

The Community Development Committee held a meeting on **Monday, May 13th, 2024** beginning at 6:00 P.M.

Committee Members Present:

CD: Chair Callahan, Mitchell, Schneider, Oswald
Finance: Chair Tollett, Davis, Schneider, Cerra, Siwierka
Utilities: Chair Mitchell, Davis, Oswald, Armstrong, Stewart
Absent: Lipian (Excused)

Administration and Department Heads Present: Mayor Brubaker, Law Dir Deery, Safety Service Dir Pyanowski, Finance Dir Pileski, Asst Finance Dir Farrell, Engineer Schneider, Building Official Farkas, CD Dir Scott, Public Works Supt Conner, Parks Dir Reardon

1. Approval of Community Development Mtg Minutes ~ April 29th, 2024.

Mr. Oswald moved and that was second by Mrs. Mitchell to approve these minutes.

MOTION CARRIES

2. The matter of Accepting the dedication of certain lands and right-of-way as provided in the Final Plat for Eaton Point Drive.

Referred by: Bob Acciarri, ABC Development

** Note: This matter was passed by Planning Commission in 2023.*

Bob Acciarri of ABC Development, 3955 Center Rd., Brunswick 44212.

Mr. Acciarri said this pertains to the roadway that services Aldi and Sheets. That roadway has been completed and is open and it's a 1.8-acre parcel.

Mr. Schneider asked if this is to approve the plats that go to the cul-de-sac to where the end of street is and no further?

Mr. Acciarri said that is correct and it's just for the roadway dedication. The plats have been approved and recorded this is for the final step.

Mr. Oswald asked Engineer Schneider if everything has been resolved in the intersection? Engineer Schneider said there are 2 things that need to be completed; a joint ceiling as well as the traffic markings, because they have already faded. And those are the responsibility of the developer. Engineer Schneider said those items shouldn't take time and they should get them completed as soon as possible.

Mrs. Siwierka said this is just to accept this as a public street and no other changes, it will become a dedicated public street.

Law Dir Deery asked Engineer Schneider that he has no issues with moving forward with the dedication? Engineer Schneider said no.

Motion Made by Mr. Oswald and second by Mrs. Mitchell to authorize an ordinance accepting the Final Plat of Eaton Park Drive.

MOTION CARRIES COMMITTEE REPORT WRITTEN

3. The matter of a Rezoning request of property located at 1267 Lowell Street.

Referred by: Ty Stewart of Liberty Development

** Note: This was passed by Planning Commission 11/7/23 and Tabled at CD Committee 11/13/23 and Tabled 4/29/24.*

Mr. Ty Stewart, Liberty Development, 28045 Rainy Parkway, Westlake. They are reconvening on this rezoning which is necessary to facilitate subsequent lot splits and consolidations to create a parcel that they would subsequently donate to Lorain County Metro Parks.

Mr. Oswald asked Building Official Farkas if everything has been taken care of with the approval for Metro Parks?

Official Farkas said there were concerns of rezoning of different zoning districts for the parcels. There was also a potential conservation easement that was proposed, to his knowledge, that has been ironed out and approved.

Mr. Ty Stewart thanked everyone that's been involved in this; Mr. Farkas, Councilperson Mitchell and everyone has been great to work with. This is something they want to do to be able to give this property away rather than just putting no trespassing signs up. And he's grateful that everyone worked toward the same goal.

Mrs. Mitchell thanked Mr. Stewart for his patience with all of this and she's looking forward to seeing what happens next with this property.

Motion Made by Mrs. Mitchell and second by Mr. Schneider to authorize an ordinance authorizing the 'said' rezoning request.

MOTION CARRIES COMMITTEE REPORT WRITTEN

Mr. Stewart asked if they will need an ordinance approving the lot splits and consolidations?

Official Farkas said this was a multi-part submittal. There is property behind theirs, they would like to be absorbed, which will need to be rezoned, it's currently zoned Light Industrial and they want to absorb it into Heavy Industrial. The surrounding parcels they want to consolidated were in essence going to be dead space because the conservation easement would forbid any building or construction.

Law Dir Deery said this matter for rezoning at this time and there will be a public hearing on it which is the first step and then next would be for the lot splits and consolidations.

Official Farkas said going back to last year, PC approved everything to get to the next phase, which was contingent upon the conservation easement having correct language. Mr. Farkas said, to his knowledge, that has been approved, on this agenda right now, it's just specifically zoning. From the information that was provided, it showed some legal documentation for the lot splits and consolidation but he would have to look in the file to see if deed descriptions of the proposed split were provided.

4. The matter of a Rezoning request of property located at 827 Cleveland St. from Heavy-Industrial to Business-General.

Referred by: Rita Michil, Valjustco, LLC

** Note: This was passed by Planning Commission 5/7/2024 with no conditions.*

Brett Anderson, Rafter Land Serving & Engineering, they are working with the developer on this project. And Mickey Mann representing CS Plaza LLC 5050 Detroit Rd., Sheffield Village. They are asking to rezone this property, it's the vacant Burger King. It is currently zoned Heavy Industrial and are asking for a Business General Overlay. There are intentions to remodel and a tenant for the vacant Burger King and also a Bigsby Coffee Drive-thru.

