

THE CITY OF STREETSBORO, OHIO

SPECIAL SERVICE COMMITTEE MEETING MINUTES

Monday, December 19, 2022

This Special Service Committee Meeting was called to order on Monday, December 19, 2022 at 7:00 p.m. by Mike Lampa, Vice Chairman. Mr. Michniak gave an invocation and Mayor Broska led the Pledge of Allegiance.

PRESENT: Mike Lampa, Justin Ring, Jon Hannan, Anthony Lombardo, Jennifer Wagner, Steve Michniak

ABSENT: Julie Field

ALSO PRESENT: Glenn Broska, Mayor
Frank Beni, Law Director
Patricia Wain, Police Chief
Kevin Grimm, Fire Captain
Matt Miller, Finance Director
Bill Miller, Service Director
Justin Czekaj, Municipal Engineer
John Cieszkowski, Planning Director
Patrick O'Malia, Economic Development Director
Greg Mytinger, Parks and Recreation Director
Shawna Lockhart-Reese, HR Manager
Melissa Procop, Mayor's Executive Assistant
Matt Coffman, IT Network Administrator
Caroline Kremer, Clerk of Council

MOTION: TO EXCUSE MRS. FIELD.

Moved by Mr. Ring, seconded by Mr. Lombardo. Upon voice vote, **motion carried.**

Special Business

T-7346 Set A Temporary Moratorium on Hotels, Motels, Car Washes and Large Warehouses

Mayor Broska asked Council to amend the proposed ordinance to exclude the 150,000 square feet and larger warehouses from the temporary moratorium. It was explained that a warehouse could be a principal use or an accessory use. Mr. Cieszkowski said some codes would allow a certain percentage of a building to be an accessory use to the principal use, some codes did not name a percentage, and Streetsboro's code did not have a percentage limitation. After some further review the administration found that Streetsboro had occupancies that were more warehouses than manufacturing, i.e., L'Oréal which employed about 190 people. If the City put a moratorium on 150,000 square feet and larger warehouses, it would prevent a L'Oréal type business, which is not what the City wanted to do. Step 2 also had more warehouse space than manufacturing space and Step 2 was Streetsboro's biggest employer. So, after further consideration, he asked Council to

remove “warehouses in excess of 150,000 square feet of usable area” from the ordinance, although he was still in favor of a moratorium on hotels, motels and car washes and asked for the legislation to move forward as suggested.

Mr. Lampa asked if the Planning and Zoning Commission had much discussion about the warehouses. Mr. Cieszkowski said there was very minimal if any conversation about this proposed legislation; it was passed as presented.

Mr. Ring asked why this moratorium proposal was limited to hotels, motels and car washes. Why not included chicken restaurants, pizza joints, Chinese food restaurants? He wondered why the government wanted to limit who would invest in Streetsboro. He understood there were a lot of hotels and car washes in town, but he was a believer of capitalism and the free market which would dictate what business would succeed. Mr. Ring knew there were a lot of car washes in town and more were proposed, but he was on the fence regarding this proposed ordinance.

Mayor Broska said that was the point. He felt certain there would not be 10 hotels in town if they were not built during the time of Geauga Lake and Sea World. He said his biggest concern with so many hotels in town was that there was evidence of some of them turning into a “Palms Motel” where they become a permanent resident for people. The safety forces had responded to more than a few of the hotels for drug overdoses, smoking in the rooms when they were not supposed to, and at least one suicide. If these hotels could not attract the travelers as some of the nicer ones would, this was what they could turn into, and there would be more hotels like the “Palms Motel.” He would rather limit the number of hotels in the City in order to keep the competition so they would appeal to the travelling public and not have to reduce their rates and go to monthly rentals.

Mayor Broska said currently there were four car washes in town and there was a very low return on investment because they only had a few employees, whereas the chicken restaurants had 30-40 employees. He said some old buildings along SR 14 had been torn down and replaced and now the land along SR 14 was becoming more valuable. He observed there were also many places in town with burgers. Mr. Ring said, that was his point; he felt the administration was randomly picking and choosing car washes and hotels when there were a lot more of other types of common businesses. Mr. Ring thought if the City wanted to change the zoning so car washes and hotels/motels were not a right of use, that could go to the voters, but for the City to just step in and stop people from investing in a business because the City already had a few in town, he didn’t feel that was the role of government.

