

**CITY OF GERMANTOWN PLANNING COMMISSION
MINUTES OF MEETING HELD MAY 26, 2022**

The City of Germantown Planning Commission met via Zoom on May 26, 2022 at 7:03 p.m.

MEMBERS PRESENT:

The following members were present at the Call to Order: Mrs. Izor, Mr. Wisser, Mr. Rettich, and Mrs. Berry.

ALSO PRESENT:

Mr. Clay Alsip, owner of the Florentine; Ms. Kelli Novak, Clerk of Council; and Mr. Keith Brane, City Planner.

CONSIDER APPROVAL OF THE MINUTES OF THE MARCH 23, 2022 PLANNING COMMISSION MEETING:

On a motion by Mrs. Izor, seconded by Mr. Wisser, it was moved to approve the minutes of the March 23, 2022 meeting as written. On call of the roll: Mrs. Izor, yes; Mr. Wisser, yes; Mr. Rettich, yes; and Mrs. Berry, yes. Motion carried.

DISCUSSION – ALLEY VACATION REQUEST NEXT TO THE FLORENTINE RESTAURANT LOCATED AT 21 WEST MARKET STREET:

Chairman Izor asked Mr. Brane for a brief summary.

Mr. Brane said he could not summarize as this has been a discussion between the City Manager and Mr. Alsip. Chairman Izor asked if Ms. Novak had a summary. Ms. Novak said she agreed with Mr. Brane, the discussion has been between the City Manager and the owner of the Florentine.

Mr. Clay Alsip, Conservancy Road, Germantown, Ohio. I and my wife own the Florentine and I am here to ask the city to vacate the alley next to us so we can put in a patio. In this day and age everyone wants to be outside on a patio. I've had conversations back and forth with the City Manager and other people. The alley went straight through until 1920. I have a map of all the alleys that have been vacated in town off the hub and spoke. We are sitting in a building which an alley was vacated to build this building (current City Hall) in 1984. The hubs and spokes run north off Market Street and ran from Mulberry Street to Walnut Street and from Market Street to Warren Street.

The board asked to see the map which Mr. Alsip explained all of the alley vacations.

Mrs. Izor asked Mr. Brane to gather all the information/research and verify it is from all the right sources. Ms. Novak asked the information be sent to her and she will distribute it.

Mr. Alsip said the city hasn't maintained the alley; we have, including seal coating.

The board discussed the location of the alley. Mrs. Izor said they may be able to still put tables out. Mr. Alsip said I would only have 3 feet, 8 inches before it becomes public right of way.

Mrs. Berry said a survey would be helpful to determine if the map is correct.

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Mr. Rettich said it would deny the public access. Mrs. Izor said there is an alley behind it so it wouldn't be denying anyone access. Mr. Rettich said he is asking us to give him something but refusing to give us any information in order to do it. Mr. Alsip said I'm not refusing any information. You're asking for a survey and I can see that before it is vacated, but just for discussion, I can't see spending for a survey.

Mrs. Izor said every meeting she has been to there are drawings provided saying this where this is located and this is where we would like to put the patio which will be this size. Mr. Alsip said 15 feet by 55 feet.

The board discussed parking.

Mrs. Izor explained there is a process needed to present the project and move forward. Mr. Alsip asked what they would like him to do without getting a survey to submit this. Mrs. Izor said you will have to work with Mr. Brane. Mrs. Alsip said just tell us what you need.

Mr. Rettich said he would like to know how many tables they plan on putting out there, how many employees will be hired to cover the tables, the area, is it going to be level, is it going to be made out of wood, is there going to be a railing wrapped around it. As we are sitting here thinking about it there are more cons than pros, so I would love to see a list of things you think are going to help the city. I see more negative things that are going to happen.

Mrs. Alsip asked what; Mr. Rettich said I don't know how many houses have access off that alley. Mrs. Alsip said there are none; Mr. Rettich said there has to be people that use that alley; maybe a traffic study. We just need general, basic information. That's why we are here to talk about it. I would love for you to estimate how much revenue that would bring in. I see other downsides, you are running a bar that's probably going to be open until 2:30 a.m. Mrs. Alsip asked Mr. Rettich if he had ever been to the Florentine. Mr. Rettich said yes but he doesn't go out and drink; what time do you close. Mrs. Alsip said 9 or 10 p.m. Mr. Alsip said we've never had a rowdy crowd.

Mr. Rettich said I assume this is something you are only going to use 5 months out of the year. Is it going to be covered? Mr. Alsip said not in the beginning.

Mrs. Izor said there is a lot going on here and you do understand there are building code requirements. Mrs. Alsip said can you write all of this down and tell us what information you need. Mr. Rettich said I'm telling you right now. Mr. Brane will be our contact and I think he is writing this all down.

Mr. Alsip said in the beginning I didn't plan on putting any kind of fencing to separate it; I was going to make it portable tables. He displayed it to the board on his map.

Mrs. Izor said there are a lot of details to work out; like, can you serve alcohol outside on a patio? Mr. Rettich said I'm sure you can; I think there has to be some sort of painted line or something, it has to be marked.

The board discussed placement of the patio while looking at the map.