Mr. Schneider asked if there will be a lot split, just 2 businesses on one parcel. Mr. Anderson said that the 2 businesses on one parcel is their intention.

Mrs. Siwierka said this is wonderful that they are reusing this property. She asked who is responsible for the property behind this? There are extremely large chuck holes on that driveway behind the old Burger King. Mr. Anderson said Bendix owns that property and they have an easement to travel through it. (though, the property behind the old Burger King, in front of the Big Lots Store and Dollar Store is owned by CS Ross Company).

There were no further questions.

Motion Made by Mrs. Mitchell and second by Mr. Schneider to authorize an ordinance authorizing the 'said' rezoning request.

MOTION CARRIES COMMITTEE REPORT WRITTEN

5. The matter of a Conditional Use request for a family style restaurant and bar located at 460 Cleveland St.

Referred by: Hubert Oliver, Hubert Oliver Legacy 34

** Note: This was passed by Planning Commission 5/7/2024 with conditions to obtain variances.*

Dir Deery said this matter was passed by PC on 5/7/2024 subject to conditions. There are variances that are still pending and due to that, it would be her recommendation that this matter be tabled, subject to the variances being granted and conditions being satisfied unless the committee would choose to move forward, however, any subsequent legislation would be on hold contingent on conditions being met.

At the microphone is Hubert Oliver, 1424 Faxon Place, Elyria and Roslyn Wade, same address. Mr. Oliver want to open this at 460 Cleveland St. and they want to get that passed as quickly as they can.

Mrs. Mitchell said it's her understanding that this was passed by the Planning Commission with conditions that they get a variance for the parking. She asked if it is recommended to not pass this until those variances are met?

Law Dir Deery said it is her recommendation that this matter be tabled subject to variances have been obtained and all conditions have been met.

Mr. Oswald said he keeps going back and forth because should we table and wait to get the information back on the parking spaces because if we vote and then there's not enough parking and it will fail. Do they pass it and move things forward knowing there are conditions that have to be approved before it could pass? Parking is the issue. No one is against having a restaurant there, it's the possibility of a lot of cars and where will they park. We can vote on it, but we could table it and Mr. Oliver can come back with a drawing that shows how many spaces are going to be in that parking lot. The drawing that they showed at PC doesn't specifically say what size the parking spaces are.

Ms. Wade said they were under the understanding that the drawings were already submitted. They only needed two extra parking spaces.

Mr. Oswald said he made a comment that they don't have any actual drawings with dimensions. The pictures that were shown have spaces numbered but those spaces didn't say if they are 4 feet wide or 12 feet wide. How can they know how many cars will fit and how much space will the dumpster have? The comment was brought up about using street parking to add parking space, though those can't be used. He feels it's the parking issue that needs to be clarified before they move forward.

The Chair asked if Mayor Brubaker can chime in.

Mayor Brubaker said the when the matter was passed at PC, for the Conditional Use Permit, as the condition that the variance was required for number of parking spots. At the time they were well below the number of required spots, which was 28. The applicant will be required to submit to PC for the variance of the parking spaces, whether it's 2 that they needed to add of 12, it was suggested by Legal Counsel of the proponent that the Safety Svc Director and or The Mayor could remove the 'No Parking' Signs that are on that street, between Cleveland Street and the Parking lot that they cannot do. The No Parking signs are there for the safety of the residents on that street. The next step is for the proponent to submit to PC, their architectural drawings with spaces to include sizes and dimensions on the spaces that will allow them to go from needing additional parking spaces down to only needing two as far as a variance. There was also a concern by a resident that one parking space would be taken up by a dumpster that is adjoining his property and concern was what does that look like for stuff coming out of the dumpster. The Mayor did share with the proponent that this would likely get tabled tonight. There has been no official drawing turned in on the parking spaces, per Building Official Farkas.

Building Official Farkas said that is correct, the architect did submit revisions for the parking spaces, but they did not delineate the sizes or the distances between one space on the right vs the proposed space on the left. The concern is navigation and backing out a vehicle and being a tight confined area.

Mrs. Mitchell asked if they've reached back to the architect?

Mr. Farkas said the architect has access to the Design Review Report. The architect is acting as agent for the ownership. He can't speak to the facts of that.

Chair Callahan said it's up to the committee and he will share his thoughts. Our Law Dir has suggested to table this and the Mayor agrees. Mr. Callahan is also in favor of tabling it so when it gets done it will be done right.

Mr. Oswald agrees to table this.

Motion Made by Mr. Oswald and second by Mr. Schneider to table this matter at this time.

