

PUBLIC HEARING

June 9, 2016

The Public Hearing of June 9, 2016 was called to order at 7:15pm by presiding officer, Mayor Joseph Migliorini.

Present: Council members' Kevin Bilkie, David Engle, Sylvia Hanneken, Nicholas Molnar and Janet Tulley; Law Director Mark V. Guidetti and Council Clerk Josephine Arceci

Absent:

Purpose of Public Hearing: ORD. NO. 34-2016: AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF MACEDONIA TO REZONE CERTAIN LAND FROM BUSINESS OFFICE DISTRICT (B-O) TO THE CONVENIENT BUSINESS DISTRICT (B-1) First reading, April 28; Second reading May 12; Remained at same, May 26.

Prior to public comments, Mayor Migliorini explained that at one time almost the entire area from S. Farm Road east to Summer Road was zoned B-1 for commercial use. This included the seven parcels in the proposed rezoning. Then certain parcels were changed to R-1 for residential use. In the early 1990's the then owner of certain parcels once designated B-1 requested of city officials that the parcels revert back to B-1 zoning. City officials denied the request determining at that time that B-1 zoning was not the best option. Unhappy with the City's position, the property owner filed for a declaratory judgment with the Court of Common Pleas. The City took the position that B-O zoning for business office use was a responsible compromise to B-1 zoning and the Court agreed. The area has been zoned B-O since. Mayor Migliorini further explained when Lance Osborn developed Marketplace, the commercial retail area where First Watch and several other businesses are located these B-O parcels were not for sale. If they had been, Mr. Osborn would have been able to incorporate the parcels into that project and would have used a portion for additional parking. The Mayor said he told Mr. Osborn Marketplace is "pretty stuffed and that more parking is needed". In order for resolution to the parking situation additional parcels are needed Mayor Migliorini stated. But before Mr. Osborn commits to purchasing these parcels he's requested that the zoning be B-1 to justify the cost of the purchase. The purchase would include creating additional commercial businesses as well Mayor Migliorini stated.

~**Developer Lance Osborn**, with a rendering of the site plan of the proposed development explained that Marketplace, the southern portion of the site plan, that bordering Aurora Road is the first phase of development. Mr. Osborn said he attempted buying parcels north of Marketplace during the first phase. The property however was involved in litigation. Explaining further Mr. Osborn said certain parcels during the second phase will be used strictly for additional parking for Marketplace Mr. Osborn stated. The second phase will also include one 6,000 sf. building and a second smaller 2,000 sf., building. Parking in the second phase will be ratio of 8 to 1 compared to the 4 to 1 ratio that exists for Marketplace. This change equates to 8 parking spaces per 1000 sf. Mr. Osborn stated. The exterior of the second phase buildings will complement Marketplace as the same architect will be the designer Mr. Osborn added.

PUBLIC HEARING

June 9, 2016

Councilor Bilkie questioned how residential properties will be shield from the rear of the proposed buildings to which Mr. Osborn answered there will be a 32 foot tree covered mound buffering the properties and fencing that will extend the entire north end of the property.

~**Property owners** Mark Burns, 8258 Harmon Road, Randall Coleman, 8284 Harmon Drive; Robert & Anna Gaydos, 8241 Harmon Drive; Doug Hauser, 8251 Harmon Drive; Fred Hebebrand, 8298 Harmon Drive; Fairlane and Terry and Michaele Repak, 8250 Harmon Drive; property renter Holly Guflain; Jane Harola, 8382 Fairlane Drive; Jane Pyrell, Fairlane Drive; Diann Seretin, 8304 Fairland and Jan & Gene Bittner, 8268 Waters Road; all of whom live in close proximity to the proposed rezoning and project expressed strong opposition. Complaints included exposure to the commercial dumpster, the smell and noise associated with the large receptacle, hardship created by additional traffic, motorists using Harmon and Fairlane as a cut-through because of difficulty exiting Harmon particularly during certain times of the day, excessive illumination and brightness from commercial parking lot lightening, disruptive nature of extended hours of operation compared to hours of operation of an office building and decrease in property value. Resident Terry Repak, a retired registered architect provided a binder of information to Council, the police chief and building commissioner detailing in his opinion why the proposed rezoning is procedurally flawed and inappropriate for the area. (Binder on file)

~**Additional Macedonia residents:** Marcia Grening, 8059 S. Bedford Road and Sue Belt, 356 White Spruce Drive and Bobbi Paul, Thistleridge Road expressed strong opposition as well.

~**Jeff Soclof** of Coldwell Banker Commercial Real Estate Company and broker representing owner of the parcels defined within proposed rezoning explained that the current B-O, business office zoning allows for a multi-level, significantly sized building for this particular site which could include a restaurant.

There being no further comments, the public hearing adjourned at 8:16pm