

ASHTABULA CITY COUNCIL
CITY OF ASHTABULA – COUNCIL CHAMBERS
4717 Main Avenue, Ashtabula, OH 44004

PUBLIC HEARING MINUTES
Monday, May 7, 2018

The City Council met in a **PUBLIC HEARING**. The President of Council called the hearing to order at 5:30 p.m.

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|---------------------------|-------------------------|---------------------|
| Member(s) Present: | Mrs. Kym Harley | (Ward 1) |
| | Mr. August A. Pugliese | (Ward 2) |
| | Mr. Michael D. Speelman | (Ward 4) |
| | Ms. Jane E. Haines | (Ward 5) |
| | Mr. John S. Roskovics | (Council President) |

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|--------------------------|----------------------------|------------------|
| Member(s) Absent: | Mr. Christopher J. McClure | (Vice President) |
| | Vacant | (Ward 3) |

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| Officer(s) Present: | Mr. James M. Timonere | (City Manager) |
| | Mrs. LaVette E. Hennigan, MMC | (Clerk of Council) |

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|---------------------------|----------------------|--------------------|
| Officer(s) Absent: | Mr. Michael Franklin | (City Solicitor) |
| | Mrs. Dana D. Pinkert | (Finance Director) |

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

PURPOSE

The President announced the purpose of this Public Hearing was to present the request of the Ashtabula City Planning & Community Development Department (PCD) to amend the City of Ashtabula’s zoning legislation to permit a special type of Planned Unit Development (PUD) in the H-1 Harbor Historical District to allow Townhouse-Type Construction.

WELCOME

The President welcomed visitors, including Mr. Tim Leehan (developer) and Mr. Roman Vencil (Contractor).

DISCUSSION

Proposed ORDINANCE NO. 2018-35, AN ORDINANCE ENACTING NEW CODIFIED ORDINANCE SECTION 1137.12 CONTAINING UPDATED CONDITIONAL USE REGULATIONS FOR THE ASHTABULA HARBOR HISTORICAL DISTRICT, was introduced and is hereto attached.

The City Manager reported the following has happened since the April 2, Public Hearing on the same topic and Regular Council meeting of the same day:

- The legislation has been vetted back and forth with the City Solicitor, PCD, his office and the developer

- Ordinance No. 2018-35 denotes what is amiable to everyone
- The goal is to receive City Council's favorable vote on the passage of the ordinance, and
- The next step is to consider amending the H-1 District zoning so townhouse-type development is not a conditional use but rather a permitted use.

QUESTIONS/COMMENTS – City Council/Administration

Ward 4: What changes were made to the legislation?

Manager: The biggest difference is the removal of renting the properties.

Ward 4: If the use is not changed from conditional to permitted, each time someone wanted to construct townhouse-type developments, they would have to secure a conditional use permit to do so?

Manager: They would have to go to the Planning Commission, which is the body that approves or denies the request. If it is changed to a permitted use, no approval would be required.

Ward 4: If it remains as a conditional use, would the Planning Commission be able to vet developers and could they possibly deny the conditional use permit request?

Manager: Yes, vetting out be exercised if the Planning Commission learned of something that would cause them to inquiry further. They also have denial authority. The argument is that a developer is not going to even think about a project like this with all the steps that are involved right now. So, we could lose out on some good developers, if the use remains conditional. The saving grace is the Ashtabula City Architectural & Restoration Review Board (ARRB) because, right now, the conditional use for townhouse-type development is only permitted in the H-1 District. If the use is changed from conditional to permitted, developers would still have to, first, go before the ARRB for approval, which Board mandates certain requirements.

Leehan: The main thing with this piece of legislation is that it is for the H-1 District only. The H-1 District presently allows for rentals everywhere with the exception of maybe the north side of Walnut Boulevard in a few places (if I'm not mistaken). So, as a Council your concern in other areas of the city would be where someone might try to back door a rental through this legislation and then use it to put the dwelling in a single-family area. But, for the H-1, which is all the legislation addresses, someone could buy land and do rentals all they wanted. That is the major caveat. So, if you look to do this in any other areas there are other factors to consider. For example, we pulled permits as multi-family because we wanted to commence with construction, but we're building them as if the proposed Ordinance No. 2018-35 had already been enacted.

Clerk: Who is to bring the suggestion of the townhome-type construction as a permitted use to City Council for their consideration?

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Manager: We could discuss it in the next CD/ED/P&R Committee meeting. The legislation would almost be the same with the exclusion of the requirement to go to the Planning Commission.

