

PUBLIC HEARING
ReZone #558, P.U.D. #001
June 4, 2024

Public Hearing for the Township of Mansfield and the City of Mansfield
Mansfield City Council met on
Tuesday June 4, 2024 at 6:42pm in the
Council Chambers of the City Building.

PRESIDENT PRO-TEMPE FALQUETTE: So, we've got a Public Hearing. This is a ReZone Petition #558. Adrian, are you going to help out with this?

ADRIAN ACKERMAN: I certainly can help out. We have a couple of these back to back. So, ReZone #558 is the rezone for 459 South Main Street. They are requesting that location be changed from multi-family to a B-1. This would create an island in there, in that location, there are no other B-1's located along South Main. Which is why when it went through Planning Commission, it was turned down by Planning Commission. We did have some public comments and things towards that, which I think some folks are here today to speak about that. So, I'll let the President brings those up, but I'm happy to answer any questions about the location.

PRESIDENT PRO-TEMPE FALQUETTE: Does anyone have any questions on the location? Alright, do we have a sign-in list for this one?

ADRIAN ACKERMAN: No.

PRESIDENT PRO-TEMPE FALQUETTE: Somebody want to raise their hand that want to speak on this. I recognize you. Come on up. First, state your name.

ATTORNEY ANDY MEDWIG: Good evening council. My name is Andy Medwig. My address is 6 West Third Street Suite 200, Mansfield, Ohio 44902. I am representing some property owners who live around that area. And, I was also at that Planning Commission Meeting that they often found against this. Basically, it is multi-family use. If this would be allowed to go through as a business in the area, we've seen the maps. It would be a classic spot zone. Across the street, it might work, but where my clients live and the housing in that area, it's all multi-family so this would be a classic business in the middle of multi-family spot zone. Additionally, I know one of the arguments in planning commission was about some grandfathering issues. Well, there's a reason why things get changed and you allow stuff as it is. You can't penalize people when you change the laws. As times has changed we've gotten older and older. From the time this legislation went through, to probably change this from business to multi-family, you've allowed business to be there for a reason. Cause, you can't go back, you can't penalize them for having been there before you made the change. Unfortunately, now, the property has changed to multi-family so it can't go back. Now, the property has changed to multi-family and you can't go back. And my clients are just, they're worried about traffic in the area, bright lights. I know my client, she actually works third shift, so she's worried about the bright lights from all the convenience, about the convenience store aspect of this. That's some of the reason why my clients are vehemently against this being re-zoned to business from multi-family.

PRESIDENT PRO-TEMPE FALQUETTE: Any questions for Mr. Medwig? Attorney Medwig?

AURELIO DIAZ: Where is this located again?

ATTORNEY ANDY MEDWIG: It's South Main.

AURELIO DIAZ: Trying to paint the picture. We will look it up. Thank you.

ATTORNEY ANDY MEDWIG: No problem.

PRESIDENT PRO-TEMPE FALQUETTE: Thank you. Appreciate you coming. Anyone else want to raise their hand...yes sir.

CHAUDRY ISHTAQ: My name is Chaudry Ishtaq, 459 South Main Street. Yes, I bought this property thinking it was allowed because on paper it says commercial retail and everything. And we put in a lot of money. And I didn't just start this. I asked around first and people saw a vacancy. They said yes, it's a part of history. It's been in Mansfield as a business for the longest. Last five years was rough, so they shut down. So, I was unaware I had to go to re-zoning and everything. But, I did everything that building department asked me to. I got them maps, I got them permits. Anything they asked me. So, this here is the final step. As far as light and cameras, that is just part of business. They will help the community with security. Also, we did file a petition. We went around ask people, all over the neighborhood. Yes, one or two might be against it, but fifty (50) are for it. So, I feel like that should be taken into consideration. We are not selling or doing anything illegal, like cannabis or anything like that. Just normal vapes, tobacco, snacks for the kids. I understand a school closed down the street so...I see a lot of benefits in this store. If it doesn't happen, it doesn't happen. I have another business, I can move everything over. But I think this would benefit that neighborhood. And, that's why I started the whole thing. I didn't ask for anyone's permission, I didn't think I needed it. And, like I said, I had a store like two miles away that people walked to everyday, and they were like this would be so convenient, I wouldn't have to go that far for the services. That's it. Any questions?

PRESIDENT PRO-TEMPE FALQUETTE: Any questions?

DEBORAH MOUNT: You referenced 50 neighbors being for it, do you have a petition with their names and addresses?

CHAUDRY ISHTAQ: Well, not addresses...in one of the meetings, I brought it with me.

DEBORAH MOUNT: Thank you. I'll look it over. Oh, so there is no addresses?

CHAUDRY ISHTAQ: This is the first time that I did it. I can get addresses, if you need to. Just went around to customers that I knew and known for almost five years, doing business around that area.

PRESIDENT PRO-TEMPE FALQUETTE: Any other questions? Mr. Diaz.

AURELIO DIAZ: Now I am aware of what building we are talking about, by Prospect. So, essentially, it is a smoke shop. But, what else do you sell there? Any food products?

