

The Community Development Committee held a meeting on **Monday, March 27th, 2023** beginning at 6:00 P.M.

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

FINANCE MEMBERS PRESENT: Committee Chair Stewart, Tollett, Cerra, Davis and Schneider

OTHER COUNCIL MEMBERS PRESENT: Simmons

OTHERS PRESENT: Law Director Deery, Mayor Whitfield, Safety Service Dir Lundy, Asst. Dir Williams, Asst Dir Calvert, Finance Dirs. Pileski and Farrell, CD Manager Almobayyed, Engineer McKillips, Building Official Farkas, Fire Chief Pronesti, Police Chief Pelko, Public Works Sup. Conner, Water Team Leader Jacobs

1. The matter of a request for a Conditional Use Permit to operate a salvage yard at 131 Williams Street.

Referred By: Midwest Trendsetters, Inc.

This Matter was Denied by Planning Commission on March 14th, 2023.

This matter was not ready to move forward, per the applicants Legal Counsel, Mark Craig. This matter will be placed in pending items.

2. The matter of a request for a Conditional Use Permit to operate a Type A Child Care at 836 Sandalwood.

Referred By: Nita Stevens

This Matter was Denied by Planning Commission on March 14th, 2023.

Ms. Stevens came up to the podium to explain what she is asking for and give details on her day care business. She has lived in Elyria her entire life and she has been a day care provider for many years. Ms. Stevens's day care is available to parents who work different shifts. She currently has up to 6 children that she cares for but not all at the same time. She would like to become a Type A Child Care provider so that she can care for more children and hire one person to work for her.

Mr. Lipian asked Ms. Stevens what sort of vetting process would you implement with your new potential hire?

Ms. Stevens said she is licensed through ODJFS. When you have over 6 children you have to have another worker. The ODJFS makes 3 or 4 annual visits to check on the business and make sure everything is being done correctly.

Mrs. Mitchell asked Mr. Farkas why this matter was denied by Planning Commission.

Official Farkas said PC considered his report which everyone on the committee received. He goes into detail in these reports because the codified ordinances are detailed of the specifics that have to be met in order to do a daycare of this style. Any conditional use in A or B requires that you go through this process. This one is going through the process to add more children. PC have had many of these types of case over the last couple of years and they seem to be coming more prevalent. He said he always defers to Planning Commission on the 8 requirements that have to be significantly and substantially met.

Mr. Farkas said on page 2 he gives the requirements of the building code as a precursor of what's needed from the State Board of Building Standards. He also gives recommendations in regards to what review he has completed versus what our local law requires. Number one on page two; the first requirement is the size of the lot which must be 30,000 square feet and this current lot is 8,000 square feet and it doesn't substantially meet what our law requires. The PC went progressively through all the items one at a time indicating what's required. His job is to bring this before the panel and the panel did deny this. One comment was, they could have these day care centers up and down the entire street. The goal is to keep these separated.

Mr. Lipian asked if there could be any exception for this? Ms. Stevens said this is the only child care facility within 3 miles that's open 7-days a week, and 24 hours a day.

Mr. Farkas said he can't speak for the adjoining neighbors, he just has to weigh what our law states and that's for the panel to decide as to any special exceptions. A concern would be if there are any adjacent neighbors that have not spoke their mind or are not aware. They have to look at this long term. It's 24 hours, all thru the day & night.

Mr. Lipian since we're reconsidering the ordinances as councilman Oswald has suggested a review. Would it be in the interest to table this?

Mr. Oswald said we're in the process of redoing these and it will take some time. He said as long as he's been on council the vote has been to accept these, he didn't know if we've turned anyone down? He doesn't think any of those that have passed have met all of those requirements.

Law Dir Deery said she doesn't disagree with Mr. Oswald, but she would remind this panel that the purpose for requiring a conditional use permit is that it enables the committee to consider these on a case by case basis. Yes, many of these have been granted. But, it may come to the point that the panel doesn't not believe that pros outweigh cons. She asked Mr. Farkas to speak to the parking issue.

Official Farkas said that's a common topic, traffic flow. You have a residential home that was not designed to do that. As far as employee parking, we're not talking the realm of home occupation in regards to noise requirements, parking requirements of Chapter 1175. This conditional use doesn't consider because it doesn't want to have that kind of permanent parking. Drop off and pick should not be located as to not impede traffic safety.

Mrs. Davis asked to see a survey from the neighbors. What are they saying?

Ms. Stevens said she sent a letter to all the neighbors and she went to their homes and asked her neighbors if they approve and they all signed the paper. None of the neighbors had any issues. And as far as parking, she doesn't have parents that come to her house and stay, they drop off the kids and they go to work. And everyone comes at different times.

Mr. Tollett asked if the 30,000 square foot a standard set by Ohio Revised Code?

Official Farkas said that is a local requirement and it's designed as a buffer since this is in a residential atmosphere. If we were to consider this to be commercial, now it would be a business. The State doesn't get involved with local regulations.

We do need to revisit some of these regulations and there needs to be checks and balances to protect the adjacent neighbors.

Mr. Schneider asked if the play area is fenced in?

Ms. Stevens said yes.

Mr. Lipian asked if possible if they take a little time to possibly review this matter and table it for a later date.

Ms. Stevens said she is not in a rush for this but she wants to be able to accommodate the parents.

Mr. Lipian is looking at the disparity between the 30,000 square feet in our local guidelines and the 8,000 square feet of your property. Since it's local and not State controlled. This might be an opportunity for the committee to perhaps table this.

Mr. Lipian made a motion to table this while they review the guidelines.

Chair Callahan said that he will not accept that motion until questions from other committee members have been answered and entertain a motion after that.

