

## PLANNING COMMISSION MEETING MINUTES

Tuesday, August 12, 2025 6:00pm

The Newark City Planning Commission met in Council Chambers, City Hall located at 40 W. Main Street, Newark, Ohio.

**Present:**

Carol Floyd	Member
Joe Gebhart	Member
Bruce Ennen	Member
Jeff Hall	Mayor
Amy Vensel	Planning Commission Secretary
David Rhodes	Planning Director

**Absent:**

Brian Morehead	City Engineer
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1. **CALL TO ORDER-** Mayor Hall called the Tuesday, August 12, 2025 Newark City Planning Commission Meeting to order.
2. **APPROVAL OF MINUTES** for the July 8, 2025 PLANNING COMMISSION MEETING- **Motion by Mr. Ennen, second by Ms. Floyd, passed by acclamation**

**Mayor Hall** - Let me explain a couple things about the agenda this evening. I think we've got people who are probably on a couple different items. We've got public hearing tonight, which I'll explain a few more things to. We are going to take number five, which is Sharon Valley and Country Club rezoning as number four and put number four as number five. We're going to flip those two. Three will still go as is. And then under old business, the recommendation of rezoning change on 2236 River Road, the applicant, which is the developer, has withdrawn that application. So, anybody that's here for that particular thing, they've withdrawn their application. There'll be no discussion tonight. There'll be no anything. So, they're, I guess at this point, okay with how it's zoned. So, I know we probably have at least a couple faces in here I see probably for that. So, you're welcome to stay or you're welcome to go if you like, but there won't be anything on number six since it was withdrawn. The first thing to entertain is item number three. It's consider ordinance 25-18 an ordinance amending portions of the current articles of the zoning code in the city of Newark. I adopted May 8th 2009 by ordinance 8-33A and September 5th by ordinance 23-22A and September 16th 2024 by ordinance 24-18A implementing additional articles of the zoning code in the city of Newark. We are in a public hearing at this point. Public hearings are places where people, if you'd like to speak, I'd ask that you raise your hand. Some people make comments, some speak for, some speak against, but it's your opportunity to do that. You'd step up to the lectern here. These meetings are recorded so I need you to give your name and your address before you speak and then you will direct all your comments to this body up here. Sometimes we can have some passion in here and that's okay, but I want to remain civilized tonight and stay very orderly and stay very good. This is where this body, with zoning changes, a person that owns a piece of property has a right to submit an application for a zoning change. Then we have the duty to process that through this procedure. It comes to Council, it gets referred to Planning Commission. The items discussed tonight under public hearing, they're each treated separately obviously because there are three separate issues. We will listen to people's comments. Everybody can

have something to speak. I'd like you to somewhat limit your comments to about three or four minutes. Then this body, after it retires tonight, will consider all those ideas and thoughts and input and we come back at the meeting next month, which again is on the second Tuesday. It's going to be on September 9th, same time, same place, and we render an opinion of how we believe whether it should be changed and accepted or not. That opinion gets pushed to Council. Now Council, because of advertising rules, it will come to Council on October 6th and what it would do, a Council meeting, committees start at 5:45, but Council itself starts at 7, same room, so again that's October 6th. There'll be a little bit of an opening with Council as they normally do. Then there'll be a public hearing again on each of these items and that's another time to speak again. You're not speaking to this group, you're speaking to the Council members and after that public hearing they will take a vote whether to accept the opinion of this body or make something different however it is, but your opinions that evening are equally as important as they are tonight, so I just want you to kind of understand that. And of course, if any of that, a lot going on and it goes over your head, you're welcome to reach back out and we can explain any of it to you in any which way.

### **PUBLIC HEARING**

- 3. Consider Ordinance 25-18 AN ORDINANCE AMENDING PORTIONS OF THE CURRENT ARTICLES OF THE ZONING CODE OF THE CITY OF NEWARK, OHIO ADOPTED MAY 5, 2009 BY ORDINANCE 08-33A AND SEPTEMBER 5, 2023, BY ORDINANCE 23-22A AND SEPTEMBER 16, 2024, BY ORDINANCE 24-18A IMPLEMENTING ADDITIONAL ARTICLES OF THE ZONING CODE OF THE CITY OF NEWARK, OHIO.**

**Mayor Hall** - There's some adjustments throughout our zoning code for off-street parking. Is there anyone here to speak for or against this issue?

