

The COMMUNITY DEVELOPMENT COMMITTEE
held a Meeting on MONDAY, JANUARY 25TH, 2021
beginning at 6:00 P.M.

CD PRESENT: Chair Callahan, Co-Chair Mitchell, Jessie, Cerra, Oswald

OTHERS PRESENT: Law Dir Deery, Assistant Law Dir Breunig, Safety Service Dir Brubaker, Mayor Whitfield, Building Official Farkas, Finance Dir Pileski, Asst Finance Dir Farrell, Assistant Service Svc Dir Calvert, Com Dev Director Scott Council Members Keys, Tollett, Simmons, Jeff Martin, Jordan Berns, Stephanie Mercado

1. Approval of the January 11th, 2020 Community Development Meeting Minutes.

Motion made by Mr. Cerra and second by Mrs. Mitchell to approve said minutes.

MOTION CARRIED

2. The matter of the appointment of [2] Community Investment Area (CRA) Housing Council Members.

REFERRED BY: Community Development Director Scott

CD Dir Scott said Ordinance 2008-132 authorized the creation of the CRA Housing Council. It consists of 5 members; 2 are appointed by the Mayor, 2 are appointed by City Council and one is appointed by Planning Commission.

This Housing Council meets once per year and they review the Building Department's inspection reports for properties in various CRA districts for which an exemption has been granted. They met in December 2020. Ms. Scott spoke with Romana Jackson and Tamera Schuetz and they both expressed interest to continue to serve on this council for a 3 year term. Today they are asking City Council to reappoint these members.

Mrs. Mitchell moved and Mr. Cerra second the motion to approve a resolution authorizing the re-appointment of 2 CRA Housing Council Members; Tamera Schuetz and Romana Jackson and to pass with emergency clause.

MOTION CARRIED COMMITTEE REPORT WRITTEN

Chair Callahan asked if there was anything to be discussed in front of this committee?

Mayor Whitfield thanked for the opportunity to present to the committee the matter of the Zoning Overlay District, and that discussion began:

Mayor Whitfield said there was a Special PC meeting which took place on Jan. 19th to discuss the Zoning Overlay for the Midway Mall. He explained the purpose of a Zoning Overlay is to take an existing area and provide an additional option of zoning so if a prospective investor is interested they won't have to wait until it's rezoned.

This Zoning Overlay is to get the Midway Mall piece moving along and developing. If a big player like Amazon or another distribution center wanted to move there the zoning would already be zoned for that use. This zoning overlay is an opportunity for us to be proactive.

Planning Commission considered two things, first was an amendment to our code allowing us to do this, second was the specific parcels which were appropriate for the overlay.

The administration has been working with Stephanie Mercado who has done this sort of thing with other communities.

Dir Calvert said the zoning overlay language allows us to create that proactive development opportunity where we don't have to add the additional time frame to have the property owner apply for a rezone.

Mayor Whitfield said when this matter went before PC, the first item of just introducing this as a tool and one member voted against it because they thought it meant that we had to redo the entire zoning and he felt like we had to revisit our entire zoning and address this in that whole. But when it came to the overlay for those specific parcels, that was passed unanimously.

We have the folks from the Mall, ICP, here to discuss this.

Jeff Martin of ICP said his goal is to set this property up for success for the future. The overlay district gives flexibility to the marketplace to help. Currently the retail challenges are very present here and elsewhere. It's exciting as to what this property can be in the future, given its proximity to I80 and I90 and a major suburban market.

Jordan Burns views this as a critical tool for the marketing and redevelopment. ICP has a great deal of experience of the redevelopment of shopping malls in northeast Ohio. In order to develop shopping malls effectively, it's a great consequence to have a full array of various uses available for end users. A broader scope of potential uses needs to be permitted as of right as uses that would require a rezoning or a variance or conditional uses. When uses are permitted as conditional uses, that is opening the door to redevelopment opportunities.

Mayor Whitfield thanked Mr. Berns and said that there were some restrictions that were passed at PC with the zoning overlay. Stephanie Mercado was able to get onto the meeting and will go over the things that went to PC and were approved. She went over those stipulations and the Codified Ordinances 1176.03 Permitted Uses. The language that was approved by PC allows for this hybrid mixed use of zoning. Currently there is nothing in the code that will allow for overall redevelopment activities. So if there is a desire to have a hybrid of potentially retail and light industrial and there is not an existing solution within the code that would allow that. The other restrictions are with regards to implementing the strict restrictions when properties are abutting residential use. The language would satisfy the desire to have the mixing of light industrial and business general at the mall.

The major concerns that came up were around outdoor storage. This language would give a check point, if someone wants it for some kind of light industrial purpose and want to do outdoor storage they would need to come back to the City to make sure it looks aesthetically pleasing.

Asst. Law Dir Breunig is in support of this and he's been involved with Ms. Mercado and Ms. Calvert and Building Official Farkas in getting this ordinance where it is now. They met last week to discuss the use districts that are permitted there in this in this draft based on input from ICP. They are taking that into account. There were some uses that were permitted as conditionally permitted uses that are now being looked at as additionally principally permitted uses. The procedure to obtain a Conditional Use, it's pretty much the same as going through a Rezoning process and he understands ICP's concerns with that and that it might not be the best position to market this in. Those concerns were addressed in the meeting and to have the control from the City's standpoint and amending and adding to the Design Review Guidelines which would give the City control and try to balance these concerns.

