

The Community Development Committee held a meeting on Monday, July 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 and Simmons

OTHERS PRESENT: Law Director Deery, Mayor Whitfield, Safety Service Dir Lundy, Asst. Dir Williams, Finance Dir Pileski, Building Official Farkas, Asst Dir Calvert, Chief Pelko, HR Dir Yousefi, Engineer McKillips, WWPC Supt Korzan, Public Works Supt Conner

1. Approval of Community Development Minutes ~ May 22nd & June 26th, 2023. Mrs. Mitchell moved and Mr. Schneider second to approve the said minutes.

2. The matter of a Re-Zoning Request for 615 Foster Ave., from Residential-Medium Density to Residential-Multi Household Low Density.

[This matter was passed by The Planning Commission on July 11th].

Referred By: Pete Schwiegeraht, Pivotal

Pete Schwiegeraht of Pivotal Housing, 9100 Center Point Dr., Westchester, Ohio. Pivotal has been doing housing for 30 years. They are owners, developers and managers. They hire local contractors to build their homes. They have 10,000 units in 16 states and the majority in Ohio. There is a similar senior development in Huron and in Medina. They take pride in long term care of their facilities. The first one they built 30 years ago, is still owned and managed by them. They are here for the long term.

He thanked PC's time earlier this month and he thanked them for their approval. He and his company listened to some of the comments that came out of that PC meeting and comments from the community. They have listened to their concerns. The original presentation was for a multi-generational housing development. They have since decided to make this a two-phase, multi-phase senior development, moving forward. And will forgo the workforce housing. It will be a senior independent living development. Age is 55 plus and the averages would most likely be ages 78 to 82. It's folks that want to be independent. They provide programs and services; transportation, meals, light housekeeping and healthcare referrals, they help link the residents to their health care needs, but they don't provide healthcare.

The property is 615 Foster, which is the old Jefferson School which is vacant and abandoned. It's a nuisance and a challenge to the neighborhood. As part of phase one of the development, that building will be demolished to standards and abatement and environmental contaminations will be addressed. There will be 2 phases and about 50 units per phase. The building will be 3 stories and a mix of one- and two-bedroom units. There will be an on-site management office, a manager will be on duty 40 hours per week. There will also be a full-time maintenance tech who will help residents care for their units. Each floor will have a garbage area and the maintenance tech will take the garbage to the dumpster. There will be elevators in the building. The building will be built to ADA standards and in addition it will be built to the National Green Building standards with high energy efficiency. It will be a high-quality building. There will also be a community room for residents to use. There will also be a fitness center, a business center and theater. About 40% of their renters are coming there from home ownership.

They assure that the development will have that deed restriction for senior housing is in place to encompass the entire facility and can do so through a development agreement with the City. The site plan and building rendering is attached to these meeting minutes as Exhibit 'A'. There will be a variety of the way the building looks. The building will be set up as close to the road as possible, meeting and hearings of set-backs. The front of the building will be seen as you're driving down Bond or Foster. The parking will be behind the building, around 75 to 80 percent of the residents are still driving and have cars. But they do provide curb to curb transportation. There will also be a gardening area and a walking area around the building. 50 percent of the land is actually green space and they will plant trees around the building to create a nice streetscape. They will install light posts in the parking lot along with cameras. The building will be secure and residents would have a code or pass to get into the building. The two phases of the project would total around 30 million in investments with phase one being 15 million. The residents only will have to pay is their electric bill, they take care of water, sewer, trash, snow removal bills which are built into the rent. The commitment they make to the state is that they keep residents at an affordable and reasonable level. This will give seniors in the community to be able to access a high-quality unit at a very reasonable rate. They are hoping to be able to access the City's CRA which will provide some benefit back to the company, Pivotal Housing.

Mr. Schwiegeraht finished his presentation and thanked the committee.

Mayor Whitfield said they had a robust conversation during the Planning Commission meeting and they approved this unanimously. The residents' feedback helped negotiate to have the development be senior focus only and he thanked Mr. Schwiegeraht.

Mrs. Davis asked how Pivotal has determined that the seniors in the community can afford the rents of \$695 for a one-bedroom and \$895 for a two-bedroom?

Mr. Schwiegeraht said they have done a market study and it's been commissioned and have done initial demographics of around 1800 houses in that area.

Mrs. Davis asked how often will they raise the rent?

Mr. Schwiegeraht said they do annual leases and until recently rents didn't change. With inflation rents have increased. At minimum rents can increase annually.

Mrs. Davis asked how high this building will be over the existing houses in the neighborhood.