**Motion by Mr. Ennen to close the public hearing and refer to the Planning Director for his recommendation, Second by Mr. Gebhart, Motion passed 5-0**

- 4. ZONING CHANGE FOR SE CORNER OF SHARON VALLEY RD. and COUNTRY CLUB, NEWARK OHIO**  
Application Number: PC-25-28  
Owner: Highpoint Development  
Applicant: Bryan McAnally  
Current Zoning: TFR – Two-Family Residence  
Proposed Zoning: CSI - Church School Institutional District

**Bryan McAnally, 2025 Londondale Pkwy** - So what we're trying to do here is change the zoning to CSI, which would allow for an assisted living facility to be built so we would actually design, build, and operate the facility there. We have a home health company that we started six years ago with my wife here and it's done very well. It's grown. It's up to 175 patients, but what this town's really missing is another assisted living facility. There're just not enough beds. We can design, build, and operate that business there and we think it can do very well. It's a definite need for our community. There's 10,000 people turning 65 every single day. Licking County's elderly community, 65 and up, has grown 30 percent since 2010. So, there's a big need and, you know, we'd like to bring that to Newark and give back to our community. It's all about the care. We think we can run the facility very well and we think it'd be a great location. That's probably the best location possible. We'd love to do it here in Newark and give back and, yeah, that's really it.

**Ed Pangborn, 1216 Meyers Dr.** - I don't think this location is the southeast corner. I think it's the southwest corner, and if it's the southwest corner, there's people that didn't think they had to be here because it was not their area.

**Mayor Hall** - Well, they take the parcel. That could be a typo on the minutes, but I think they take the parcel off the thing and pull the addresses.

**Mr. Pangborn** - But everybody in that area got a notice, a change to the southeast corner, and the people on our street said we don't have to be there. That's over there.

**Mayor Hall** - We'll research into that. Please go ahead and make comments.

**Mr. Pangborn** - That's about it. I knew what wanted to be developed. They've had it for years.

**Mayor Hall** - We'll have to pull the records. Engineering pulls the address and the plat number and all that, and I think they're probably aware, but we're not going to take that for granted. We'll pull it and be sure. But go ahead and please, these comments, if we have to have a second one, we'll do that. And for additional comments, please go ahead and make your comments.

**Mr. Pangborn** - My only concern there is that creek that runs down through there. Creek or crick, whatever you want to call it. Under Country Club gets plugged up, and we have lost 15 to 20 foot of our backyard. Our property actually goes on the other side of the creek now, and it's never cleaned out. Whoever owns that property, has owned it for 25, 30 years, has never cleaned it. We have trees packed up there 8, 10, 12 foot high. We get heavy rain, we lose our yard and it backs up into our yard. Something's got to be done there. And you know, before that gets developed that's the only way to get to that Creek. We have houses on the other side.

**Mayor Hall** - The debris backs up onto the bridge is what you're saying?

**Mr. Pangborn** - Yes, and you can go down there and look at the debris. It's pretty bad. Also, one other thing. We counted 16 deer in our backyard a couple days ago and they live in those woods. So, get ready to deal with that too. And the flooding.

**Mr. McAnally** - Obviously when we're developing that we would take that into account. Make sure that's all cleaned out and you know that's safety for the residents as well. There's floodway and floodplain in that area. We're studying that right now and we'll have to be above a certain elevation, our finished floor, and you know we'll definitely take that into account and make sure that's cleaned up.

