

The Community Development Committee held a meeting on **Monday, April 24th, 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, Schneider

OTHER COUNCIL MEMBERS PRESENT: Corbin

OTHERS PRESENT: Law Director Deery, Mayor Whitfield, Safety Service Dir Lundy, Asst. Dir Williams, Finance Dirs. Pileski and Farrell, Engineer McKillips, Building Official Farkas, Asst Dir Calvert, CD Mgr. Almobayyed, Police Captain Groomes, Fire Chief Pronesti

1. The matter of a Liquor License Transfer as requested by Ohio Mart Group, DBA Ohio Mart Elyria, 515 Abbe Rd. (Permit Class C1 and C2)

(Beer & wine in original sealed container for carry-out only)

Referred By: Ohio Division of Liquor Control

Chair Callahan said there were no issues reported by the Police Dept., Safety Service Dept. or the Building Dept.

Mrs. Mitchell made a motion that the City does not request a hearing and that motion was seconded by Mr. Oswald.

MOTION CARRIED

COMMITTEE REPORT WRITTEN

2. The matter of discussion of daycare requirements for the City of Elyria.

Referred By: Ward 4 Councilman Oswald and Mayor Whitfield

Mayor Whitfield said this is a matter he wanted to discuss and to reach out to see if changes should be made on some of these guidelines. He said that they have gone on this comprehensive use plan project to update the zoning and this is a relevant conversation for today because there have been numerous requests for conditional use requests for in-home Day Care centers. In order for a Type A Child Care out of a residential home the applicants have to apply for Conditional Use permit. Many have a Type B Child Care which is for up to 6 children in the home and a Type A is for up to 12 children. Over the past 2 years they've approved some and denied some. He thought it would be important to have discussion around what the guidelines are and to look to update some of those. What are some of the important values that this committee would like to consider when looking at the codes and guidelines. The Planning Commission looks at where the home is located and what is the traffic in that area. They also look at fencing, making sure the yard is fenced in. They also look at the size of the lot. The current codes state the lot size should be 30,000 square foot. But some that have been approved have had as little of a lot as 13,000 square foot. Building Official Farkas goes by the book and he's looking at black & white. The Planning Commission has been conflicted as to even when they've approved them, and it's against what the code says. Recently, they've aired on the side of not approving them. They want to open up for discussion. Councilman Oswald attends those PC meetings and he sees the discussion and now they want the committee to make suggestions.

Councilman Oswald said he would like to get thoughts from committee members so they can feel comfortable as a council when they get the recommendations from Mr. Farkas and the committee can make an educated decision. They want to make sure the requirements aren't too constrictive. Do we want the day care centers in Elyria, could we get to the point where there would be too many and it won't be good for the whole neighborhood? Some changes were made to the guidelines in 2000 and are we ready to make changes now. Some of the current day care facilities are a Class B but haven't really gone through the approval process for that and some of those are trying to establish to be a Class A. one of the guidelines is for the size of the lot to be a minimum of 30,000 square foot lot. An average size lot in Elyria would be a 100-foot frontage and a 150-foot deep and that adds up to 15,000 square feet and that is only half of what is recommended. Do we have comparable of other cities of the same size so we can see what they're doing? Should we have something about hours of operation. He wants a good set of rules to help make everyone's job a little easier.

Mayor Whitfield said the two that they've approved recently were not recommended to be approved by Official Farkas, he went by the book and the PC made a different decision.

Mr. Cerra asked Official Farkas what is the process of these applicants in coming to PC? Don't they already have State approval?

Mr. Farkas said as far as State regulations for Day Care go, it's an independent function. The City's zoning kicks in with an A or a B child care facility. Either day care must have a Conditional Use to operate. Most do not. Meaning they were operating this Day Care as a Type B without any approval, but, the State says you have to have local jurisdiction authority for a Type A, they are forced to come to this board to get approval. The City's local ordinance requires a Conditional Use from the City, the State does not regulate those. The Fire Dept. should be involved on these if they're made aware. These rules & regulations are set standards that we have and he is obligated to deny these because they don't substantially meet any requirements established in the law.

Mayor Whitfield said that these applicants have to get State approval to be able to operate. The State comes in and does inspections and it would be great to hear what the State's process is. The other piece is, how far is our ordinance away from reality; a 30,000 square foot lot is not common in Elyria, it's clear our code is outdated and this is an opportunity for us to update it.

Mrs. Davis said there have been in home care for children for parents who work in neighborhoods, but she's never seen more than 6 kids. They had inspections and had to meet criteria. Did those in-home care operators have to go up and down their neighborhood to check with neighbors before they started their business? And how far out did they go to the neighbors?

Mr. Farkas could not answer that question.

Law Dir Deery said that typically with these types of matters it would be adjacent neighbors who receive a notice, adjacent, across the street and behind. Matters go to PC, to Council Committee and then ultimately to Full Council and a Public Hearing which is announced publicly. It's to promote and proclaim that this matter is going to be taken up before this body rather than just notifying those neighboring properties.

Mr. Tollett asked if some applicants who came thru PC had been operating illegally?

Official Farkas, said yes, per his research, he looks to see if any Conditional Use Permits were granted for a Type B and they have not.

Mrs. Mitchell said everyone who has worked knows the importance of finding a good day care. We're not here this evening to say we don't need day cares centers. She agrees that we need to update the ordinances. When Planning Commission approves or denies something, that is what she relies on, because they're the experts and we should rely on them to help us make our decisions.

Mr. Lipian said the experts hands are tied if Council doesn't legislate and update antiquated legislation to suit the times. He's stating that perhaps it's time to review whether we should update, what the update should be and the people that will be impacted by it if we do nothing.

Mr. Corbin asked if we've looked at other communities to see how they handle these issues?

Building Official Farkas said yes they have posed that question to the review board and asked the zoning administrator who is handling this particular part he look into this.

Mayor Whitfield said he heard the desire for this to go back to the Planning Commission.

The evening's meetings continued with The JOINT Meeting [Community Development and Finance] which began at 6:20 P.M.

**Motion moved by Mr. Oswald and seconded by Mr. Lipian to adjourn the Community Development portion of this evening's meeting at 7:35 P.M.
MOTION CARRIED**

Meeting continued with the Finance portion of the meeting which began at 7:40 P.M.

Respectfully Submitted by,

Colleen Rosado, Secretary/Administrative Assistant