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Mr. Rettich said I need to understand this; the alley is still going to exist, you want us to trade 16 feet of the alley for 16 feet of parking. Mr. Alsip said yes but here's the problem with that; there is a street light so we would have to put this in the middle. There wouldn't be any parking. Mrs. Izor asked if the street light could be moved. Mr. Alsip said it could but he didn't want to spend that money. We've never had a patio that served food and drink in Germantown so we don't know if it is going to work or not.

Mrs. Izor said I understand this better now but we need a drawing; you might not even have a problem. Mr. Alsip said that's why I need you to vacate the alley because I'm going to have to put the alley in between it in order to get it in there and I'm also going to have to leave a little bit of the alley so semis can swing in there. Mrs. Izor said that is one of the concerns she has; first we are vacating public land; and two, I wouldn't like it if semi-trucks were being rerouted to drive by my house.

The board discussed the procedure. Mrs. Alsip said we can use the current plat map and draw something to scale but we don't want to spend the money on an engineer drawing, not even knowing if this will move forward, when I can do just fine.

Mr. Brane said to move forward the petitioner files a petition with the Clerk's office, the Council refers it to the Planning Commission, and the recommendation goes back to Council who has the final ruling. A plat of the area shall accompany the petition (we have to find out what that means), public notice for consideration to vacate has to run for six weeks and the petitioner pays for that advertising (we have to get an estimate on that for you), and you mentioned a light pole is there which indicates there is a utility easement which probably makes this a bigger deal than what we are thinking. So a petition will move it forward according to the Ohio Revised Code. I will need to talk with the City Manager, the Clerk, and the Public Service Operations Manager. A petition starts it and Council makes the decision; it's the in between stuff that is the devil in the details.

Mrs. Izor said I guess we're thinking this is not a petition to vacate but a petition to relocate. Mr. Brane said I haven't seen anything on it which is part of the problem, if the City Manager has paperwork we can look at that. On the other hand, send it in to us and we'll go from there. Mr. Alsip said I've asked for the paperwork three times and they told me I had to come here first.

Mr. Brane said you are here to informally discuss a project so you have some level of comfort to move forward. This is not a hearing, this is just an opportunity for you to introduce your project. We have to send out notice and there will be other people weighing in on whether this is vacated or not. It's not a thing to be done lightly; there has to be a compelling and overwhelming reason why right of way is given up and we need to make that compelling and overwhelming case to Council.

Ms. Novak asked what the next step is. Mr. Brane said that's the gray area, Germantown doesn't have a street/alley vacation procedure codified so we have to go by State law. I will have to research State law and since I am not an attorney, I have to make sure our Law Director agrees with what we are going to do. It sounds like there is support for the project so we'll move forward with it when the petitioner files a petition. I don't know what form that takes so I need to talk to Tom Schiff and coordinate with the City Manager who is out right now. I've never seen a drawing, so let's get me a drawing.

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Mrs. Izor asked if the Alsip's understood how complex this process is. Mrs. Alsip said it would have been really nice to know what information you wanted to see tonight and what the process is. Mrs. Izor said we don't even have a process and Mr. Brane has to refer to State law. Part of the process would be you getting a temperature check if this is something we would even consider and do you understand what you are getting involved in, it's not going to be easy.

Mr. Alsip said any change in this city is a process; other cities work very fast. This city is not business friendly. We knew it would be a process and we knew it would be a battle.

Mr. Brane said it starts with a petition and I need to see a drawing. Mr. Alsip asked Mr. Brane if he would get back to him after he talked with the City Manager, the Clerk, and the Law Director. Mr. Brane said absolutely.

Mr. Alsip said if there is not a form for a petition, I can make one up. Mr. Brane said I want to make sure I'm right for you guys. As I sit here and think, if you own both properties and there are no other properties involved, a petition could take the form of a simple letter of what you talked to the City Manager about. Not everybody is privy to what you and the City Manager talked about. So the swapping out and moving around and the vacation and stuff like that didn't make sense. It could be a letter or petition that you want to vacate the street for the following reasons, things like that. I was going to find out exactly what you needed but if you want to make something up it would probably be acceptable. I've never done a petition. That's where we are at; I don't think there is opposition, we just want to make sure we are telling you the right thing to do.

Ms. Novak said I, Mr. Brane, the Law Director, and the City Manager are going to have to discuss this so any information you can provide such as a map showing us where you intend to put it, diagrams, dimensions, anything would be helpful so we can all look at the same document while discussing it. I believe that's what the Planning Commission is also asking for. I think that is the first step because you are saying it is in your head but it's not in ours. To put it on paper would be very beneficial. Mr. Alsip said so I don't need a petition. Ms. Novak said I'm not trying to trump what Mr. Brane is saying, accompany it with that. I ask for this from everyone that has a project; there is a lot the team has to take into consideration to move forward with a project.

Mr. Alsip said petition and drawings; should I wait until somebody gets back with me? Mr. Rettich said I would get this together now. The more Mr. Brane knows, the more the law Director knows, and then if it's not sufficient Mr. Brane would let you know to keep the ball rolling.

ADJOURNMENT:

With no further discussion, the meeting adjourned at 8:05 p.m. All were in favor; none were opposed.

Whitney Izor
Chair, Planning Commission

Keith A. Brane
City Planner