**Richard Liesen, 1330 Deer Run Rd.** - My concern just in general for that whole, it's a 17-acre plot there is it's just the floodplain. And I know Bryan just said something about you know we got to look at that. Well what's happened is back when the, you know when the hundred-year flood was put for our neighborhood, Deer Run, and on Meyer Drive, that was set, right? FEMA looked at the floodplain and they set that. Since then several things have happened. One is when they redid Country Club they put a lot of that extra dirt on the lot that Bryan wants to develop. That raised up at least three feet that it raised that. That's going to change that floodplain. So, what we've noticed and the other dirt that's been put there is kind of raised the other side up that pushes the floodplain higher on our side than what it has been previously. So, my concern is you know is that we've had some of these heavy rains and we know that we're in a seat you know whatever this weather change cycle is that we're getting these additional rains is that we're this hundred-year floodplain might have changed and hopefully it won't impinge on our in our homes. We talked about the velocity of the speed of that creek and when the flood gets up there that velocity is tremendous and we do get a ton. If you actually look at that bridge beside the trees you'll see that one side is occluded. It's actually filled in with silt. That's beside the point. I don't really think that it affects it but when you raise one side up and the flood comes up it's going to go further up on the other side and that's the housing side. So, my main concern is a flooding plain I know other people down on Meyer Drive who are not here maybe because you know

they didn't get this, is that they're worried about you know light pollution and noise pollution. So, those are just things that need to be considered. That might be, you know, having to leave some trees in there to be a buffer, you know, so something in there. That's all I have.

**Deborah Morrison, 65 Spring Valley Dr.** - I'm actually in the township not in the city, but we are affected. We were within the 300 feet. I'm going to reiterate some of the things that I've heard already. We've lived in our home since 1978 on Spring Valley Drive, and in that time the whole Deer Run development came to be. They also at that time started bringing in truckload after truckload after truckload of dirt to build up the strip that we're talking about, and to me it really seems like a strip and I can't imagine how you build on that strip. But that had always been a floodplain. Soggy. It was a place for when the creek when we did get those heavy rains that the water had a place to go. Now it doesn't. A couple things that have happened over the years is that, and I'm sorry to say this, but I don't feel like the owner has been a good steward to the property that he owned. He did not take care of the creek. When all that dirt was brought in and piled up, it was allowed to erode into the creek, changing the level of the creek, so the water flow couldn't go very fast. There are trees, it hasn't been maintained. There are oxbows, which are those real sharp bends in the creek, and with all of that, I mean, it needs like major work on the creek. It would have to be completely straightened out and be maintained in such a way that the water from all the paving and so on, we've got a place for all of that to go, and I guess my other concern is what environmental studies can be done to make sure that the creek will continue to allow the water to flow away from the places that are upstream, because the farther upstream you are, the worse the water flow is, and it's a major factor. Thank you.

**Gary Kurtz, 4425 Milner Rd.** - In addition to the water, because I'm upstream, so, you know, when we get a lot of rain, even in our backyard, the water comes up quite a bit, but I think that maybe straightening out the creek would actually be better for that. I'm not opposed to additional assisted living facilities, but my concern in addition to the water is how many entrances and exits are going to be there for parking lots and that sort of thing, because they changed the speed limit in the township on the road to 55, so when they're coming west to east, I can assure you they're not going 35 in that 35 zone. So, there's also a lot of traffic with schools and whatnot, but, you know, I think the number of entrances and exits would be a concern for me in addition to the water.

**Mayor Hall** - Thank you for your comments. I have a feeling that probably the right properties were notified. We'll still check it, because we're pulling people from Deer Run, so I don't think if it was the east side of Country Club that we would have pulled Deer Run possibly, but we'll still check it. Just wanted to make that comment.

**Marsha Clark, 1392 Morgan Bryan Dr.** - We are right on the creek. We're on one of those S curves, and when those rains come down, it's a raging river. I have photos. The water comes within three feet of the northwest corner of our house, and it's terrifying, and, again, as other people, dump trucks came in and dumped loads of debris and dirt, and the water, that property facing Sharon Valley Road was flat at one time, but now it just has changed the whole flow of the water, and, like, there are logs, people, logs and trees and rocks and everything just comes flowing down through there. To that gentleman's comment about the corner of Milner and Sharon Valley Road, 55. They're doing, yeah, probably 70 as our children are trying to turn on to Country Club to go to school, and it's almost blind. You have to pull almost out on Sharon Valley Road to even see if there's someone coming from the west, and it's a very dangerous corner if that is where this property is going to be built. So again, the water flow is the biggest concern, I do believe. Thank you.

