

The COMMUNITY DEVELOPMENT COMMITTEE held a Meeting on MONDAY, SEPTEMBER 26TH, 2022 beginning at 6:02 P.M.

CD PRESENT: Chair Callahan, Mitchell, Oswald, Schneider, Lipian

FINANCE PRESENT: Chair Stewart, Tollett, Cerra, Davis, Schneider

OTHERS PRESENT: Asst Law Dir Breunig, Safety Svc Dir Brubaker, Asst Dir Williams, Asst Dir Calvert, Asst Fin Dir Farrell, Engineer McKillips, WWPC Supt Korzan, Police Capt Groomes

1. Approval of the Regular CD Meeting Minutes ~ September 12th, 2022. Motion made by Mrs. Mitchell, second by Mr. Oswald to approve the 'said' committee meeting minutes.

2. The matter of a Liquor License Stock Transfer Request for the Dawg House Bar & Grille, 114 Antioch Dr., Permit Class D5 and D6.

Referred By: Ohio Division of Liquor Control

** Note: There are no issues reported by the Safety Service Dir and Police Chief, other than noise complaints. And there are no zoning issues reported by the Building & Zoning Official.*

Chair Callahan asked if there were any questions.

Mrs. Mitchell said there have been noise complaints made at this establishment and she asked Dir Brubaker if those have been addressed and how are they being handled?

Dir Brubaker said that when the Police gets a call, they address it. He said he has not heard from the complainant, Mr. Grega in sometime.

Mr. Oswald said that he spoke to Chief Pelko and was told that the police did write a citation because they were driving by and the noise was loud and hadn't turned the noise down. Mr. Oswald thinks they've been trying to keep the noise under control, but every once in a while when the managers aren't paying attention is when it gets out of control. But for the most part they're trying to keep in check.

Mrs. Mitchell made a motion that the City of Elyria Does Not Request a Hearing on this Liquor License Stock Transfer and Mr. Oswald seconded that motion.

MOTION MADE COMMITTEE REPORT WRITTEN

3. The matter of a Liquor License Transfer Request from Back-Street, 656 Sugar Ln, to Dirty Donkey Tavern & Grill, LLC., 656 Sugar L,, Elyria, Permit Class D5

Referred By: Ohio Division of Liquor Control

** Note: There are no issues reported by the Safety Service Dir and Police Chief. And there are no zoning issues reported by the Building & Zoning Official*

Chair Callahan asked if there were any questions on this request and there were no questions.

Mrs. Mitchell made a motion that the City of Elyria Does Not Request a Hearing on this Liquor License Transfer and Mr. Oswald seconded that motion.

MOTION MADE COMMITTEE REPORT WRITTEN

4. The matter of a request to rezone the property at 1444 Lowell St. from Light Industrial to Heavy Industrial as requested by Beacon Sales Acquisition.

Referred By: Rene Jimenez of Beacon Sales Acquisition

** Note: This matter was passed by Planning Commission on September 6th with no conditions*

The proponents for this matter are Jack Duff and Scott Rhodes of Jones, Lang, LaSalle, 127 Public Square, Cleveland, they are representing the applicant, Beacon.

Mr. Duff said Beacon is one of the largest roofing supply companies in the US. They are looking at purchasing the parcel with the current building on it and the idea is to use that building and consolidate the other parcel so they have better access in and out because it's a very narrow entrance for the trucks to get in and out.

They would not be manufacturing, but supplying and storing pelletized roofing material inside and outside the building. Some of the materials don't need to be stored inside and therefore would choose to store it outside. There would only be cosmetic upgrades to the building, itself. There will no additional expansion to the existing building, whatsoever. There will be mainly parking, storm water retention and other City requirements that would need to be done.

Mr. Oswald said that by rezoning to Heavy Industrial it could open a up a can of worms. What happens if the businesses change and could there be concerns of other business that want to open in that area.

Mrs. Mitchell asked for clarification as to where is this building is?

Mr. Duff said it's the building that is passed the bridge and the building to the east of this building is zoned Heavy Industrial, which is the old GM Plant.

Law Dir Breunig said without Building Official here we don't have minutes from Planning Commission. He looked at the code sections and he would like to hear from the Building Official. When he looked at the code section and the principally and conditionally permitted uses in the Heavy Industrial District and how this use will be used and how it falls into the code. There could be other possibilities that would be more beneficial or more restrictive that the City would retain some control on. He's wondering if it might be better to look at like a Special Industrial District where you would need a Conditional Use Permit for any use in a Special Industrial District, but he's not sure if that fits.

Mr. Duff said they were instructed by the Building Official that for Heavy Industrial was what is required for 'Outdoor Storage'. That's why they applied for Heavy Industrial. That is what is zoned to the east and west. They are trying to do this process the right way and file correctly which is why they filed for this. Their client has waited to go thru this process.

Dir Breunig said there is not a specific designation that says outdoor storage is permitted, maybe there's an interpretation that the building official has, but without him here, he can't speculate.

Mr. Oswald understands that outdoor storage does fit into the parameters of the Heavy Industrial District but so does a chemical plant and other things like that.

Mrs. Mitchell clarified that there's the old 3M Plant and the old GM Plant, there's several industrial factories, all down Lowell Street there are many factories and no residential. And because of that she doesn't have an issue with this rezoning.