MOTION CARRIES

COMMITTEE REPORT WRITTEN

6. The matter of a Conditional Use request for an In-Home Child Care located at 836 Sandalwood Drive.

Referred by: Nita Stevens

** Note: This was passed by Planning Commission 5/7/2024 With conditions to obtain variances.*

Law Dir Deery said this matter for a conditional use was passed by PC with conditions to obtain several variances. She would advise the committee to table this matter to allow the proponent to successfully obtain variances and pending verification from PC that they have been successfully obtained.

Nita Stevens, 836 Sandalwood Dr. said she just found out about the variances on Friday. She doesn't know what the variances are and what is needed. She said she reached out to Mr. Farkas and he left her a message.

Building Official Farkas said the PC approval is contingent that the site obtains multiple variances. Unfortunately, the site doesn't meet many of the square foot requirements or set back requirements. He did list the variances that are needed in an email to Ms. Stevens which is the next step.

Mr. Oswald said that some of the variances that were needed as far as square footage of the property, lot frontage, set-backs and minimum parking set-backs. These are what we have been running into every time. This is a place which will be open 24/7 and in the heart of a residential area and the minimum lot sizes and frontages are worrisome. He doesn't know if this is something they should pass or table.

Chair said he would take the advice of the Law Director.

Mrs. Stevens said as far as the parking, there is parking on both sides of the street and everyone comes to drop off and pick up their children at different times. Once she is able to hire staff, if a parent calls ahead of time, a staff member can take that child to the car. There won't be a traffic jam.

Mr. Schneider thanked Ms. Stevens for coming in this evening and he asked when she up to 12 children per shift, how many employees will you have to have?

Ms. Stevens said for every 6 kids there has to be at least two staff members.

Mr. Oswald asked about qualifications about square footages and setbacks, is that a City rule or is that State mandated when it becomes a child care that has 12 kids? His other concern is, if someone down the street wants to do the same, and if the City is lax on the rules, what happens then? He also said the City is at a point where we need to change some of those rules. They will be doing a study on that.

Ms. Steven said as far as square footage, ODJFS (Ohio Dept of Job & Family Services) will be coming out to her house. They license them to make sure they have enough room the amount of kids she wants to have. They have guidelines because she would be licensed through the State. She also said that there are not enough quality day care facilities or in-home day-care places. She is licensed and also has a degree in early childhood education. She does more than just babysit. She teaches kids and mentoring to young people, she's been doing this for 30 years.

Mrs. Mitchell thanked Ms. Stevens for what she does. She wants Ms. Stevens to know that they are not, not approving this tonight, but saying that they need to table it until the variances are worked out. She suggested that Ms. Stevens work with Dir Farkas and the Building Dept on what those variances are and how they can help her as to how to achieve meeting those goals and help her understand.

Mr. Farkas said as a result of the PC meeting, he did send an email listing the needs for variances. To answer Mr. Oswald's question, these are our (City Of Elyria) regulations that require set-backs, widths, square footage, this is our in-house rules in an effort to control where these are placed.

Mr. Cerra said there seems to be a discourse between the State approving this with their regulations and what the City's guidelines and rules are. This was discussed in the past. Is this part of the comprehensive study that was recently under gone, to find out where some of those changes should be made? Official Farkas said yes, the goal is to find-tune this. This is a prime example of an antiquated ordinance that needs to be brought up to current times. They are currently working on that now. They will have a preliminary meeting to discuss some of those changes.

Motion Made by Mr. Schneider and second by Mrs. Mitchell to table this matter at this time.

MOTION CARRIES

COMMITTEE REPORT WRITTEN

7. The matter of Adopting the Elyria Architectural Design Rendering Program.

Referred by: Mayor Brubaker

Mayor Brubaker has asked that this matter be tabled this evening. He is working with Dir Calvert and there are things they want to work out, including the application and he also wants to make sure he runs this by the Law Director's office. There is a conflict with him being in attendance on May 28th so he would ask that this be moved to the June Community Development Meeting (which will be June 10th).

8. The matter of a Liquor License as requested by Jamesue, LLC, 8741 West Ridge Road, Elyria.

Referred By: Ohio Division of Liquor Control

Chair Callahan stated there are no issues reported by Chief Pelko and no zoning issues reported by Official Farkas and there were no questions or concerns.

Motion was made by Mrs. Mitchell and second by Mr. Schneider that the City of Elyria does NOT request a hearing on this request.

MOTION CARRIES COMMITTEE REPORT WRITTEN

At this time Chair Callahan asked Chair Tollett to call Finance to order.

The meeting continued with the JOINT MEETING at 6:45.

The JOINT MEETING ended at 7:00 and

Chair Callahan asked for a motion to adjourn Community Development.

Motion was made by Mr. Oswald and seconded by Mrs. Mitchell to adjourn the Community Development portion of this evening's meeting at 6:45 P.M.

MOTION CARRIES

The evening's meetings continued with the Finance Committee Meeting which began at 7:05 P.M.

Respectfully Submitted by,

Colleen Rosado, Secretary/Administrative Assistant