Clerk: I will make sure it is scheduled for their next agenda.

Leehan: When the permitted use is being considered the following is something to think about – Currently a condition use requirement is a minimum 24 foot of frontage. That's perfect for what we are doing right now. For example, in the permitted use scenario, there may be certain properties where I could foresee us doing what's now a duplex-looking building and doing a triplex-looking building. In other words, if we took our exact same footprint and did three across, you'd be like 18 or 20 feet. I think we would want the ability on certain lots, where we couldn't fit two duplexes but we could nicely fit a three unit structure on it, to be able to do so. The center unit would be shy of the 24 foot frontage, but the lot square footage requirement would be met.

Manager: In those situations, if the frontage standard does not change, that could still be done but a variance would have to be requested. I will speak with Mr. Leehan prior to the CD/ED/P&R Committee's June 12, meeting.

President: Mr. Leehan, is your building 36 foot high or under?

Leehan: It's 35 foot 6 inches.

President: Is the roof going to be slanted or flat?

Leehan: If you drive down Bridge Street from Lake Avenue, you'll see that it has a 212 pitch. So, there will be a standing seamed metal roof slopped towards the back, which is towards West 4th Street.

Ward 5: What kind of feedback on the project are you getting from the community?

Leehan: We're getting positive feedback, a lot of folks have expressed interest (especially more locals than was anticipated), and we have received a lot of questions about elevators. There are single elevator systems that can be installed; a couple closets would have to be eliminated to do so; but anyone willing to put down a sizeable deposit can get just about anything they want. Some folks from Canfield, Ohio who were having dinner at Bascule Bridge Friday night were very interested.

QUESTIONS/COMMENTS – Public

None

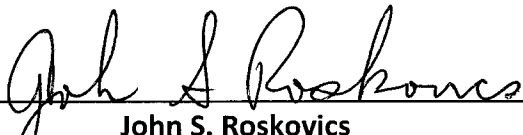
ANNOUNCEMENT

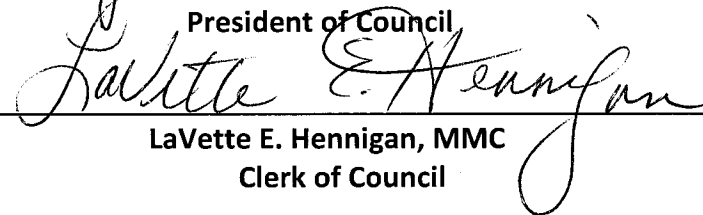
The President announced that, by law, no formal action may be taken at a public hearing; but that City Council is scheduled to vote to enact Ordinance No. 2018-35 at this evening's Regular Council Meeting.

ADJOURN

Hearing no further business to come before this Council, the President adjourned the Public Hearing at 5:42 p.m.

DATE APPROVED: MAY 21, 2018

ATTESTED BY: 
John S. Roskovics
President of Council

ATTESTED BY: 
LaVette E. Hennigan, MMC
Clerk of Council

PROPOSED

ORDINANCE NO. 2018-35

AN ORDINANCE ENACTING NEW CODIFIED ORDINANCE SECTION 1137.12 CONTAINING UPDATED CONDITIONAL USE REGULATIONS FOR THE ASHTABULA HARBOR HISTORICAL DISTRICT

WHEREAS, the daily operations of the City of Ashtabula and the Office of the City Manager require the enactment of this legislation; and,

WHEREAS, it is necessary to provide for fair and reasonable standards for land use and development within the municipal corporate limits of the City of Ashtabula in order to safeguard the public peace, health and safety; and,

WHEREAS, the City Manager, in consultation with various City officials, boards and committees has made recommendations concerning proposed development in the Harbor Historical District which would allow townhouse-style residential units as a conditional use within said district, and has caused the City Solicitor to draft proposed new conditional use regulations for the H-1 District, a copy of which is attached hereto; and,

WHEREAS, this City Council approves said regulations as being fair and reasonable in the context of preserving and maintaining the appearance, character, and economic viability of the H-1 District;

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Ashtabula, Ohio:

SECTION 1. That the Ashtabula Harbor Historical District Conditional Use Regulations attached hereto as an Exhibit are hereby approved, and shall hereafter have the same force and effect within the H-1 District as all existing regulations under the City zoning laws and regulations. A copy of said regulations shall be added to the Codified Ordinances as Section 1137.12.