Mayor Broska said the size of lots that car washes were using was the perfect size of a lot for sit down restaurants, which the citizens have said they wanted in town. He realized that 6 million cars go through Streetsboro every year and although there are several car washes on SR 14 each one usually had a line of cars. Mayor Broska was concerned the car washes would become like the hotels where it would reach a saturation level and instead of just one going out of business, several would go out of business; that was part of the thought process behind the proposal of this moratorium. He emphasized that it was a moratorium for a limited time of one year, not a permanent ban. If the survey results would indicate the City should have X number of car washes because of 6 million cars going through town, that would give the City something to work with.

Mayor Broska felt a moratorium should be put in place to give the City time to study those two particular things. Mayor Broska mentioned that Streetsboro used to be a popular place for self-storage businesses, and the City ended up having to do a zoning text amendment to take self-storage out of the Code.

Mr. Ring had a hard time specifying certain businesses. He said if the City wanted to do a moratorium on any new construction in the Business District until the study results were available, he felt that would be more appropriate, but Mayor Broska did not want to do that.

Mr. Lampa asked what exactly the study would evaluate and what results were expected. Mr. O'Malia said the residential market gap analysis should make a determination, based on the purchasing power of the existing market place and the retail trade area, as to what Streetsboro could potentially support. It was noted that Streetsboro did not have a sit-down Italian restaurant or a sit-down BBQ place, or a sit-down seafood restaurant and there may be a market demand for that. Mr. O'Malia would use the unbiased study information and their models to be able to tell developers what their potential sales in those areas might be. Mayor Broska added that the data information would be very up to date, because a lot of the data developers were currently using was not up to date and did not put Streetsboro in a favorable light. Streetsboro was not the same City it was even 10 years ago. Streetsboro had never done a market study.

Mr. Michniak said under the existing Code developers could put up more hotels or car washes all in a row if they wanted; it was currently allowed, so he was supportive of trying to avoid something like that, but he was concerned about any possible litigation. He wondered if there was any case law in a referendum zoning city like Streetsboro that said zoning changes had to go to the people, regarding a claim of trying to go around that referendum with a moratorium. He didn't say Streetsboro was doing that, but wondered if there had been any such challenges in other cities claiming that the city was changing its zoning code for a designated period of time. Mr. Cieszkowski responded that there were two things that triggered a referendum vote in Streetsboro: a change to the zoning map or a change to density. A change to the list of uses in a particular Zoning District did not trigger either of those and therefore would not be subject to referendum. Mr. Michniak clarified that after the study, if the City decided it no longer wanted any more hotels/motels or car washes in those zoning districts, the Council and Planning Commission could take them out of permitted uses without a vote of the citizens. Mr. Cieszkowski added that the reason the City was undertaking the market analysis was, in part, to educate those changes to the Zoning Code; so, the administration wanted the moratorium in place to allow time for the market analysis to be undertaken and finished, to get the results and have the results analyzed and to make the appropriate or necessary changes to the Zoning Code.

Mr. Michniak wonder if there had ever been a legal challenge on doing a moratorium on specific uses instead of all uses/all new development. Mr. Cieszkowski did not know the answer to the question but the last time Streetsboro imposed a moratorium it was for medical marijuana uses to allow the City time to study the issue and understand what the State was going to authorize and to get ready to enact regulations based upon the State's statutes. Since the Planning Commission and Council had the authority to remove permitted uses from zoning districts without a vote of the citizens, Mr. Michniak wondered if it would be easier to do that and then add them back as permitted

uses if the study results indicated that was appropriate instead of doing a moratorium on just a couple select uses and avoid any challenges to a moratorium. Mr. Cieszkowski responded that the market analysis study would lend some bit of scientific analysis to the decision of uses that were permitted or not permitted within a zoning district, so as to defend against an arbitrary or capricious challenge to a zoning change. So, the moratorium would be put in place to allow the study to be completed and give time to analyze the study and then make changes based upon those results.

