

PLANNING AND ZONING COMMISSION
Workshop Meeting Minutes
Mayfield Village
Dec 15, 2022

The Planning and Zoning Commission met in workshop session on Thurs, Dec 15, 2022 at 6:00 p.m. at the Mayfield Village Civic Center, Main Conference Room. Chairman Syracuse presided.

Roll Call

Present: Mr. Vetus Syracuse Chairman
Dr. Sue McGrath Chairman Pro Tem
Mr. Allen Meyers Council Rep
Mr. Paul Fikaris
Mr. Jim Kless
Mr. Henry DeBaggis

Also Present: Ms. Diane Calta Law Director
Mr. Daniel Russell Building Commissioner
Ms. Deborah Garbo Commission Secretary

Absent: Mayor Bodnar
Mr. John Marquart Economic Dev Manager
Mr. Tom Cappello Village Engineer
Ms. Jennifer Juncisek Council Alternate

PROPOSAL

1. Conditional Use Permit Renewals

New Expiration Date: Dec 2026

(ORD 2022-10 passed 8/15/22 Repealing & Replacing Section 1149.02
Relating to Conditional Use Permits)

OPEN PORTION

Chairman Syracuse stated, this is a workshop meeting of the Mayfield Village Planning & Zoning Commission Thurs, Dec 15, 2022. We only have one proposal before us, this concerns the Conditional Use Permits that are expiring at the end of this month, Dec of 2022. Currently on our list that was provided to us there were 31 CUP's that had previously been granted that will be expiring at the end of 2022.

Memo by Fire Chief Carcioppolo

Chairman Syracuse stated, I do see in our memo from the Fire Chief it looks like #22 Hattie Larlham, 700 Beta Dr. is gone. So that brings us down to 30. So it would be numbers 1- 31 excluding #22.

Ordinance 2022-10

Chairman Syracuse stated, since the last time we've renewed any CUP's, a new Ordinance went into effect in August of this year, 2022. It's Ordinance 2022-10 which is;

“AN ORDINANCE REPEALING AND REPLACING MAYFIELD VILLAGE
CODIFIED ORDINANCE SECTION 1149.02 RELATING TO CONDITIONAL
USE PERMITS.”

Chairman Syracuse stated, members should take note that under **Section (h); Standards for Conditional Use Permits** have been updated. It says; The Planning and Zoning Commission or Council shall make a determination on conditional use permit applications based on the following criteria and subject to **Section 1149.02 (i)** below:

- (1) Land Use Policy. The proposed use and development will be in keeping with the land use and planning policies established by the Municipality, including any Master Plan then in effect.
- (2) Ordinance Purposes. The proposed use and development will be in harmony with the general and specific purposes for which this Zoning Code was enacted and for which the regulations of the district in question were established.
- (3) No Nuisance. The proposed use and development will not create any public nuisance by reason of noise, smoke, odors, vibrations, objectionable lights or congestion of traffic.
- (4) No Undue Adverse Impact. The proposed use and development will not have a substantial or undue adverse impact upon adjacent property, the character of the neighborhood or area, property values in the immediate vicinity, or the public peace, health, safety, and general welfare.
- (5) No Interference with Surrounding Development. The proposed use and development will be constructed, arranged, and operated so as not to excessively interfere with the use and development of neighboring property in accordance with the applicable district regulations.
- (6) Adequate Public Facilities. The proposed use and development will have no undue financial burden on the Municipality and be served adequately by the existing level of essential public facilities and services such as streets, public utilities, drainage structures, police and fire protection, refuse disposal, parks, libraries, and schools. If the existing level of public facilities and/or services is or may be inadequate, the applicant must commit to adequately providing such services for itself.
- (7) No Traffic Congestion. The proposed use and development will not cause undue traffic congestion nor draw significant amounts of traffic through residential streets.

(8) No Destruction of Significant Features. The proposed use and development will not result in unnecessary destruction, loss, or damage of any natural, scenic, or historic feature of significant importance.

(9) Compliance with Standards. The proposed use and development complies with all additional standards imposed on it by the particular provision(s) of this Section of the Zoning Code authorizing such use and any other applicable provisions of the Zoning Code imposed on the proposed use if the use is permitted in another Use District.

(10) Community Benefit. The proposed use will provide benefit to the community because the proposed use is not currently or commonly available in the Municipality.

(11) Economic Impact. The proposed use has the potential to create a positive economic impact by creating or expanding employment opportunities and increasing tax revenue within the Municipality.