SECTION 2. It is hereby found and determined that all formal actions of this Council concerning and related to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its Committees that resulted in such formal action were in meetings open to the public in compliance with the requirements of Section 10 of the Municipal Charter of the City of Ashtabula, Ohio, and of Section 121.22 of the Revised Code of Ohio.

SECTION 3. For the reasons stated in the preamble, this ordinance, if approved by the votes of five (5) or more members of Council, shall take effect immediately, otherwise 30 days thereafter.

PASSED: _____

John S. Roskovics
President of Council

Vote:

| | Yea | Nay |
|----------------|--------|-----|
| Roskovics: | ___ | ___ |
| McClure: | ___ | ___ |
| Harley-Foglio: | ___ | ___ |
| Pugliese: | ___ | ___ |
| Ward 3: | Vacant | |
| Speelman: | ___ | ___ |
| Haines: | ___ | ___ |

ATTEST: _____

LaVette E. Hennigan
Clerk of Council

APPROVED: _____

James M. Timonere

City Manager

Approved as to form and correctness this _____ day of _____, 2018.

Michael Franklin, City Solicitor

(legislation reqs-drafts-final/2018/2018-35 new co section 1137.12 townhouses in H1 district)

EXHIBIT A

1137.12 TOWNHOUSES IN H-1 DISTRICT

a. Townhouses as defined herein are permitted as conditional uses in the H-1 District upon approval of both the Architectural & Restoration Review Board and City Planning Commission.

b. For purposes of this Section:

1. "townhouse" is defined as (A) any structure that is or that appears to be a single building containing not less than two (2) or more than three (3) residential dwelling units; or (B) two (2) or three (3) contiguous residential units separated by a common wall or walls as defined herein; when the units are separately deeded to the owners thereof as real property.

2. "common areas" are defined as those portions of a townhouse unit that are not described or included within the description of any individual unit, but which are utilized by all unit owners and their invitees, or which are necessary for the integrity of the building's structure.

3. "limited common areas" are defined as those portions of a townhouse unit that are not described or included within the description of any individual unit, but which are utilized primarily by the owners of an individual unit and their invitees.

4. "common walls" are either walls which form a division between separate units or which are exterior walls that are not separated from each other by a space sufficient for access for maintenance, repair, or reconstruction purposes.

c. In order to be approved, a proposed townhouse development or project must meet the following minimum qualifications:

1. Each unit must contain not less than two (2) bedrooms and one (1) full bathroom;

2. Each unit must have its own kitchen;

3. Each unit must have its own HVAC unit(s) and water heaters, and its own public utility connections.

4. Each unit must be at least 1200 square feet in interior size exclusive of porches, stoops, patios, garages and unheated storage areas.

5. Each unit must have at least two (2) separate entrances.

6. Each unit must have at least two (2) dedicated parking spaces, which may include garages.
- d. In addition to compliance with all applicable standards set forth herein, townhouse development in the H-1 District 4 shall not exceed 16 units per acre. Townhouse lot sizes shall not be less than 2400 square feet, and frontage per unit shall not be less than 24 feet. Height of structures shall not exceed 36 feet. Separate structures containing townhouse units shall be separated by at least 10 feet between their nearest points.
- e. Townhouse developments must be subject to recorded covenants and restrictions which incorporate the requirements of this Section and which provide for apportionment of expenses related to maintenance, repair and replacement of common areas, limited common areas, common walls, shared drives or sidewalks, and roofs and exterior siding if such components are of continuous construction. Said covenants and restrictions shall provide that the City of Ashtabula has standing to enforce them in the event of a violation which is (a) a violation of the City's fire, housing or building codes, and (b) is not corrected within 60 days of written notice from the City to the owner(s) of the affected unit(s). The City Planning Commission shall review and approve such covenants and restrictions prior to recording.
- f. For purposes of this Section, a person or legal entity in title to a unit that is subject to a land installment contract, lease with purchase option, or other "rent to own" scheme is deemed to be responsible for any violations of this Section or any fire, safety, building, or zoning code violations.
- g. The purpose of this Section is to provide for attractive and responsible development of housing within the H-1 Historical District that is compatible with preservation of its character. The City Council finds and determines that the City has a substantial and compelling interest in discouraging passive investor ownership by reason of numerous fire, safety and housing violations associated with ownership by absentee landlords who neglect properties. The further intent is to encourage persons owning real property or dwelling there have an incentive to become knowledgeable with and concerned about the problems and needs of the area. In enacting this requirement, the City Council finds that the restrictions are reasonably related to this purpose, while leaving unimpaired a person's right to purchase other properties or obtain other housing that may be more suited to their investment goals or residential preferences.