Mr. Cerra asked about the neighbors, how are they notified?

Ms. Stevens said she went to all of her neighbors and everyone signed her request. She's lived there for over 20 years.

Mr. Cerra asked if there is a way to make this a temporary thing and revisit it in 6 months?

Mr. Farkas said the zoning portion revamp is on pause until they get a development plan for the city. He has compiled a list of things that need to be revamped and he would like to make those changes. There will have to be a screening process and proposal so everyone has the opportunity to adjust what is proposed. Council could choose to change an ordinance immediately if they would want to make one change or numerous changes.

Law Dir Deery would not advise the committee to proceed in making any temporary determination at this time. The applicant made this application in January and she should be able to have some finality so she can move forward with her business.

Mr. Farkas's interpretation of the question was to table and revisit and perhaps promote a change and that that established in advance of our zoning revamp if we propose to do that and that would be on the books and one less thing that would need to be done.

Mayor Whitfield said as the chair of the PC, they saw a number of these Type A child care applications. They've approved a few, one had a 13,000 square lot and the other one had a 10,000 square foot lot. The important things are the fencing of the yard for the children will play, how the neighbor's feel about, where it located, is it a high traffic area and parking issue. Long term, we should look at the criteria we look at. He is in support of this and he's in support of not doing a temporary fix.

Mr. Lipian said he agrees that this is something they would want to review and fix and whether they proceed today, it definitely needs to be discussed.

Mr. Oswald said he would like to make a motion to approve this matter.

Mrs. Simmons said it sounds like the applicant is not trying to add a whole lot of children to her business she just wants to be able to overlap for some parents who work overtime.

Dir Deery said by approving the conditional use permit, there is no way to prevent that change where there could be 12 customers showing all at the same time.

Mr. Farkas said he would caution against that, because once you start singling out and designing specifics, you have a hard time recalling what you applied to one applicant when another one comes before you, that is why the ordinance is very clear and has those eight designated guidelines. The committee is supposed to look at the best use of what the applicant is proposing.

Mr. Lipian said this still bears review. He asked Mr. Farkas is he could get that ordinance with the of guidelines. Based on the discussion today, he could be persuaded to pass this, as long as it's conditioned on the city taking a serious look at the ordinance. It's an antiquated legislative pothole that they need to be considered.

Mrs. Mitchell asked if we pass this today and we change the ordinance, we can't go back and withdraw the permit from Ms. Stevens.

Dir Deery said that is correct.

Mrs. Mitchell said the PC is there to set rules and guidelines and that is what the committee looks at when they decide. Because there are so many conditions that are not met, she said she's inclined to vote against this.

Mayor Whitfield said he thinks the PC is tired of seeing these so they're just like the ordinance says this, send it on to committee, they've passed some already and instead of PC deciding they want council to decide because it's an ordinance issue. The committee could continue to allow Ms. Stevens to move forward and continue to do what she does and then start the long-term work which is already in motion.

Motion was made by Mr. Oswald and second by Mr. Lipian to authorize an ordinance granting the 'said' permit for a 'Type A' Child Care at 836 Sandalwood. Roll Call Vote was taken:

**Mitchell=NAY, Mr. Lipian=AYE, Oswald=AYE, Schneider=Nay, Callahan=NAY
2 = AYE's and 3 = NAY's [MINORITY REPORT]**

MOTION CARRIED COMMITTEE REPORT WRITTEN

3. The matter of a New Liquor License as requested by Carter Management Corp., 801 Foster Ave. for Permit D3. (Spiruous liquor for on premise consumption, until 1:00 A.M.)
Referred By: Ohio Division of Liquor Control

Police Chief Pelko said Angela and Anthony Carter of Carter Management have filed for a liquor license. They are the previous owners of T&A Bar. There were numerous issues when they were the owners of this bar in the past. They operated the business in a manner that demonstrated disregard for laws, regulations and local ordinances from January 2014 to December 2016 there were a total of 117 calls for service at this establishment. Those calls included one murder, 46 disturbances and noise complaints, numerous assaults, robberies, shots fired and drug trafficking complaints.

On Aug 5th of 2015 Chief Pelko personally contacted the management and had a candid conversation with them about the problems and issues with this establishment. Management did nothing to curtail the problem as they continued. Area residents were concerned as it's gotten out of hand. Gunshots constantly being heard and at times hitting homes. Patrons would sit in their cars and play loud music. There was yelling, screaming, fighting, gunshots every time the establishment was open. He would respectfully oppose the liquor permit to Carter Management Corp to include Angela and Anthony Carter.

Law Dir Deery noted that the Law Office had a liquor license hearing when T&A was up for renewal and as far as their research these are the same owner/operators. That hearing resulted in their liquor license being rescinded as a result of those issues. Residents actually came to the hearing to testify and she supports Chief Pelko in his request.

Mrs. Davis said this is in her ward and she agrees with the Chief wholeheartedly.

**Motion was made by Mrs. Mitchell that the City of Elyria DOES request a hearing for this liquor license request and it was seconded Mr. Oswald.
MOTION CARRIED COMMITTEE REPORT WRITTEN**

The evening's meetings continued with The JOINT Meeting [Community Development and Finance] which began at 6:50 P.M.

The Community Development portion of this evening's meetings ended at 7:05 P.M.

**Motion moved by Mr. Oswald and seconded by Mr. Lipian to adjourn the Community Development portion of this evening's meeting at 7:05 P.M.
The meeting adjourned at 6:45 P.M.
MOTION CARRIED**

Meeting continued with the Finance portion of the meeting which began at 7:10 P.M.

Respectfully Submitted by,

Colleen Rosado, Secretary/Administrative Assistant