

The Community Development Committee held a meeting on **Monday, November 13th, 2023** beginning at 6:00 P.M.

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

FINANCE MEMBERS PRESENT: Co-Chair Tollett, Davis, Schneider, Cerra

Excused Absence: Stewart

Other Council Members Present: Corbin and Simmons

OTHERS PRESENT: Law Director Deery, Safety Service Dir Lundy, Mayor Whitfield, Finance Dir Pileski, Asst Finance Dir Farrell, Asst Dir Calvert, Engineer McKillips, Public Works Supt Conner, CD Dir Scott, Building Official Farkas, Chief Pelko, Capt. Groomes

1. Approval of the Community Development Mtg Minutes ~ September 25th 2023.

Mrs. Mitchell moved and Mr. Schneider second to approve the said meeting minutes.

2. The matter of a rezoning request of property located at 1267 Lowell Street.

Passed at Planning Commission on November 7th, 2023.

Referred By: Ty Stewart of Liberty Development

Ty Stewart of Liberty Development Company, 28045 Rainy Parkway, Suite E, Westlake.

Mr. Stewart said they are requesting a lot split at this address on Lowell. They want to put a conservation easement on the land and donate it to a third party, a conservation agency. As a function of the lot splits to get all the access and to meet with City's guidelines, it requires rezoning of a couple of the parcels. Mr. Stewart explained a diagram of the parcels and explained which one would be split and become part of a larger consolidation and which ones would need to be rezoned. Mr. Stewart pointed out which parcels would not be part of the easement. There is an existing building along Lowell street that would become one parcel and zoned H-1 because the existing building is H-1. The parcel which is colored blue is currently zoned L-I and to make it consistent with the properties the two parcels to the west would need to be rezoned to R-M (residential medium density). The main goal is to put a conservation easement on the property and donate it.

Mrs. Mitchell said that with the land donation it will not be able to be built upon. She supports this, it will be good for the City.

Mr. Stewart said that is correct, it would be donated to Lorain County Metro Parks with a conservation easement that precluded any construction, other than walking trails.

Building Official Farkas come up to speak on this matter. This is a very complicated lot split, rezoning and consolidation that have come across his path. He felt it best to explain it to the committee using color codes on the property. He showed the parcel outlined in red that goes all the way over and ties into Lowell Street, which is all one large piece of property. The proposed split is to take a large piece and absorb it into the main property. Unfortunately, the piece they want to absorb is currently zoned L-I Light Industrial and the parcel with the building on it is H-I Heavy Industrial, that triggers a rezone which is part of the split, due to the split it now isolates two other parcels creating a land lock situation which is resolved by the consolidation of the other parcels to the west and abut Rt 113. The first concern is the two Light Industrial parcels and they want to take the rest of the property and make it one big chunk.

They want to chop some of the property which the building sits on and split it via a land hook and tying it into the property to the north. Which will then become part of the other parcel and changes the current zoning of that parcel from Heavy Industrial to Light Industrial. The intent is to combine the lot which is a land hook and combine those to the lots to the west. The lots to the west are large tracks of land. Two of those parcels are zoned Residential Multi-Household Low Density. And the intent is to combine those parcels and rezone all to Residential Multi-Household Low Density creating a buffer between the heavy Industrial District and current existing residential apartments and homes on Oakwood Drive. Official Farkas was only in favor of this request contingent that a conservation easement is enacted, other than not there is now a conflict of zoning, there is a Heavy Industrial right up against a Residential. The saving grace is, it can't be built on, if that conservation easement is factual, waiting on confirmation on that. Building Official Farkas continued with the next diagram and pointed out a paper street was vacated. It was a future development which was proposed many years ago that never happened. A concern of the lot split was this paper street which has right-a-ways and easements enacted. Since it was confirmed to be vacated that's no longer an issue. If these requests are approved and move forward, they do have access off of Rt113 at any point to this entire acreage back to the original proposal which leads back to the acreage which no longer land locks the parcels.