Chairman Syracuse stated, in looking at **Section (i); Application of Standards for Conditional Use Permit**. It says; While the standards set forth in 1149.02 (h) will be used to evaluate specific applications for conditional use permits, the Planning and Zoning Commission is not required to approve any conditional use permit solely based upon meeting any or all of the standards. Approval shall be in the sole and exclusive discretion of the Planning and Zoning Commission and Council.

Chairman Syracuse stated, it goes on, there are other sections about conditions on CUP's, we've imposed those already on the ones that were applying for renewal. I think the biggest change besides some of the standards is in **Section (m); Limitations on Conditional Use Permit**. For the ones that are already established that we're going to be voting on at our regular meeting in January, it used to be a two (2) year limit. Now it says; Thereafter, a conditional use permit shall be valid for a period of four (4) years and shall expire on December 31st of the fourth year following the year in which the permit was granted. Originally these were (2) year CUP's, this is changing it to (4) years.

Memo by Building Commissioner Russell

Chairman Syracuse stated, we also received a memo from Dan Russell. Dan, would you like to comment on this Tuff Shed issue?

Mr. Russell replied, the Tuff Shed issue, I went by there and noticed there were 7 sheds on the side of the building. I contacted Carl who works at Tuff Shed and advised him of the situation. He was apologetic, he understood, he advised me that one of the sheds was sold and is to be picked up and that's why it was out there. He did ask if I wanted to have that shed brought in to the building itself, just to have 6 out there. I said if it's sold and going to be removed, I'm not going to have you do that. He said he's going to be more diligent.

Chairman Syracuse stated, as far as what Fire Chief Carcioppolo had provided in the memo to you on Nov 4th he said Deacon's may be complying with their conditions except there are one or

two vehicle lifts in the space. While we don't know if they're doing mechanical work, the lifts are present. Is that in compliance or has that been corrected?

Mr. Russell replied, that's been corrected.

Chairman Syracuse stated, Fire Chief said that #26 Suzanne Seaman is subleasing space at 6449 Wilson Mills and is determining if she will try to renew for one more year. Is she going to renew, do you know?

Mr. Russell replied, I think so.

Chairman Syracuse stated, Fire Chief said that #28 Allison Seltzer, 6449 Wilson Mills did not return his call, that's also for microblading.

Mr. Russell replied, I talked to her, she wants to renew.

Chairman Syracuse stated, so the only one that we would not be considering is #22 Hattie Larlman, 700 Beta Dr.

Mr. Russell replied, that's correct.

Chairman Syracuse stated, and as far as the CUP's that were previously granted based on the previous criteria applying the new standards to it, do you foresee any problems with any of the current Conditional Use Permits that are on this list?

Mr. Russell replied, I don't see any problems with any of them.

Chairman Syracuse asked, does anyone have any questions, comments or concerns about any of these applicants?

Mr. Kless stated, I think the new 4 year expiration instead of the 2 year is a wise decision.

Chairman Syracuse replied, it gives the tenants the opportunity to lease space for 4 years because a lot of commercial places are not doing 2-year leases. I think this new Ordinance is an asset. Any new Conditional Use Permit applications that come before us will apply the new criteria, it's very similar to the last one. I think we're likely in a position to be able to just take a vote. Diane, did you have anything else you wanted to add?

Ms. Calta replied, I did not other than #1.

Chairman Syracuse stated, #1 Ken's Auto Body, we'll vote on that one separately.

Mr. Fikaris stated, Mayfran, they're already scheduled to renew Dec 2026.

Chairman Syracuse replied, #31 Mayfran International, because the pavilion was just approved this year on Aug 1st, they're due to expire on Dec 2026.

Mr. DeBaggis stated, I have a question on the Conditional Use Permit Application where it says P & Z Application fee is \$50 + 3% State fee. Is that 3% of \$50?

Mr. Russell replied, yes, 3% of \$50 which is \$1.50 added on to equal \$51.50.

Chairman Syracuse stated, so when they apply they'll get this application with Standards for Conditional Use Permits – Guidelines, the 11 factors we consider. There used to be 10 factors in the guidelines. Two things that we always tend to look at as well, we always ask about their hours and we always ask that their retail space be confined to 10% or less of the space.

Chairman Syracuse wished everyone a Merry Christmas, Happy Holidays and a Happy New Year. We'll come back on Jan 9th at 6:00 p.m. to vote.

There being no further business, the meeting adjourned at 6:10 p.m.

Respectfully Submitted,

Deborah Garbo

Executive Assistant, Building Department