

City Planning Commission

Erie, Pennsylvania

January 15, 2019

-Minutes-

The regular meeting of the City Planning Commission was held Tuesday, January 15, 2019 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
Mark Kloecker, Chair	X	
Richard Speicher, Vice-Chair	X	
Armand Chimenti	X	
Vacant		X
Vacant		X

Three of five members present; quorum achieved

2. Election of 2019 Planning Commission Officers.

A motion was made by Mr. Chimenti, and seconded by Mr. Speicher, to nominate Mark Kloecker as 2019 Chair of the Planning Commission. The Planning Commission voted unanimously to approve the nomination.

A motion was made by Mr. Chimenti, and seconded by Mr. Kloecker, to nominate Richard Speicher as 2019 Vice-Chair of the Planning Commission. The Planning Commission voted unanimously to approve the nomination.

3. Approval of the December 18, 2018 meeting minutes. On a motion by Mr. Speicher, seconded by Mr. Kloecker, the Planning Commission voted unanimously to approve the meeting minutes as received.

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 5th Street and Cranberry Street from R-3 High Density Residential to C-1 Local Commercial.

Mr. Welsh restated the nature of the rezoning request and provided follow up comments on the outstanding questions from the previous planning commission meeting. He indicated that the solicitor's office was contacted to discuss whether City

Council has the authority to attach any conditions to a rezoning approval, such as limiting the use of property to exclude certain uses listed as permitted for the zoning district. The City Solicitor confirmed the Municipalities Planning Code does not authorize that. Placing additional conditions on a land use approval is only permitted to be done by the zoning hearing board as part of a variance request approval, or by the governing body as part of a conditional use approval. Neither of these scenarios apply to a rezoning request. When a property is rezoned, all applicable provisions of the zoning ordinance for that zoning district are in effect; no additional conditions or restrictions may be applied to only the rezoned property.

Mr. Welsh also noted that the solicitor agreed that the Planning Commission can also recommend and City Council adopt additional amendments to the zoning ordinance in conjunction with a rezoning recommendation, such as modifying the permitted uses and/or lot & yard requirements for a zoning district – those recommendations would then apply to the entire zoning district once adopted.

Jack Mehler, MacDonald Illig Jones and Britton LLP, and Domenico Chiariello, Chiari Endeavors, LLC, were present to answer any additional questions regarding the rezoning request. Mr. Mehler reiterated that the intention of the property owner is to combine the three existing lots into one parcel after the alleyway vacation occurs, 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 also limited retail and/or an eating and drinking establishment, such as café or restaurant. The current R-3 zoning does not allow for any of the desired non-residential uses.

Mr. Chiariello reiterated that he conducted an extensive review of the City's zoning ordinance to determine the possible development scenarios of the property based on the R-3, RLB [Residential Limited Business] and C-1 zoning district regulations. Discussion followed regarding the differences in potential uses and development of the site based on rezoning to C-1, including discussion of the differences between the permitted uses in the R-3, C-1 and RLB zoning districts, and the differences between permitted commercial uses in the C-1 and RLB districts.

It was restated that most of the permitted commercial uses are the same for both districts, there are commercial uses permitted in C-1 that are not permitted in RLB; such as 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 restated he was not interested in pursuing those other uses, his development proposal only involves multiple residential units, business and/or professional offices, and the limited retail and/or eating and drinking establishments.

Commission members restated previous concerns over the original request to rezone the properties to C-1, citing the aforementioned auto-related permitted uses as potentially incompatible with the adjacent neighborhood. Mr. Welsh provided a letter from the Mayor's office to the planning commission, which indicated strong support for the proposed project, and deferred to the commission to determine the most appropriate recommended actions. After further discussion of sound land use planning practices, possible options, and in consideration of all comments heard and those received from the Solicitor and Mayor's office, the planning commission proposed the following amendments to the City of Erie Zoning Ordinance in response to the rezoning request:

A motion was made by Mr. Speicher and seconded by Mr. Kloecker to recommend amending Section 204.14 RLB RESIDENTIAL LIMITED BUSINESS USE DISTRICT to add 'Eating and Drinking Establishment' and 'Limited Retail Business' uses to the Permitted Uses list, and to amend Section 205 LOT, YARD AND HEIGHT REQUIREMENTS to increase the Maximum Height of Structure (Feet) from 35 to 45 in the RLB Use District. The Planning Commission voted unanimously to approve the proposed amendments to the RLB district regulations and recommend adoption to Council.

A subsequent motion was made by Mr. Kloecker and seconded by Mr. Speicher to recommend rezoning the three properties from R-3 High Density Residential to RLB Residential Limited Business as amended. The Planning Commission voted unanimously to approve the proposed rezoning to RLB and recommend adoption to Council.

Mr. Welsh indicated the planning commission recommendations would be prepared and formally submitted to City Council for their consideration.

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