**David Peddicord, 1320 Deer Run Rd.** - I just got concerns about once you start building there, where does the building stop? I mean, new builds have retention ponds and other things that go with them, so where's that water going to go if you have a retention pond? It's probably going to go where

everybody else is talking about, and there's not that much area there to be developed on down through there. I mean, like, behind our house, there's probably 30 feet between the creek and the road, but I'm probably one of the ones that have lost more land there than anybody else by the way the creek has gone the last few years, but my major concern is outroads, speed limit, other buildings, retention ponds. What's really happening there? Because you're telling us you're, you know, we're putting a school down here and a retirement home down here, so what's going to go in between there? So, you know, we've got family in this, I will say Deer Run is turning around again. We've got a lot of young families in there now, and that's great, because my kids grew up there, David's kids grew up there, and it's a great place for kids to grow up, and we love to see the kids in that neighborhood. And I think, you know, just for their safety and stuff like that, we ought to look just a little bit further before we set it in concrete.

**David Gough, 1340 Deer Run Rd.** - Major concerns is the flooding and the erosion of our neighborhood. My main concern is that Bryan has broken the rules of his father's development company when he lived in Deer Run, and then when he built a house on Deer Run. So, I know he may say that he is concerned and he'll do the 100 year, you know, water study plan or whatever. My concern is, I don't want it to be his friends, his buddies, whatever. I would like someone out of town, I don't know, whoever's doing this flood plain study, I would like to have, what's the word I'm looking for? A neutral party, figure that out. And I don't need to say what the past indiscretions were. I'll just say that they were past indiscretions in the past, so we can't necessarily trust what you say up here. That is what I would say. Thank you.

**Denise Pangborn, 1216 Meyers Dr.** - I'm really just adding what everyone else said about the flooding. Currently, we have flooding, we have a half an acre, and it comes up about two thirds into our yard. And I wasn't connecting it with anything going on behind us until everyone brought it up, but the problem is getting worse. We had it happen here not very long. Our shed goes underwater, our shed is in the back. And if I'm recalling correctly, when we bought our lot from your dad, he told us it was wetlands, and we weren't even supposed to touch it. So, I don't know if that comes into anything or not.

**Mayor Hall** - Thank you. Other comments on number five on the agenda of zoning change on the Sharon Valley Road? Anyone else? We made note of the comments of the water issues and things like that, and that'll be passed on to engineering, certainly, and we'll look at it. I know that on a normal day, like today, you don't see that, but when you live out in there and the rain comes down, those hills back in there, a lot of water comes off those hills. Some of those tributaries get much higher than most people think, unless you live by them, as you all do. So, we'll have some discussions and talk about those things.

**Motion by Mr. Ennen to close the public hearing and refer to the Planning Director for his review and recommendation, and to determine if those requirements were appropriately met, Second by Ms. Floyd, Motion passed 5-0**

## **5. ZONING CHANGE FOR 15 VOGEL ST., NEWARK OHIO**

Application Number: PC-25-29

Owner: Devon White

Applicant: Devon White

Current Zoning: CD – Conservation District

Proposed Zoning: CSI - Church School Institutional District

**Tom Brunner, 419 S. 2nd St.** - My property butts up Mr. White's property. I think it's a loophole what he's trying to do with zoning for the CSI because he's not going to use it for what it's for. He's going to use it to benefit him and his concerts. My theory is where he has these concerts at it could be a safety issue because it's a floodplain and if you got all that electrical wiring down there and it floods it could electrocute a lot of people. We've never had the issue with music down there before and I'll say it again, the city is no place for a concert venue. It interrupts everybody else's family lives. I've lived there for 40 years. My wife's parents lived there since 62. Sam Bennett owned the property down below where Mr. White is and also behind my house and so did John Lucero. I bought my property in 07 off of John Lucero. We've never had an issue. It's a quiet neighborhood. We want to keep it a quiet neighborhood. Most of the people in that neighborhood are older people and we don't need to listen to the stuff that he plays down there and stuff like that and he lied to the city once he'll lie to them again. So, I'd like to see this be denied on planning and zoning.

