

City Planning Commission

Erie, Pennsylvania

April 19, 2011

-Minutes-

MEMBERS OF THE CITY PLANNING COMMISSION:

The regular meeting of the City Planning Commission was held on Tuesday, April 19, 2011 at **1:00 pm** in Room 500, Municipal Building, 626 State Street.

1. *Roll Call*

Members Present: Gary Antalek, David Brennan, Daniel Collins, Nedra Lehrian, Gary Ravetto

Members Absent: None

2. *Approval of the January 18, 2011 regular meeting minutes of the City Planning Commission as received.*

On a motion by **Mr. Brennan**, seconded by **Ms. Lehrian**, the January 2011 meeting minutes were unanimously approved.

3. *After a successful petition to City Council, the Commission reviewed a rezoning request submitted by Carla Ihli and John Higham, owners of 1405-1415 East Lake Road, to change the zoning from RLB [Residential Limited Business] to C-2 [General Business District].*

Ms. Ihli and Mr. Higham were present to explain the request. Their property on East Lake Road has several commercial uses: a karate studio, a pest control business, and a tattoo shop. Last summer, they were contacted by the City of Erie zoning office for having a tattoo shop in the wrong zoning district. Tattoo shops are only allowed in C-2; this property is RLB. In August of 2010, this matter went before the Zoning Hearing Board for use variance to continue operations and the request was denied 4 to 1. Ms. Ihli and Mr. Higham have submitted an appeal of the decision to the Court of Common Pleas.

They are also pursuing rezoning because they believe it would be a cleaner fix and that C-2 would be appropriate for the area. They have been considered a plaza by the state and many of their neighbors along East Lake Road are other commercial businesses. These include beauty shops, restaurants, the Boys & Girls Club, and a GECAC school. The petition submitted to City Council to initiate this process that included signatures of

more than the required 51% of nearby property owners. This and a petition submitted to the ZHB indicate considerable neighborhood support.

The Commission asked questions about the history of the zoning change and learned that in 2000, tattoo shops appeared on their own, separated out from the previous umbrella of “personal services.” They inquired why the ZHB voted against the project, with the primary reason being the Board thought the best course of action at the time was to deny the variances and have Council instead change the law (Ms. Ihli & Mr. Higham were one of several tattoo shop appellants at that August meeting). The Council liked the law as it was and chose not to change it.

Members of the Commission all expressed their concern that the proposed rezoning would be a spot zoning and that they were very reluctant to engage in such a practice. Mr. Ravetto did note the presence of other uses that were non-conforming to RLB and appropriate to C-2, but overall the Commission felt the change would allow for too heavy and intensive uses for the neighborhood.

On a motion by **Mr. Antalek**, seconded by **Mr. Ravetto**, the Commission recommended that City Council deny the rezoning request, by a 4 to 1 vote.

4. *At the request of City Council, the Planning Commission reviewed the closing and vacating of the western portion of a paper alley located between East 13th and East 14th Street between French and Holland Streets.*

Attorney Jay Alberstadt was present to explain the request. The alley in the above location is 315 feet in length in an east to west direction. Most of it currently sits under buildings that are part of the Lovell Place complex. When Mr. Rick Griffith, a client of Attorney Alberstadt’s, purchased this property, title searches revealed that there was no record of a full closure. Attorney Alberstadt presented an ordinance from 1975 that showed a partial closure to the east and his best guess as to why things are as present is simply that a mistake was made. Mr. Griffith seeks to resolve this discrepancy and go through with an official closing.

Both then and now, various entities with potential interest in the alley such as the Fire Department, electric utilities, and so forth were contacted. None have any objections. In practice, the alley has been treated as closed, even though technically this is not the case.

On a motion by **Mr. Antalek**, seconded by **Ms. Lehrian**, the Commission unanimously recommended that City Council approve the vacating of the alley.

5. *On the initiative of City council, the Commission reviewed a rezoning request by Lake Erie College of Osteopathic Medicine, owners of property located 1850 West Grandview Blvd, to change the zoning from R-1 [Low Density Residential] to RLB [Residential Limited Business].*

Attorney Michael Visnosky was present to explain the request. He serves as both legal representation for LECOM and Chairman of its board. The property in question is envisioned as the site for a future dental school. The parcel is 12.6 acres and LECOM

hopes to put a \$45 million building on it. With the large size of the lot, it will not be an issue to meet parking, height, coverage, and setback requirements.

Attorney Visnosky listed numerous details and benefits of the project. LECOM sees this expansion as a good fit to their mission to train healthcare professionals that can serve the communities. There is a need for dentists throughout Erie County and the surrounding counties, and part of the program will be to run a clinic that gives the underserved dental care. The existing bus service on Grandview makes this an accessible location.

The building will look similar to other LECOM buildings, giving the campus a unified aesthetic. The construction should create at least 250 jobs, utilize materials from at least 250 suppliers and then create at least 30 permanent jobs to run the facility. LECOM has the Mayor's support for the project and has an agreement with the city to improve intersections and roadways in the vicinity of the property.

Mr. Antalek wanted to know about any support from the residential neighbors across Ellsworth to the east and asked why not just keep the zoning and get a special exception within in R-1 for the expansion. Attorney Visnosky said that LECOM's sister organization MCH owns many of the homes and there have not been an strong complaints to their objective, which has been discussed and publicized in various forums over the past few months. Attorney Visnosky also believes the RLB zoning will be more conducive to the use and that it would not be spot zoning, but rather removal of spot zoning since the properties adjacent going west are all RLB.

On a motion by **Mr. Antalek**, seconded by **Ms. Lehrian**, the Commission unanimously recommended that the City Council approve the rezoning.

6. *The Commission reviewed a subdivision request made by John and Nancy Miles for parcel 3023-202 on the South East corner of 12th and Walnut.*

Tony Luciano of Sanford Surveying & Engineering was present to explain the request on behalf of the property owners. The lot is currently zoned M-2 and measures 145' by 145'. The owners seek to divide it into two parcels, parcel A to be 68' by 145' and parcel B to be 77' by 145'. Both would meet all requirements of the Subdivision and Land Development Ordinance and the proposed subdivision creates no zoning issues.

On a motion by **Mr. Antalek**, seconded by **Mr. Brennan**, the Commission unanimously approved the request.

7. *With all business complete, on a motion by **Mr. Antalek**, seconded by **Mr. Brennan**, the Commission adjourned at 2:00 PM.*