Mr. Schwiegeraht said the existing zoning allows for 40 feet in height and at 3 stories they can stay under 40 feet in height. With the elevation it would be 45 feet high. They would possibly go 5 feet over what's allowed and ask for a variance. But, if they need to stay at 40 feet, they will.

Mrs. Davis asked if they've completed their financing?

Mr. Schwiegeraht said they will be applying to the State of Ohio for those bonds. That application will get submitted in September and they will find out what they are awarded in December. Assuming 6 months to start after that in June 2024 and time to build is about 15 months and they would be offering units available for rent end of summer 2025.

Law Dir Deery said the current zoning is residential medium density and asked Mr. Farkas to say what this parcel is zoned and what could potentially be on that property?

Building and Zoning Official Farkas came up to speak on the zoning aspects of this project. He said the parcel is currently zoned residential medium density district and what's permitted outright is anything agricultural, education, group homes, non-commercial recreation, religious places of worship and single household dwellings.

The height in a residential district can be 35 feet. The steep roof pitches would actually blend well in the neighborhood.

Mr. Tollett said the demand in our community for non-medical senior housing is growing by the day. The rent will be at \$695 to \$895 which is affordable senior housing.

Mrs. Mitchell said the building will be secure and asked if there will be other security?

Mr. Schwiegeraht said with a full-time management being on site, they don't feel security is needed. They don't want the residents to feel like they're in some kind of institutional setting. The seniors' police themselves. And it's a smoke free environment and the worst it gets is someone trying to sneak a cigarette.

This will be fair housing (first come, first serve).

Mr. Lipian said this is very exciting and it's a nice-looking modern veneer building for residents.

Finance Pileski asked if the residents are allowed to have pets?

Mr. Schwiegeraht said yes, but there is a weight limit and certain pets are excluded. The insulation between the walls is good and sound proof.

Mr. Oswald asked what if they don't get the funding?

Mr. Schwiegeraht said it's all around the forty-thousand-dollar application that they're going to make to the state for the funding. They feel good about their score. The neighborhood is actually deemed a high opportunity area because of its proximity to amenities. So, they feel they score really well. The owner has committed for a long-term effort. If they didn't get funding in this round, they would apply in the next round. If they have success with phase one, they will be purchasing the entirety of the property. They could then enter into a development agreement with the City to assure that phase two is what they say it is. To be able to apply this September, the correct zoning needs to be in place.

Mr. Oswald asked Zoning Official Farkas, that, if it still doesn't go through and the Zoning changes what does that open the door for other projects?

Official Farkas said if it is rezoned to residential multi-household low-density district, what would be allowed are; boarding and lodging homes, educational institutions, group homes as regulated in section 1137-10, multi-household dwelling units, non-commercial recreation, religious places of worship and two-household dwelling units.

Mr. Lipian asked if they have a forecasted increase estimate after the first year?

Mr. Schwiegeraht said from the underwriting perspective, they have to put together how this property is going to operate over the next 15 years and a two percent inflationary feature is shown. It doesn't mean that the rents will go up two percent every year. When rent does increase, it's usually not more than \$5 to \$10 dollars per month.

Chair Callahan asked if anyone from the audience wanted to speak to the committee.

1st Speaker is Carol Hobert who is speaking on behalf of her friend, Carol Perkins who lives at 609 Bond Street. The concern is that the zoning code will change and no guarantee that this will happen. And then someone can buy the property and put in Section Eight apartments and the whole neighborhood goes down the tubes. She understands why everyone is concerned and anxious. They are also concerned about the height of this proposed building. The neighborhood is all nice older homes and now in the middle there will be this large 3-story building. They are happy that it's been changed to senior living instead of multi-generational. And she thanked the Mayor for that.

2nd Speaker is Miss Tolbert of 520 Bond Street. She's lived there over 52 years. She wanted to thank the Mayor for the support. She's very happy that they made that change. But she is concerned as to what could happen if it is rezoned, will it become a Wilkes Villa? The majority of the folks on Bond, Foster and Madison are seniors. They are used to it being quiet. The neighbors look out for each other.

3rd Speaker is Valerie France, 519 Bond Street. She asked if the 55 plus is for all residents, would if a person is raising their grandchildren?

Mr. Schwiegeraht said all residents on the lease must be 55 plus. However there have been exceptions. If the grandparent is the true caregiver of the grandchild, the grandchild is eligible to be at the property and living in the unit up until the age of 18 and then they would be required to leave the property because all adults must be age 55 or older.

Ms. France said they do appreciate the changes that were made and that they were listened to. A concern she has, is that as a resident in this neighborhood, the only reason she knew about this meeting and the previous meeting were because of the neighbors. A better way of getting the word out to the neighbors would be helpful. She asked how this sort of development has impacted other neighborhoods where it's been built?

