

COUNCIL PRESIDENT-JENNIFER WASILK
COUNCIL AT LARGE-DAVID JANIK
COUNCIL AT LARGE-MARTIN HEBERLING
COUNCIL AT LARGE- PHIL VAN TREUREN

COUNCIL WARD ONE-BRIAN DEMBINSKI
COUNCIL WARD TWO-ED COWGER
COUNCIL WARD THREE-JAKE WACHHOLZ
COUNCIL WARD FOUR-MATT NAHORN

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THIS MEETING WAS HELD IN HYBRID FORM (Council members and visitors in Chambers and all others REMOTELY VIA ZOOM

Minutes of the Building and Lands Committee Meeting held November 15, 2021 at 7:14 P.M. Present in Council Chambers were Chairman Nahorn, Mr. Cowger, Mr. Heberling, Mr. Wachholz, Mr. Janik, Mr. Dembinski, Mayor Costilow, Council President Wasilk. Present via Zoom were Auditor Pittak, Assistant Law Director Ward, Safety/Service Director Jeffreys, Treasurer Ramsey, Law Director Pecora, Building Inspector Macartney. Also present were Britt Lilley - developer, Council Elect Winiarski. Mr. Van Treuren was excused earlier.

A-21-48 Building and Lands An Ordinance approving the rezoning and final development plan and Owners/Developers Agreement for the proposed planned development district for Lily's Gated Community; with emergency.

Chairman Nahorn introduced the item. Mayor Costilow explained the item and that it was passed through City Planning Commission. He reviewed items recently provided by the developer. He stated that this is a really unique development and is impressed by it. Mr. Lilley studied the land and decided to do a 55 and older community here, adding a gate. A commercial component is included, with the community center building. He explained the project and the process. He also presented information about public/private utilities. Mr. Janik asked about the proximity to Route 2. Mr. Lilley stated he is leaving about 30' of natural growth. Mr. Janik asked about those living there complaining about the noise. Mr. Lilley said anything could happen, but he wants to leave natural greens on the perimeter. Mr. Janik asked about a few more specifics, including the use of the gate in an emergency. Mr. Lilley said there is battery backup.

Mr. Heberling asked about the water supply. Mr. Lilley cleared up the question.

Mr. Dembinski asked about the price of the homes. Mr. Lilley stated that with inflation, he was not sure. Lots are rented. Homes are sold. He stated there is no HOA.

Mr. Dembinski asked the difference between manufactured vs. stick built homes. Mr. Lilley answered. He argued they are better built. They meet the requirements. There are no basements. Mr. Dembinski asked Mr. Macartney about zoning. Mr. Macartney stated that typically the PDD is an overlay and he explained. Mr. Dembinski asked about the community center. Mr. Lilley said this was just for the residents. Mr. Dembinski asked about the Planning Commission minutes, directing

this to the Law Department. Mr. Ward looked closely; Mr. Pecora attempted to clear up this question regarding rezoning for PDD use. Mr. Ward believed he was advising the Planning Commission on the City's plans.

Mr. Janik asked about the 55 and older requirements. Mr. Lilley said this was ok by the State. Mr. Janik asked about grandkids and the community center. Mr. Lilley stated it does not limit them from coming into the Park. Mr. Janik asked about the maintenance fee. Mr. Lilley stated he plans on having one or two contractors for maintenance. They choose who mows the lawns; not the common areas. Mr. Janik asked about owner/user restrooms.

Mr. Wachholz asked about owning vs. renting. Mr. Lilley explained the process. Mr. Wachholz asked about the lawn maintenance. Mr. Lilley explained the options available.

Mr. Dembinski asked about the Fair Housing Act. The housing for 55 and older communities was also spoken to, including examples in the area, when not owning the land. Mr. Lilley spoke to this and his research. He wants to attract an older, mature group and offer this for them. He stated there are restrictions that he does not plan to change.

Mr. Heberling spoke on a hypotheticals regarding a family taking in a younger child/relative. Mr. Lilley spoke on his research and they could have them there a certain amount of time. Mr. Heberling asked about family inheritance. Mr. Lilley spoke on this and the 80/20 percentage. Mr. Heberling asked about the percentage of homeowners taxes and their responsibility. Mr. Lilley didn't have those figures.

Mr. Costilow mentioned house/building vs. land values as seen on the tax bills. Residents pay 100% of taxes on buildings.

Mr. Wachholz asked about the non-paying residents. Mr. Lilley noted the legal process. Mr. Wachholz asked about resale and Mr. Lilley was not sure at this time.

Mr. Dembinski motioned to kill this item, seconded by Mr. Heberling. Mayor Costilow stated his surprise, this is a great opportunity. Mrs. Wasilk spoke on the Amherst Village and Mayor's information. She sees it all works well with Amherst Village.

Chair Nahorn spoke on his support of this plan as presented. Mr. Pecora asked on the development and artists' renditions, of what might be planned. Also on inflation? He said maybe this should just be tabled? Mr. Macartney spoke to the PDD and its uses. He believes it is a proper use of that property and is appropriate. Mr. Jeffreys spoke on the valuable input from Mr. Macartney. He spoke to the Planning Commission's support and his own support and others' choices to live or not to live there.

Mr. Janik agrees it's a rash move to kill the item, he does have questions, particularly on the rental of the lots, year to year. Also about the phases in the project. Rental rates could go up quickly. He is concerned about the number of units and close together proximity. Has a survey been done? Mr. Lilley stated that lots are in high demand. The lots are a good size, he stated. You can't fix a rental price forever.

Mayor Costilow questioned the decision to possibly kill this item. He requested that it go to council floor.

Mr. Macartney spoke on the density - Beaver Creek vs this one - less units per acre than this one.

Mrs. Wasilk spoke to a few complaints she has received. Condo fee complains are as prevalent as rental fees. Regarding the noise - there are very little complaints from Amherst Village. Regarding the density - greater is more environmentally positive than spread out.

Mr. Pecora asked about the density and Mr. Macartney answered.

Mr. Dembinski spoke on being critical of PDD ordinances in the past and he can't support this.

On the motion to kill: Vote is 3 to 3 with Mr. Cowger, Mr. Janik, and Mr. Nahorn voting no. The motion dies.

Mr. Dembinski motioned to table this item, seconded by Mr. Heberling. Mr. Wachholz asked when this would come off the table? Mr. Dembinski said until the next meeting when it is called for.

On motion to table. Vote is 3 to 3 with Mr. Cowger, Mr. Janik and Mr. Nahorn voting no. The motion dies.

Mr. Cowger motioned to take this to the floor of council and for it to have three readings; there would be ample time to study and investigate any questions. Seconded by Mr. Janik. Mr. Wachholz asked about the split vote. Mr. Pecora stated there were good questions tonight and explained the options council could take. Mayor Costilow ask that this be taken to the floor of Council.

On the motion to take to the floor of Council: vote is 4-2 with Mr. Dembinski and Mr. Wachholz voting no. Motion passes to take to the floor of council.

Mr. Wachholz motioned to adjourn. Second by Mr. Cowger. Voice vote 6-0 to adjourn. The meeting adjourned at 8:31 P.M.