**Jeff Molden 494 Beacon Rd.** - I'm speaking against it for the same reason of the noise. I think right now he's playing these low concerts trying to get everybody to change their mind on it and then once he gets it changed and they're going to ramp back up in volume. Me and my wife moved into a house where we didn't have to listen to other people's noise. So, we bought a single-family home to where it was quiet. We walked through our neighborhood before we bought it. We bought our house expecting it to be quiet through there. We know the schools was there. After the schools, it's perfectly quiet in there till this all started. So, I'm speaking against it.

**Robert Cassidy, Second Baptist Church on National Dr.** - Good evening. I'm the pastor of Second Baptist Church on National Drive. My wife and I have been residents of Newark now for 34 plus years. We have obviously enjoyed our time very much. In many ways for us Newark is a small city with large city amenities and we're very much appreciative of that. Obviously, I'm speaking against this evening. My number one reason is that Newark has a strong and decisive history of not granting spot zoning. With that in mind the request that we're talking about, the property that we're talking about fits the definition of spot zoning. The process of singling out a small parcel of land for a use classification totally different than that of the surrounding area for the benefit of the owner of such property and to the detriment of others. The area that we're talking about, the area that's in question is a floodway which by definition is the most restricted within a floodplain. Please note that I said flood zone. This means that the area in question is very much subject to quick floods with potentially serious consequences. We don't have to think back too many years where here in Newark we had a flash flood and perhaps we've had more than one. I know of one for sure. With that flood I remember a number of individuals that had to be rescued. I recall looking at White Field and bemoaning the fact that they just installed I don't know maybe a few months previous to that the new turf which had to be completely redone and seeing the impact that the flood had on that. I can only imagine what would happen in this area if we had another similar flood or even something close to it. Particularly if it was being used for something like a campground or something like that. Obviously also it should be and probably is still fresh in our minds, it is in our church, we're still collecting monies right now to send to North Carolina and to Texas particularly because of the campground issues that happened in Texas which obviously was a horrible experience. I am truly interested and invested in the future and the city plans for the future for the south end. I have read of a few possibilities, I've heard some things including the possibility of passenger trains coming through the area through the downtown area again and I guess as we think about this we need to think forward as we envision what this area might look like in the near future and greater future years. Lastly, the last thing I'd like to share, I would like to stress the importance of not being short-sighted in our planning making commitments to something

that may not fit the future. Something that if we do it now we can't undo in the future. Again, thank you very much for the opportunity to express my concerns.

**Rebecca Walker, 133 Leonard Ave.** - I have just two issues and one's kind of middle of the road. The one issue I have is that they seem to see themselves as an entity within themselves instead of considering the entire downtown venue. So, say we have a family or friends coming from Belleville or wherever, they're going to go to The Arcade, they're going to eat at Elliot's, maybe stop here and listen to some good bluegrass, maybe even camp out overnight. That would be a fun day, but when you get on their website and look at their stuff they kind of have what I call a bad boy image. This is not- they're in the middle of a community. It has to be community-oriented, part of the downtown venue, but they insist on being their own little group I guess. The other thing that I'm concerned about is that they're not being forthright. They're not being up front with us. This is a recreational, that was brought up last time, business. There's no doubt that he's making money on this. This is his income. This is his business. If you would look at his income taxes how does he account for \$100,000. So, I'm sure things can be adjusted, but I'd like to see them play along with the community, be a part of the community instead of this separate piece. Thank you.

**Jerame Davies, 19 Summit St.** - I have a question first. What does the CSI zoning allow that is more than what he has right now? What's the purpose for the zoning change? So, he's already been given permission to go against zoning.

**Mayor Hall** – It's a conditional use that could, under conditions, satisfy his desires.

**Mr. Davies** - Okay so he wants to change it to be able to do it permanently. Yeah, and there's a rumor floating about that he has an offer on the table for the venue if he can get it sold. That's what I'm hearing, but obviously I'm fully against this venue. The stage and lights, basically, there're two houses on 2<sup>nd</sup> Street that the stage and lights are between and come right at my house. The noise, annoying, I don't get bothered by the traffic or anything because that's on National, but allowing camping down there, I think it's a bit much too. That's my opinion.

