding liquor licenses. This is merely a zoning change to determine the most appropriate use of land. This zoning change does not have any impact on liquor licenses within the City. The Planning and Zoning Commission has no authority with regard to the approval or distribution of liquor licenses.