Terry 'Pete' Shilling, 230 Third St., Elyria is a property owner next to the property in question. Mr. Shilling said that across the street was a company called Nylong and The City had a jury verdict against Nylong because they put in a west side interceptor. the jury came back with a judgement of about \$600,000.

On the corner of Murray Ridge and Lowell St is Red Rock and they're a chemical distributor. There's the old Worthington Ball Company. Mr. Shilling is a trustee of property right adjacent to this property and it's about 10 acres and he has no objection to this being rezoned to Heavy Industrial.

Mr. Duff said their client has chosen this site in this location because of demographics and the jobs it will create, which could be from 10 to 30 jobs. It also works well with access to the highway and they've been encouraging them to move forward through the process. They had considered moving to another site but they were hoping they could get this done for them. They are a professional commercial real estate company and they do property management and they will be involved throughout the whole process.

Mrs. Mitchell asked if the company will use the entire property?

Mr. Duff said they will be using the entire parcel of the land adjacent to the old GM Plant. And the parcel to the west, which is adjacent to where there is a road easement and would be consolidating those two together to have one parcel. There will be fencing to meet requirements, but no new building.

Mr. Tollett asked if this were to pass this evening and could the Building Official come to full Council for the explanation at that point? And to Mr. Shilling, the building that they are going into was originally a Nautilus Workout Facility and Skateboard Park, back in the 70's.

Dir Breunig said he was just handed a memo that Building Official Farkas had issued to Planning Commission which indicates that he is in favor of the petition for the rezoning, which would permit outdoor storage outright and better suite the abutting zoning districts. Given this information he changes his earlier concerns. But he would also note that it's nice to know what's going to happen with the surrounding area. Anytime you rezone property it can be used for any of the principally permitted uses. The determination has to be based on the surrounding character and zoning characteristics more than the economic characteristics.

Mr. Oswald said in light of the information Mr. Breunig just shared, he's in favor of the rezoning request. Elyria does need more areas that can offer industrial uses.

Dir Breunig said this is a rezoning case which means it will get a Public Hearing in front of Full Council and everyone will have an opportunity to hear from the Public as well as City Officials.

Mr. Lipian said that's exactly what he was going to say.

Mrs. Mitchell said that it's important to remember that there are other factories in that area and there is no residential.

Chair Callahan read the committee report.

Mr. Schneider moved and Mr. Oswald seconded to recommend an ordinance to authorize the 'said' rezoning request for 1444 Lowell St.

MOTION MADE COMMITTEE REPORT WRITTEN

Mr. Duff on behalf of Beacon Roofing would like to thank Mr. Shilling and Council and everyone at the City. Mr. Farkas's team has been very helpful, thanks to all.

5. The matter of a request of a Conditional Use Permit for a Type 'A' in home Child Care at 1712 Gulf Rd., Elyria.

Referred By: Rebekah Young of The Village Academy

* Note: This matter was passed by Planning Commission on September 6th with no conditions

Rebekah Young, 1712 Gulf Rd., said she went in front of Planning Commission on September 6th to request this Conditional Use Permit for her in-home child care business. Currently she is allowed to have 6 children and she would like to increase that to be allowed to have up to 12. In Ohio we need to be licensed for a Type A to be able to employ someone and to be able to have up to 12 children in a residential in-home child care. The first step of getting licensed is to be able to prove you are zoned properly and that your city has allowed you to go forward. She would also need the fire marshal to come in and do inspections and then there are more logistic State Licensing where they come and do inspections. Right now she is in the beginning stages and that's why she's here.

Mr. Oswald asked the location of the property?

Ms. Young said they are close to the 90 overpass and close to Sheffield Vlg., before Hemlock Dr.

Mrs. Davis asked if the house sits back, because Gulf Rd is so busy...?

Mrs. Young brought paperwork that has site plan and shows the layout of the property which she passed around. She also said that parents use the back door when dropping off the children and they pull all the way to the back of the house where the driveway wraps around. There is also a fence in the backyard for the safety of the kids.

Mr. Lipian anticipates some members of his ward will be interested in this subject and thinking about what they might ask, he asked Ms. Young what the ages of the children that are under her care and the different safety measures that are in place?

Ms. Young said she has been teaching pre-K for 20 years. Background checks are done on herself and members of her family and anyone who helps out. Her home is a multi family home and she runs the daycare on the first floor and the family is upstairs so there is no interaction. She accepts children 6 weeks up to 12 years, however she feels more comfortable with children up to age 5. The State limits the number of infants you're allowed to have. She would have to have a co-worker working with her, 12 kids is a lot. The State rules are only 3 children under the age of 2.

Mr. Oswald said this is a needed service and he commends Ms. Young for doing it right and going thru the proper channels and he wishes her all the best.

Mrs. Mitchell moved, Mr. Lipian second to recommend an ordinance authorizing the 'said' Conditional Use request for a Type A Child Care at 1712 Gulf Rd.

MOTION MADE

COMMITTEE REPORT WRITTEN

Chair Callahan said there is no further business for Community Development and there was no JOINT Meeting scheduled and he asked for a motion to adjourn this evening's CD Meeting.

Motion made by Mr. Schneider and seconded by Mrs. Mitchell to adjourn the Community Development Committee Meeting at 6:30 P.M.

MOTION CARRIED

Respectfully submitted by,

Colleen Rosado, Council Clerk Secretary/Administrative Assistant

CMR/