Official Farkas said that he purposely didn't do a memo because it would've been incredibly convoluted so he felt it best to walk everyone through. This makes sense contingent we have that conservation easement.

Chair Callahan thanked Official Farkas.

Mr. Oswald asked if some of the area is wetlands?

Official Farkas said from the map provided by the applicant, a good portion of the land to the west, it was indicated that is in the wetlands area.

Mr. Oswald asked if down the road with the Metro Parks and it with it being a possible wetland, could it be a mitigation area with land credits?

Law Dir Deery said that is something between the property owner and as they develop it. She said she spoke with Mr. Farkas and they've understood that PC did approve this with conditions and she has not seen those conditions in writing as yet. However, the conditions were that the conservation easement would need to be put into place to get PC's full approval. It would be her recommendation that we have understanding that Metro Parks is involved and that we have some sort of documentation in writing from Metro Parks and a draft conservation easement and a donation agreement. Something in place that shows that there is a commitment on the part of the Metro Parks and their willingness to accept the proposed donation and something to show that the PC conditions have been met. Dir Deery recommends that this committee not move forward until those items have been met.

Mr. Stewart said the City has been very good to work with. It was his understanding that this would move forward through the first two readings and the third reading would be on hold until that document exists, which might expedite the process. Unfortunately, we're at the mercy of the Metro Parks on creating that draft document. They were here to get that property rezoned to Light Industrial because they had planned to develop it at that time.

They weren't planning on doing anything residential and wouldn't be coming back now and asking for that zoning. They've had those conservations for well over a year now. It is their full intent to do this. He would ask that Council try to move forward and get a couple of the readings out of the way and hold off on the third one until there is that donation agreement or something that they are satisfied with.

Mrs. Mitchell was at the PC Meeting and it was her understanding that we would move forward to allow them to get the documentation from the Metro Parks. Mayor Whitfield confirmed that is what was discussed at the PC Meeting.

Law Dir Deery said that she would not be in favor of that and not be able to approve that legislation as to form. She said that no one cleared that with her office. If this committee feels free to move forward, not withstanding those conditions and doesn't have issues then they would proceed accordingly, but it is her recommendation that we get something in writing.

Mayor Whitfield agrees with Dir Deery about having that document on hand. What was proposed, due to the timing, was to have the Public Hearing prior to the official vote on approving it. That would give a green light, as well as time to work out the donation agreement with the Metro Parks. He wanted to remind everyone that the PC is a recommending body to this committee and if there are certain conditions you have can be defined in whatever legislation you pass. It was the understanding that the City would move forward and give them the time to work on the agreement with the Metro Parks.

Chair Callahan said he would side with Dir Deery for this for tonight, in order to be cautious.

Mr. Oswald said he thinks we should listen to what our Law Director is telling us and maybe we need those documents before we go ahead. He agrees with Mr. Callahan.

Mrs. Mitchell concurs, that we should wait until we have those documents. Mr. Schneider also concurs. And Mr. Lipian concurs.

Chair Callahan stated this matter will be Tabled to a later date.

3. The matter of a Liquor License Transfer from Ohio Mart Group, LLC, 515 Abbe Rd. to Krishna 2022, Inc., 515 Abbe Rd. (Elyria Food Mart), (old Circle K)

(Permit Classes C1 and C2 Beer & Wine in sealed containers for carry out only).

Referred By: Ohio Division of Liquor Control

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

Motion Made by Mrs. Mitchell that the City does not request a hearing and that motion has been seconded by Mr. Lipian.

MOTION CARRIED COMMITTEE REPORT WRITTEN

Motion moved by Mr. Lipian and seconded by Mr. Oswald to adjourn the Community Development portion of this evening's meeting at 6:45 P.M.

MOTION CARRIED

The evening's meetings continued with the Finance Committee Meeting which began at 6:50 P.M.

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