Mayor Whitfield said in regards to public notice, it's for adjacent and adjoining and abutting properties. He asked Dir Conner if there is a way to put a meeting notice in the utility bills? Dir Conner said yes, it's possible. So, that might be a solution for a meeting announcement to go out in those bills for the residents in that zone.

Chair Callahan asked if there were any other questions, and there were none. He read the committee report.

Motion was made by Mrs. Mitchell and second by Mr. Lipian to authorize an ordinance for the rezoning of the 'said' property.

MOTION CARRIED COMMITTEE REPORT WRITTEN

Law Dir Deery said the earliest this will be able to have it's Public Hearing will be the first Council Meeting in September. They will try to have legislation completed so that there can be a first reading at the August Council meeting. At the Public Hearing, Council President will ask for proponents and opponents, and they will have the opportunity to speak, which is the purpose of the Public Hearing. A vote cannot be taken by Full Council until the Public Hearing has been held.

3. The matter of a New Liquor License to Hubert Oliver Legacy 34, LLC, located at 460 Cleveland St. (Permit Class D5 ~ Spiritous Liquor on premises consumption only).

Referred By: Ohio Division of Liquor Control

Note: there are concerns by the Police Dept and occupancy concerns by the Zoning Official.

Chair Callahan said there are some issues and concerns on this location and asked Chief Pelko to come up to speak on this issue.

Chief Pelko said this came across his desk and brought some concerns to him. The first concern was that some local businesses in the area had been approached by Mr. Oliver inquiring if they could use their parking lot after hours which brings the concern that there won't be enough parking in the area for this establishment. In speaking with Zoning Official Farkas, it's zoned for only 20 persons. If they're seeking more parking spaces, it will raise concerns of congestion in the area and where people will park. Another concern is a saturation of liquor establishments that will be in that area. There is already a numerous amount of those establishments. He spoke to Chief Pronesti and he said there is concern about the fire code for the building and those will need to be addressed.

Mr. Oswald asked about the liquor license permit, is it just for drinking and not selling?

Chief Pelko said that it will be for only consuming on premises.

Mrs. Mitchell asked if the Chief has spoken to Mr. Oliver to express concerns.

Chief Pelko said he has not spoken to Mr. Oliver. He went on to say that another concern is the event center across the street that served alcoholic beverages had nothing but problems and the last thing he wants to see is more problems due to a liquor establishment in the area.

Mrs. Mitchell said that she had met with Mr. Oliver and that he isn't planning on having an after-hour establishment. He wants this to be a restaurant and for patrons to be able to drink alcoholic beverages. She feels we are condemning him before he's even opened the door to this establishment.

Chief Pelko said on behalf of the police department he's voicing his opinions because there were concerns from the businesses in the area since Mr. Oliver had spoken to them about getting parking after hours.

Mrs. Mitchell said that Mr. Cerra is having a meeting with Mr. Oliver tomorrow.

Mr. Cerra said there were some concerns with some residents and he had a discussion with Mr. Oliver. So, he set up a meeting where residents could ask questions and he'll move on from there, depending on what the residents want.

Mr. Mitchell asked Zoning Official Farkas why the capacity is only 20 people?

Official Farkas said the site is currently zone business neighborhood district and to get to answer that he read the purpose of what a business neighborhood is supposed to be; ECO 1156:01 'it is the purpose of the district to permit and encourage the establishment of small convenience businesses and personal services to be located in close proximity to residential areas and which they are serving the location of the business should be of a nature limited to commercial activity should be developed to avoid traffic congestion and this to the surrounding neighborhood area. The permitted uses that are allowed without any kind of variances; child care facilities, clubs, educational institutions, financial institutions, neighborhood retail business, non-commercial recreation, offices, personal services, religious places of worship, restaurants, providing the seating capacity is limited to no more than 20 people, and any other use determined by the building inspector. These are straight out of our ordinance. There is a caveat; they could request a conditional use, restaurants with a seating capacity greater than 20 people. They would have to come before Planning Commission and request a Conditional Use Permit. And when you add more people, you need more parking. Then they would need more bathrooms and it could snowball.

Mrs. Mitchell said Mr. Oliver tried very hard to find a building that they could buy. She feels we're condemning Mr. Oliver before he even opens.

Dir Calvert said she had worked with Mr. Oliver and Ms. Wade for several months. They were looking for urban renewal parcels. They worked with HUD and if they were able to get those, they would have had to be rezoned. In the meantime, they started the comprehensive land use plan. It was determined not to sell those parcels until the zoning was in place. They searched for other sites and then they purchased the Cleveland Street building.