Mr. Michniak noted that the language of the ordinance indicated the City anticipated making zoning changes after the study; he wondered if the City was anticipating making significant zoning changes where the current car washes and hotels/motels were, or would it just be permitted use changes. Mr. Cieszkowski answered the permitted uses would be the biggest changes, but the thought was to have the results and the process undertaken through the market analysis as a defensible justification for making the changes to the zoning code. Mr. Michniak understood and felt that was a smart play; he was just trying to protect the City regarding why it was doing one thing and not another.

Mr. Michniak asked if any current land owners had informally approached the City in anticipation of a new hotel/motel or car wash (not actually filed an application) that could raise a claim of “damage” from a moratorium being imposed. Mr. Cieszkowski said he had not had any conversations and he was not aware of any application that was getting ready to be formally submitted for either of those two uses. He had worked with an applicant for a car wash that had already gone through Planning Commission and an applicant for a hotel that had already gone through Planning Commission; and the legislation was written so this moratorium would not affect any uses that had already gone through and received initial Planning Commission approval. Mr. Cieszkowski added that moratoriums could not be open-ended, so this one was listed with a one-year time frame because the consultant that was undertaking the market analysis had indicated the study would take about six months to complete and then the City would still need time to review the analysis and time to go through Planning Commission and City Council with any zoning text changes.

Mr. Cieszkowski clarified that any applicant that had already gone through the Planning Commission and decided to make any minor changes to their site, then the moratorium would not apply to them. The moratorium would apply to new applications or new zoning approvals; the legislation was written with sensitivity to the two applicants that had already gone through Planning Commission and had a reasonable expectation that they would be able to move forward.

Mr. Hannan understood the desire for this moratorium and was supportive, but was a little frustrated because he felt maybe it should have been done earlier when Mr. Lampa mentioned the issue of multiple car washes and hotels when he first joined City Council. Since then, the City has had a sit down restaurant torn down to build a car wash, and maybe that could have been prevented if this moratorium had been proposed earlier. Mr. Hannan also wondered if this moratorium at this time might be pointless because the property along SR 14 (as was mentioned earlier) was becoming limited and more valuable, and were there actually a lot of people that would come to town to put up car washes and hotels? He agreed he didn't really want more car washes in town, but he also agreed with Mr. Ring that if someone felt they could make money and wanted to buy property to put up a business, then so be it. Mr. Hannan said the study would take about six months so maybe the moratorium should be for six months with the option to renew it because it would take 3 readings

plus 30 days for the moratorium to even take effect. The Law Department was still investigating if it could be done by emergency legislation. Mr. Lombardo thought the six-month time period was acceptable.

Mayor Broska asked that Council clarify and remove the “150,000 square feet and larger warehouses” from the moratorium legislation before it would possibly move on to first reading tonight.

MOTION: TO AMEND T-7346 TO REMOVE/DELETE ANY LANGUAGE IN THE DOCUMENT PLACING A MORATORIUM ON WAREHOUSES IN EXCESS OF 150,000 SQUARE FEET OF USABLE FLOOR AREA.

Moved by Mr. Michniak, seconded by Mr. Hannan. Upon voice vote, **motion carried.**

Mr. Hannan wondered what would happen if the results of the market analysis study indicated the City should have more hotels/motels and car washes. Mr. Cieszkowski said if the study results showed that the City needed those things, then they would not get removed from the zoning code. Mr. Michniak added that the City could still remove them from the code as permitted uses, but then someone who might challenge it would be armed with some data. Mr. Hannan noted that the Master Plan review would start soon and he was concerned if the data that was received might conflict with what the Master Plan had spelled out in the past. Mr. Cieszkowski said one reason the moratorium was set for one year was because the market analysis would take six months to complete, and during those six months the City would be in the process of a Master Plan update and could take into account the market analysis results and any possible resulting recommendations before completing the Master Plan update process. Mr. Hannan still supported a six-month moratorium time period.

MOTION: TO MOVE T-7346 TO TONIGHT’S REGULAR COUNCIL FOR FIRST READING AS AMENDED.

Moved by Mr. Hannan, seconded by Mr. Michniak. Upon voice vote, **motion carried.**

Announcements

There will be a Finance Committee Meeting immediately following this meeting.

There being no further business to be addressed by this Committee, and upon motion by Mr. Hannan, seconded by Mr. Lombardo, this meeting adjourned at 7:32 p.m.

ATTEST:

Caroline L. Kremer, Clerk of Council

Michael Lampa, Vice Chairman