CHAUDRY ISHTAQ: Well, like I said. We were about to open. We don't have all the inventory. But, I did have some essential groceries in there. Some milk, bread and stuff like that. And we weren't able to open yet. We had just started developing and the building department came by and were like, "Hey, you're not supposed to do this like this. This is a process." Last eight months I have been doing, you know going to meetings, appeals, permits and everything.

AURELIO DIAZ: Did they have an issue with the ATM portion that you placed out front? I asked because it was the first thing that I noticed when I saw you guys doing renovations.

CHAUDRY ISHTAQ: So, every business I do, convenient stores, the ATM is a must have. So, I ordered it. It was put in. But, they called me afterwards. But, I don't think they had a problem with it. If it's a business, they don't have a problem with it. If it is a residence, then you can't have an ATM machine there. So, I'll have to take it out if this petition gets denied.

AURELIO DIAZ: Thank you.

PRESIDENT PRO-TEMPE FALQUETTE: Anyone else? Alright, next person that would like to speak on this rezone petition. I saw people come in late, that's why I'm hesitating a minute. You sir, you can come up, state your name and let us have your opinion.

MARLON CRAYTON: My name is Marlon Crayton. I stay at 106 West Prospect Street, across from where they tore the school down. I do renovations. I did it on a lot of his properties. I walk from Prospect to Diamond Street to go to the store every day. I don't go around the corner to the other stores, because there is trouble around there on Lexington Avenue. But I walk down there every day. My Mom and them, they said why don't we open it? And I said that we had to go through zoning permits first. Lot of people, that live around there, we know everybody. We, it's like a knit family. We know our neighbors. We look out for each other down there. It's a lot convenient, instead of like walking up to Duke and Duchess paying almost \$10.00 for a gallon of milk, then to go right down the street and pay like \$5.00 for a gallon of milk. A lot of us don't got cars, so we walk everywhere. And, it is just more convenient for us to just go right there. That's the only reason why we want the store there. Instead of walking, going all the way to Lexington Avenue Kroger's.

PRESIDENT PRO-TEMPE FALQUETTE: Any questions from council for this gentleman?

ANTOINETTE DALEY: The store that has been open, it's not a convenient store, it's a vape store. I think that's an issue.

MARLON CRAYTON: I mean, it got vapes in there. But it also got, like, milk, snacks, pop tarts like the boxes. You can go get bread, baking soda, flour and all of that in that store.

ANTOINETTE DALEY: I think that's an issue. Thank you.

PRESIDENT PRO-TEMPE FALQUETTE: Thank you Sir. I appreciate it. Anybody else wishing to speak on 459 South Main Street Zoning Petition?

MAYOR JODIE PERRY: Mr. President, can I ask Director Ackerman a question? So, I know it was referenced earlier about the grandfathering. And that was some of the conversation that happened at Planning Commission. Can you just explain the timeframe of, like how long things are grandfathered in relative to this? And then, were the permits pulled before the work begin?

DIRECTOR ADRIAN ACKERMAN: Sure, so in this case along Main Street you will notice there are several small businesses there. When that was all rezoned, those businesses have maintained a business status that entire time. This property was vacant for more than two years meaning it reverts back to the zoning that was placed there when that was all changed. So, while it was a commercial structure previously, it had been too long since it had been used for that to just be allowed to operate again. Now, with the permits, we were notified that there was work going on at that location. We did make contact with the owner. At that time, there were no permits. We did work with him to get those all put together.

The ATM, yes was a separate issue. That showed up and we were like, “Hey, we need to know about that as well.” He has worked with us to get everything appropriately done and compliant.

PRESIDENT PRO-TEMPE FALQUETTE: So, are we in compliance?

DIRECTOR ADRIAN ACKERMAN: We are now. We were not initially. But we are now. As far as building code goes. He’s changed it to building code, however the business cannot operate without a complete rezone.

PRESIDENT PRO-TEMPE FALQUETTE: Ok. Mrs. Burns.

LAURA BURNS: So, if this property reverted then to a residential, and we don’t ... this is a business, can this be converted to a home?

DIRECTOR ADRIAN ACKERMAN: It is attached to a home.

LAURA BURNS: It is attached. Ok. So, we could still use the building. It wouldn’t just sit there empty. But I recognize it has been. Like we could do something with the building.

DIRECTOR ADRIAN ACKERMAN: Something could be done there, but it would have to be liable under multi-family.

LAURA BURNS: Ok. Thank you.

PRESIDENT PRO-TEMPE FALQUETTE: Any other questions for Director Ackerman?

ANTOINETTE DALEY: Do you know what type of business was there before?

DIRECTOR ACKERMAN: Last, I believe it would have been an antique shop, but that has been quite a few years ago.

PRESIDENT PRO-TEMPE FALQUETTE: I guess right now, where we’re at, this was denied at the City Planning Commission. And this is the next step. We can either agree or disagree with City Planning Commission. Ok, does council have any questions on this? Mr. Diaz, was that a hand?

AURELIO DIAZ: So, the zoning committee, planning commission has approved.

DIRECTOR ADRIAN ACKERMAN: They have denied. This is essentially the appeal, the last next step. They are appealing the Planning Commission’s decision by coming to you for that rezoning.