Mr. Oswald said he also spoke with Mr. Oliver and Ms. Wade and had heard that it was going to be a social club. They're asking for parking which will be an issue. Though, he said he's impressed with them and what they want to do. They are getting funding and have to approach it the way the funding wants it. They have the project drawn through an architect and a contractor. They've been speaking with everyone on Council. If it works out, great, but we never know and there will be a lot of hurdles they will have to jump through. The biggest issue will be the amount of people and the parking issue. That's when it effects the residents in the area. He thinks Mr. Cerra should have his meeting with them and Chief Pelko should be a part of it.

Law Dir Deery said there is not enough time to delay a decision as to whether Council is requesting a hearing or not because there is a deadline issued by The Ohio Liquor Control.

Mr. Lipian made some comments as to why the City should request a hearing on this matter based on issues that were already brought up with regards to parking and the over saturation of alcoholic establishments. He said his ward has an establishment that has caused problems with residents in his ward.

Mr. Lipian doesn't want to see that happen in other wards of the City and he's not saying that it will but he wants to offer a cautionary tale that it can happen and we should do everything we can to avoid it.

Mrs. Simmons said she thinks this establishment is being unjustly targeted because the business down the street was an after-hours place and caused problems. She feels why would these folks go through everything the correct way if they were going to have an after-hours place? They're trying to go by the rules. Mr. Oliver has never been in trouble. Why aren't we giving them a fair chance?

Mr. Lipian asked where will the patrons park if the other establishments don't allow them to use their parking.

Dir Farkas said he and Dir Calvert have had multiple meetings with Mr. Oliver and Ms. Wade and they've navigated the zoning code, which is the first step to give them the best possible chance for this to go through. But, the way the code is written, there will be challenges to overcome. There was enough parking with the previous business, which was a loan store. Now they're change for an assembly type use which will require more parking. If this approved it will evoke many variances for parking, dumpster location and others. The parking ordinance requires parking for a restaurant, for every 150 sq. feet of space you have to have one parking stall. He doesn't have data in front of him to do the math, but they will need quite a few parking spaces.

Mr. Corbin said he met with Mr. Oliver and Ms. Wade and he was impressed with the presentation. He understands there are issues that will have to be overcome. If we can help them, they have a plan, they don't want any trouble. He would like to see this move forward.

Mr. Lipian asked what's at stake for this business if the liquor permit isn't carried out?

Dir Calvert said she didn't know if it's a condition of their loan. It's probably significant to their business model and it could jeopardize the success or projected success of their business. They do plan on hosting events there.

Mr. Lipian asked if a hearing is requested, it doesn't necessarily say that we don't want to have a liquor permit. Is it that we are outsourcing our jurisdictional decision to the State? Is that correct?

Dir Deery said we are asking for a hearing because we are challenging their application and we are asking the opportunity to bring our evidence to liquor control as to why they should be denied the license. Ohio Division of Liquor Control has the ultimate decision as to whether or not to grant the license, but we as the local gov have the right to challenge the application and bring forth our reasoning and concerns that Liquor Control should know about.

Mr. Schneider said he had also met with the applicant and they have a solid plan.

Also, they have no intentions of being open after hours. They are investing a lot of money in renovations.

Chair Callahan read the committee report.

Mrs. Mitchell made a motion that the City DOES NOT request a hearing and that motion was seconded by Mr. Schneider.

AYE = 4 (Mitchell, Schneider, Oswald, Callahan) NAY = 1 (Lipian)

MOTION CARRIED COMMITTEE REPORT WRITTEN

4. The matter of a Liquor License Transfer from Aldi 426 Oberlin Rd. to Aldi 38275 Chestnut Ridge Rd. (Permit Classes C1, C2, D6 ~ Beer & Wine sealed for carry out).

Referred By: Ohio Division of Liquor Control

Note: There are No concerns or issues by Police or Zoning Official.

There was no discussion on this matter and Chair Callahan read the Committee Report.

Mr. Schneider made a motion that the City DOES NOT request a hearing and that motion was seconded by Mr. Oswald.

MOTION CARRIED COMMITTEE REPORT WRITTEN

The evening's meetings continued with The JOINT Meeting [Community Development and Finance] which began at 7:40 P.M.

Motion moved by Mrs. Mitchell and seconded by Mr. Lipian to adjourn the Community Development portion of this evening's meeting at 7:55 P.M.

MOTION CARRIED

Meeting continued with the Finance portion of the meeting which began at 7:55 P.M.

*Respectfully Submitted by,
Colleen Rosado, Secretary/Administrative Assistant*