Planning Commission voted on this proposal with items that were conditionally permitted uses that are now going to be shifted up into principally permitted uses. And because were amending additional provisions of the zoning code relating to DG Guidelines, he thinks this needs to go back to Planning Commission and then it can come back to the next Committee Meeting in final form. In the meantime this can be treated as an update in the progress so far.

Councilperson Tollett brought up the fact that there are timing restraints and he asked what can be done to be helpful?

Law Dir Deery said there were some suggestions that were thrown out at last weeks meeting. One suggestion was that PC could hold a 'special' meeting where they can reconsider this matter and pass the revised language and to have the proper language in this legislation pinned down so that they are not just passing something haphazardly. We want to satisfy all the parties and it's super important that we have the feedback from ICP.

Discussion on the type of uses continued, conditional to a permitted use and that Planning Commission was comfortable if we didn't make that change.

Mr. Berns said that is correct, they were advocating for the language without the inclusion of provisions making those uses conditional uses. He said that the section 4.12 of the City Charter which states; each ordinance or resolution establishing, amending, revising, changing or repealing zoning classifications, districts, uses or regulations, shall be referred to the Planning Commission immediately after it's introduction that occurred. Within 60 days of referral, the Planning Commission shall cause such ordinance or resolution to be returned to the Clerk of Council together with the written recommendation of the majority of the members of such commission. No such ordinance or resolution which violates, differs from or departs from the written recommendation of the Planning Commission shall take effect unless passed and approved by a majority vote of members of Council. So Council can either agree with the recommendation of the Planning Commission or can act in a manner different from what PC has recommended without the need to first refer the matter back to PC. City Council has the discretion to refer whatever it wants to Planning Commission and can be referred more than once. The concern is that there really are some important time constraints.

Mr. Berns said they are trying their best to get this property under redevelopment and moving forward in a positive manner as quickly as possible.

Law Dir Deery said that her assessment is that the process would go quicker because Planning Commission is the designated working group on this. If this did go back to PC and if they were to approve the wording and that it would then go back to Community Dev and if everyone is on the same page they could vote on it and send it thru to Full Council and set it for a Public Hearing. But the wording, right now is not necessarily ready to go. She feels it would go faster and be more efficient for this to go back to Planning Commission.

Law Dir Breunig said that there is nothing to say that they can't suspend the rules on the three readings of council and pass it at the Public Hearing on the second reading. So the timing doesn't change but the process is more deliberate.

Law Dir said this is to make sure that we're not passing something that we're just going to have to come back to in 6 weeks or 6 months or 6 years. This is a big change, it's a change for the better. And this is the best way to go about it and the most expedient way to go about it.

Councilman Cerra asked if this can be done by Monday so they can get this done?

Law Dir Deery said that Council would not be able to hear this because the time frame would not allow for a public hearing. This matter was referred at the same time as for the rezoning for the Sears parcels, that was Dec. 21st. Based on the math, a public hearing cannot be held until after February 20th. There have been discussions that there would be public hearing on that Monday, for the other matter, the Sears parcels which would be February 22nd. And they could have this public hearing on that date as well. She suggests that whether this language is revised or not, that we could go forward on that date.

Dir Breunig agreed with that saying that coming back later to add Design Review Guidelines to something we're changing based on the thought that we're trying to maintain some control. And doing them together is the way it should be done and it can be done at that meeting and it would be done by the end of February.

Councilperson Mitchell said we're all excited and we want to work with ICP and we want to see the mall come to fruition and we have to make sure that the City is protected and we have some control.

Chair said he agrees and he believes there is common ground and there is an avenue to get this done and we all need to be on the same page.

Councilperson Oswald said he agrees that this needs to get done as fast as possible. He had a conversation with the Mayor and he discussed this zoning overlay and it's a great idea. It gives marketability, the opportunity to make this more marketable, that's exciting!

Councilperson Mitchell asked for clarification on what PC approved as far as the conditional use permits?

She thought PC approved the document that had the conditional use permit and that language was changed, was that correct?

Dir Breunig said it had been suggested that the language was changed after Planning Commission reviewed it. PC reviewed is not the same as the draft that we've now come up with and that is why we are suggesting it go back to Planning Commission.

Mrs. Mitchell asked if the language was changed back to the original language, would that take some of the delay out of the process because PC had already approved that particular language?

Mr. Breunig said he didn't know if the end result would be changed because he thinks that even taking it back to planning commission again and then back to this committee and doing the public hearing on Feb. 22nd, you can't do it sooner than that because 60 days won't have elapsed, so whether we take it back to PC with revised language or not, we can't pass this through full Council sooner than Feb. 22nd. So we're not saving time by passing something that is incomplete and skipping the PC review process. If we let the process take place and the only thing we would have to skip in the process is one of the 3 readings.

Mayor asked if this will start the clock over again?

Mr. Breunig said no, this would be treated as part of the same referral, which has evolved because of the input we've gotten back from various parties.

Chair Callahan said this was a productive discussion and everyone is on the same page.

Mayor Whitfield thanked everyone.

Mr. Cerra moved and Mrs. Mitchell seconded to adjourn the Community Development Committee's portion the this evening's meetings at 6:50 P.M.

MOTION CARRIED

Respectfully submitted by,

Colleen Rosado, Council Clerk Secretary

(Meeting was attended by Secretary Rosado and Meeting Minutes completed by Secretary Rosado)