

# City Planning Commission

Erie, Pennsylvania

December 18, 2018

## -Minutes-

The regular meeting of the City Planning Commission was held Tuesday, December 18, 2018 at 1:00 pm in Room 500 of the City of Erie Municipal Building, 626 State Street, Erie PA.

1. *Call to Order / Roll Call*

Member Name	Present	Absent
Thomas Dworzanski, Chair	X	
Don Marinelli, Vice-Chair	X	
Armand Chimenti	X	
Mark Kloecker	X	
Richard Speicher	X	

Five of five members present; quorum achieved

2. *Approval of the November 20, 2018 meeting minutes.* On a motion by Mr. Kloecker, seconded by Mr. Dworzanski, the Planning Commission voted unanimously to approve the November 20, 2018 meeting minutes as received.

3. *Review of a request submitted by MacDonald Illig Jones and Britton LLP representing Chiari Endeavors, LLC, to vacate unimproved alleyways bisecting a 1.53 acre site of vacant land located at the southwest corner of West 5<sup>th</sup> Street and Cranberry Street.*

Jack Mehler, MacDonald Illig Jones and Britton LLP, and Domenico Chiariello, Chiari Endeavors, LLC, were present to explain the alley vacation request. Mr. Mehler stated that the alleys being vacated bisect three properties, all owned by Chiari Endeavors, LLC. He also noted that the alley rights-of-ways were unimproved, located in a wooded area, and served no access function. Mr. Chiariello indicated that the alley vacation will enable them to combine the three lots into one parcel which will allow for the construction of a proposed mixed use building and associated site improvements.

Mr. Welsh indicated that a notification of the proposed alley vacation was sent to all potentially affected public utility and infrastructure owners requesting any comments or concerns with the proposed vacation. Responses were received from the City Engineer's office, Verizon, Velocity Net, CenturyLink indicating there were no impacts or concerns. The Erie Water Works response identified an existing water line & easement on the western boundary of the affected properties. Mr. Mehler indicated that the line/easement has already been identified on the site plan for the property and will not

be impacted by the proposed new development. The proposed alley vacation is consistent with the Erie City Comprehensive Plan, which recommends productive reuse of empty or underutilized spaces, in this case accommodating the proposed building construction.

On a motion by Mr. Speicher, seconded by Mr. Kloecker, after consideration of the above factors and all input received, the Planning Commission unanimously recommended approval of the proposed alley vacation.

4. *Review of a request submitted by MacDonald Illig Jones and Britton LLP representing Chiari Endeavors, LLC, to rezone three parcels [Index Nos: 17-41-02-101, 105 and 114] located at the southwest corner of West 5<sup>th</sup> Street and Cranberry Street from R-3 High Density Residential to C-1 Local Commercial.*

Jack Mehler, MacDonald Illig Jones and Britton LLP, and Domenico Chiariello, Chiari Endeavors, LLC, were present to explain the rezoning request. Mr. Mehler stated that the area proposed for rezoning consists of three parcels, all owned by Chiari Endeavors, LLC. The intention of the property owner is to combine the three lots into one parcel, which will be large enough to allow for the construction of a proposed mixed-use building and associated site improvements. The rezoning request from R-3 High Density Residential to C-1 Local Commercial would allow for all the desired proposed uses of the new building, which would include multiple residential units, business and/or professional offices, and possibly limited retail and/or eating and drinking establishments. The current R-3 zoning does not allow for any of the desired non-residential uses.

Mr. Chiariello provided a presentation illustrating the proposed development plan for the property. A single, four-story building is proposed that would include two floors of commercial uses [1<sup>st</sup> & 2<sup>nd</sup> floors] and two floors of residential apartments [3<sup>rd</sup> & 4<sup>th</sup> floors]. The required off-street parking for the proposed uses would be located on site adjacent to the building and under the building. Several illustrations showing the conceptual design of the building and site, and descriptions of the possible commercial uses were presented.

Mr. Chiariello indicated that a comprehensive review of the City's zoning ordinance was done to determine the possible development scenarios of the property based on the R-3, RLB [Residential Limited Business] and C-1 zoning district regulations. The current R-3 zoning essentially allows for residential uses only; market analysis indicated that a multiple family dwelling development was not financially viable. The proposed C-1 zoning would allow for multiple family dwellings and also various commercial uses, including offices, limited retail, and eating and drinking establishments, which in combination with the residential component, would be a financially viable development. The RLB zoning regulations would also allow for the proposed mixed-use development of the site, but full development as proposed would be limited by restrictions on building height and the absence of limited retail business, and eating and drinking establishment as permitted uses.

Discussion followed regarding the differences in potential uses and development of the site based on rezoning to C-1. Mr. Welsh explained the differences between the permitted uses in the R-3, C-1 and RLB zoning districts, highlighting the differences between permitted commercial uses in the C-1 and RLB districts. He noted that most of the permitted commercial uses are the same for both districts, but there are uses permitted in C-1 that are not permitted in RLB; the Eating and Drinking Establishment and Limited Retail Business uses that are desired by the property owner, and other more intensive uses including Automobile Sales and Gasoline Service Stations. The owner indicated he was not interested in pursuing those other uses, his development proposal only involves multiple residential units, business and/or professional offices, and possibly limited retail and/or eating and drinking establishments.

It was pointed out that once a property is re-zoned all applicable provisions of that zoning district are in effect, including all permitted uses. The rezoning runs with the land and not the property owner; so even if the current owner intends one development scenario, other permitted uses could still be pursued in the future. The planning commission questioned if any additional stipulations or restrictions could be attached to a rezoning approval that would limit the future use of property to exclude certain uses listed as permitted for the zoning district. Mr. Welsh commented that a municipal Zoning Hearing Board can attach conditions to a specific variance request, but didn't believe it was permitted under the Municipalities Planning Code for a rezoning request approval. He suggested and offered to contact the solicitor's office to pose the question and confirm whether or not City Council has that authority.

On a motion by Mr. Speicher, seconded by Mr. Marinelli, the Planning Commission voted unanimously to table the proposed rezoning recommendation pending consultation with the solicitor's office regarding placing conditions on a rezoning approval.

5. *Being no further business; the meeting adjourned.*