**Tina Stevens, 41 Summit St.** - I am totally against this. One, our community, Summit Street, 2<sup>nd</sup> Street, for the most part stays fairly quiet. The noise, I feel, is completely out of control within the city limits and within the small little community there, 2<sup>nd</sup> Street, National Drive, Summit Street. The noise is not only, you know, loud, it disrupts people, it disrupts families, children, you know, school-aged children, bedtimes, going to bed, and then you go to the next level of medical conditions. There is, you know, autism. Kids, adults that have autism, they're affected by stuff like this, and I work in a school district where I have worked with children with these medical conditions. My son has Tourette's Syndrome and Tick Disorder, and he has OCD. He is also, you know, affected with loud noises. I have a father, he has dementia. He gets triggered with loud noises. It bothers, and it takes me forever to get them calmed down. I'm sure I'm not the only one that has this problem. I'm sure there're other people within the community that have children or parents or spouses or whatever that also have medical conditions that is affected by this as well. I just don't think it's a good idea. Thank you.

**Mayor Hall** - Thank you, ma'am. I appreciate it. The zoning they're trying to change it to is CD, which is Conservation District, just for the purpose of it, to protect the public health and reduce financial burdens imposed on the community. It kind of goes on. Permitted uses, any customary agricultural use, any public or private recreational facility, including lakes, golf courses, swimming pools, softball fields, country clubs, riding stables, parks, and other similar uses, water conservation works, forestry, campgrounds. So, and again, you have to kind of think about, it's a rezoning on a property, that's any of these discussions we've had tonight are about zoning. Those uses are permitted. What the next person is going to do is one thing, what is 10 years from now, could be different. So, zoning is guiding that. I'm not here to judge why you submitted an application or to sit there and go through it. We're going to

obviously discuss whether we think it's a good or not future use of that piece of property. The zoning code is available online on our website if anybody wants it, and of course we can get you copies or whatever you want if you want to learn a little bit more. But most of those uses would not be permitted under its current zoning.

**Unknown speaker** - Bringing it back to the camping aspect of it on that property, we do have an overabundance of homeless that camp out down along there. Adding a certain crowd to the mix. I mean, we see what Legend Valley brings in once in a while. Not the best crowd ever. We don't know, and I'm not going to stand here and try to speculate or guess what kind of crowds are going to be in there, but we have to think of head into the future. What if those kinds of crowds were brought in? We already have problems with the homeless. We already have problems with people trashing the area down there, and depending on the crowd coming in, camping, you know, whatever. This just adds. You go to a concert. I'm sure everybody in here has been to a concert. They have an alcoholic concert. They leave stuff everywhere, you know. You go to a football game, same thing, you leave your popcorn bag, you leave your beer can sitting around. We don't need to continue to add to the issue that's already an issue with the littering, you know, the camping out on the river stuff.

**Steve Purington, 512 Edgemont** - We're within 300 yards of the music venue and I just wanted to say we're very against it just because of the noise, but two, I just don't think they have the best interest in the community. That came from the last meeting when a couple of his original investors spoke out against a couple of the people that were against it. One of the ladies had said that she couldn't even hear her own TV and somebody replied and said, well, maybe you should get some hearing aids to listen to your TV. And then number two, they basically said that they didn't like to have the music going on all day up until 11 p.m. and somebody said, you should just go leave your home and come back at 11. So that means just they have no regard for the community, the noise, and I believe they applied for a variance at one point to go 80 decibels versus 60. So, they just, who knows where this is going to go? And I just don't think it's a good idea for the community because they have no regard for the people, the communities that surround that venue. So, I'm just fully against it.

