

**ASHTABULA CITY COUNCIL  
PUBLIC HEARING MEETING MINUTES**

**Ashtabula City Municipal Building)  
City of Ashtabula, Ohio)**

**Monday, April 21, 2014**

Council met in a **PUBLIC HEARING**. The President of Council called the meeting to order at 5:15 p.m.

**Member(s) Present:** Mr. Richard F. Balog (Ward 1)  
Mrs. Alice T. Cook (Ward 3)  
Mrs. Josephine Misener (Ward 4)  
Mr. Kris E. Hamrick (Ward 5)  
Mr. J. P. Ducro IV (Council President)

**Member(s) Absent:** Mr. August A. Pugliese (Ward 2)  
Mr. Christopher J. McClure (Vice President)

**Officer(s) Present:** Mr. James M. Timonere (City Manager)  
Mr. Michael Franklin (City Solicitor)  
Mrs. Dana D. Pinkert (Finance Director)  
Mrs. LaVette E. Hennigan, MMC (Clerk of Council)

**Officer(s) Absent:** None

**SUNSHINE LAW:** The Clerk of Council certified conformity to the Sunshine Law.

**PURPOSE:** The Council President announced the purpose of this Public Hearing was to permit public comment regarding the City's request to rezone both sides of Lake Avenue from West 19<sup>th</sup> Street to Walnut Boulevard to C-1 (General Commercial District)

**WELCOME:** The President welcomed visitors.

**DISCUSSION**

Manager: This request has been on-going since November 2012, but was never finalized. The recommendation is to rezone both sides of Lake Avenue from West 19<sup>th</sup> Street to Walnut Boulevard, one block deep on both sides of the road, to C-1 (General Commercial District).

**COUNCIL & ADMINISTRATION QUESTIONS AND/OR COMMENTS**

Ward 4 Councilor: Does this have anything to do with the former rezone request of Our Lady of Peace Church?

Manager: No, and it would not affect any of the church's property.

**PUBLIC QUESTIONS AND/OR COMMENTS**

**Mrs. Ann Rapose, Chair, Architectural & Restoration Review Board (ARRB), 1235 Walnut Boulevard:** asked how the rezone request would affect the H-1 (Historic District), and how the zoning overlay of H-1, which does not have usage attached to it, would work with the suggest C-1 zoning. The current H-1 District begins at West 8<sup>th</sup> Street and goes north to Walnut Boulevard. She noted the ARRB agrees with the request.

Solicitor: We wrote into the proposed ordinance this language: *The properties of the H-1/Historic District which are affected by this change shall continue to be designated as part of said Historic District, and shall be subject to its requirements and regulations in addition to those of the C-1/General Commercial District. In the event of a conflict between the regulations of the two Districts, the City Manager shall have the authority to determine which regulation shall apply to a property.*

I'm not aware of where they would conflict, because as you say the H-1 District doesn't really designate uses.

*A person aggrieved by such a decision of the City Manager may appeal his decision to the Administrative Board in accordance with Section 1111.03 of the Codified Ordinances.*

So, it continues to be part of H-1. It's just that the allowable uses within that portion of the H-1 District will now be commercial, except for those properties which are grandfathered in and are non-conforming right now.

President: Basically the rezoning will expand the type of businesses or uses that may be there but the fact that it's H-1 would more or less mean that if buildings are modified or changed around they're still going to have to comply to meet the aesthetic appearance of what those buildings would look like so they meet the H-1 criteria. For example: If a hardware store were to be constructed it would have to meet the H-1 appearance criteria.

Solicitor: The only thing I might not agree with is that "it expands the existing uses". If it's commercial now it would continue the existing uses. If it is zoned industrial right now, and some of those properties might be...

Manager: From Laird (West 8<sup>th</sup> Street) down to West 4<sup>th</sup> Street, both sides of the road right now are C-1. So from West 4<sup>th</sup> Street to Walnut Boulevard, it is R-3 (Two Family Residence District). So, basically, the only part that is affected down there (and it looks like 11 parcels on both sides of the road – one of those parcels being the former Harbor High School, which takes up a whole block), would turn into C-1.

President: What happens if Lowe's wanted to construct on the former Harbor High School property. How do you make Lowe's look historical?

Manager: It's up to them.

President: They would have to comply with the H-1 District period requirements.

Chair Rapose: I'm sure others have seen in some towns where stores, such as Rite Aid, look more conforming to the town.

President: Again, that's where it does not affect the type of business but its appearance.

Chair Rapose: ... and the type of signage. We are not going to allow a giant pole sign.

Manager: Where the big change will take place is from Laird Drive to the Lake Avenue/West Avenue/West 19<sup>th</sup> Street intersection – the majority of that from Laird Drive to West 17<sup>th</sup> Street right now is designated as M-1 (Light Industrial), and from right around West 17<sup>th</sup> Street to the iron bridge is M-2 (Heavy Industrial). So, really, the only sections that are changing are that lower portion of Lake Avenue from West 4<sup>th</sup> Street to Walnut Boulevard, and from Laird Drive to the intersection on the east side of Lake Avenue.

Ward 4 Councilor: What is Lake City Plating that's located on Lake Avenue between the Lake Avenue/West Avenue/West 19<sup>th</sup> Street intersection and West 17<sup>th</sup> Street?

Manager: Their property located on the west side of Lake Avenue is C-1, and on the east side is M-1 (Light Industrial). Although we are proposing to rezone to C-1, a property owner may still request a variance or special use permit if need be. It would be the City's decision as to whether the request would be a fit.

President: Any existing business use will be grandfathered in, therefore will not have to change their 'course of business'. The rezoning would apply to future business development. There is no one from the business community present this evening, therefore I have to assume they have no objection to the change.

**CLOSING REMARKS:**

President: Ordinances pertaining to zoning issues customarily are presented for two readings. As the Manager stated, the zoning request being considered at this hearing was previously presented in a November 2012 public hearing; therefore has been pending for one and a half years. I want to make sure coming out of this meeting the number of readings will be established.

Manager: I believe the request has received sufficient discussion and would prefer it be disposed of at this evening's regular meeting.

Ward 4 Councilor: I would like to ensure the Architectural & Restoration Review Board is okay with one reading.

Chair Rapose: The Board approves the request.