CHAUDRY ISHTAQ: May I speak on the denial?

PRESIDENT PRO-TEMPE FALQUETTE: You own the place. I’ll let you have a rebuttal really quick.

CHAUDRY ISHTAQ: Yes, the Planning Commission did deny. Their concern was traffic. And I explained to them that we were focused on pedestrian customers, like walking customers mostly. And if they do have cars and stuff, I do have plenty of lot in the back. I’m looking to buy the lot next to us too. So, if we do have customers that want to drive up there and walk in there, it won’t cause any trouble on Main Street. I know Main Street is pretty narrow and congested already, but I am a part of that neighborhood, I’m a part of that community, I don’t want to be stuck in that traffic either. So, I will

personally make sure signs... like I said, all regular customers, they know. I'll tell them one time, "Hey, we park in the back." They will be like alright. If there is a problem, we can always address it down the road, like too many cars on the road and stuff like that. But, I don't think it will be. I guess as far as the community goes, I guess.

MAYOR JODIE PERRY: Can I just ... I mean traffic was an issue, but also the spot zoning. Really, I believe, per the conversation that was had at Planning Commission is really the ultimate issue. That is really the concern there. That it would be a B-1 in the middle of residential and that is not in line with zoning code. I just wanted to note that.

PRESIDENT PRO-TEMPE FALQUETTE: Thank you Madam Mayor. Anything else? Alright, thank you very much. We'll now close the hearing on 459 South Main Street. We now have the hearing. This is separate, the P.U.D. Alright, let's continue with that. Miss. Ackerman, would you like to introduce that so we understand what we are talking about here.

DIRECTOR ADRIAN ACKERMAN: Sure. So, this is a little bit different. This is a Planned Unit Development (P.U.D.). So, this location is right off of Brushwood. It was previously platted lots from an older developer years ago that was approved. We have worked through those issues as far as the lot sizes not meeting current zoning and things like that. The developer, however, is in a R-1, which only allows for single-family homes. While there are a significant number of single-family homes intended to be developed in that location, would also like to build duplex unit townhomes as well. Due to the fact that it is an R-1 and a rezone of any other sort, would create an island. We are requesting this as a Planned Unit Development (PUD) which gives them a little bit more freedom as far as the types of units that they put in there, providing they are all residential. This one was actually approved by City Planning Commission.

PRESIDENT PRO-TEMPE FALQUETTE: Questions from council. Mr. Diaz.

AURELIO DIAZ: Are we permitted to ask who the developer is? Is that private?

WILLIAM BARBER: How's it going everybody? William Barber, with Lude Development Group.

PRESIDENT PRO-TEMPE FALQUETTE: So, do we have questions for him?

AURELIO DIAZ: I did not. I am sorry, Mr. Barber.

WILLIAM BARBER: That's alright. This looked fun to come up here anyway.

AURELIO DIAZ: I didn't have anything specific for you, I guess. Give you a compliment. We know that housing has been a huge epidemic and even though I wasn't a big fan of the Fourth Street developments, you've done a great job city wide with what you have done. And I love what you are doing. I think there's a big need for it. And I think you came in our community, asking questions, and reaching out to people, and being really open to hearing people's criticism and praise. And, I want to thank you for that, and I think your doing a great job.

WILLIAM BARBER: Awesome. Thank you.

PRESIDENT PRO-TEMPE FALQUETTE: Yes, Miss Daley.

ANTOINETTE DALEY: So, the Fourth Street development, that is yours?

WILLIAM BARBER: It is.

ANTOINETTE DALEY: So, I live on Benton Street. And, what I notice, is those houses are so close to the main road. Is that how your gonna do the next one?

WILLIAM BARER: No. To answer that, so the Fourth Street project, it was a bit of a pain for me as well. Just to note that. There was a couple of different zoning requirements that were in effect for that project. This one, however, every build is set to the current setbacks for R-1, intentionally so we don't have another issue like that. There the rear yard setbacks, front yard setbacks, side yard. So, its exactly how it should be in the zoning, except for R-1.

ANTOINETTE DALEY: Because I know of the city, Euclid. They have a dimension where you cannot go ten feet from the road. And, I noticed that there it was not. So, I'm not sure about Mansfield, if they had something similar. I was too sure, but when I saw it, I said their back is not, and that hopefully there would be a fence there to give them some privacy or something.

WILLIAM BARBER: On Fourth Street?

ANTOINETTE DALEY: Yeah.

WILLIAM BARBER: Yes, absolutely.

DIRECTOR ADRIAN ACKERMAN: And I will address a little bit of the Fourth Street. Some of that was actually the building department's internal error as far as setbacks and things like that. So, that's not completely on William for that. But that was something that we can significantly can learn from.

WILLIAM BARBER: That won't happen again. *(laughter)*

PRESIDENT PRO-TEMPE FALQUETTE: More questions for the developer? Alright, anyone in the audience that would like to address the Brushwood Development? Alright. Thank you. Now, Public Hearing, that one's closed.

(Closed – 7:03pm)

Delaine Weiner
Clerk of Council

David Falquette
President Pro-Tempe