**Peg Dunlap, 418 S. 2nd St.** - Just moved back there after living on Howe Drive for 27 years and since I've been on 2nd Street, this is about the fifth meeting I've been down to. I'm dead against it. I have nothing against that young man back there, and I know he thinks we all do. I lived through 59 flood. It was in my house on Holiday Street, four feet up in the house. Flood comes through like it did in Texas. Lots going to happen to people if they have campground down there with tents, and that's what he talked about last time. That's what we heard. That is why he was told to go ahead and do this at the last, at the, whatever the other meeting was. So, I understand why he's trying to do that. Everybody on this side, raise your hand if you're against that. Now everybody doesn't have to come up here. It's our neighborhood, and you know what? We're changing it. It looks good. They're putting the black lights up and down, all the way down 4th Street. They're coming down 2nd Street. They're coming down to Mound City. I grew up down there. Mound City. That's where I grew up. I moved back. Bought my great-grandmother's house, and she lived in 1901. Redid it. We love it. Please, don't let this happen. It was Sam Benner's. I'll tell you what was there. I picked strawberries there when I was five years old, until I was about 15 years old. And we bought our corn down there, Sam Benner's. Our church flooded. This is our new pastor. We had to completely redo it. We built a new church in 78. So, we would like it turned down. That's where we're all coming from.

**Kris Johnson, 486 Edgemont Rd.** - Recently, he just had a concert. And I sort of take care of all the grass across the street, which is owned by T.J. Evans, I believe. Probably six, seven houses down. I mow it all. Sort of manicured. I like it. But last concert, seven, eight cars parked across the street. Asked them to move. Hey, this is private property, you know. And a couple of wisecracks told me to go back

in the house. Picked up trash can full of beer cans. I just don't agree with this. I just, I'm against it. You know it's going to continue. I just can't put up with it. I'm not.

**Melinda Molden, 494 Beacon Rd.** - We bought our house in 2017. We even walked around the neighborhood asking neighbors when we saw them sitting on their porch if it was a quiet neighborhood before we bought it. They said it's a wonderful neighborhood to live in. It's quiet, except for school traffic and that. But that's normal. And after that, it's a pretty decent neighborhood. Well, shortly after that, lo and behold, there was loud banging music where our pictures were rattling off our walls. The noise was so loud. You know how like when you go to a parade and the band comes and you start getting that boom, boom, that's what it was like in our house. You couldn't get away from it. But I will tell you, like they said, they have gotten better and I think they're doing that to appease so they can get what they want because I don't think he is being honest with everything. My fear is it's going to be like a Legend Valley. His complaint before was, well, there're bars. They have their bands outside. Exactly, they're bands. They shut down at a decent time. He wants a concert venue and I work in retail. I see the people that come in. I'm not stereotyping, don't get me wrong. I see the people that come in that go to these concerts and they dress very provocative, almost with no clothes on and they're coming in a store around children. We live in a neighborhood that has children and I just don't think it's good for the city to have these types of people come in and camping and partying and leaving alcohol, drugs, whatever, or even invading people's properties. And I mean, I just think this is a really bad idea. Thank you.

**Clifford Simon, 199 Isabelle Rd.** - Good evening, everybody. Also have property at 248 West National Drive. So that's in the backyard down there. It's been noisy. We can hear them up on Isabelle easy. Mom and dad moved up there in 64. I've been in that area since 1964. I know some of the people might not know, but the Evans Foundation owns a lot of that property from National Drive to 2nd Street down through there. I don't know where it borders up. Old Sam Benner had the farm and everything. I remember when we were kids, went down there and got corn, you know, to throw at houses or something. But it wasn't soap and windows because dad said he'd beat my rear end big time, especially if I was using paraffin. So, but yeah, definitely, I'm against it. I suppose what they're doing right now, they've had approval from the city for what they're doing, or they're just in there doing it on their own now. That's the question I got. I don't know.

**Director Rhodes** - They went through the temporary board of zoning appeals and they have a variance that ends at the end of the year.

**Mr. Simon** - Okay. Well, like I said, I'm against it. And I hope you guys, powers that be, do the right thing. Appreciate it. Thank you.

**Rebecca Walker, 133 Leonard** - To give you an idea, I did get on and looked up their articles and they do have restrictions and guidelines for when people come. You know, no alcohol. If you're smoking or vaping, be courteous. The last line was, don't be a pecker. And I thought, I had to look that up. What is a, what is a pecker? It told me that it basically refers to a male anatomy. But just to give you an idea of the mentality that we're dealing with here. We're not dealing with a community-oriented group. Okay, thank you.

**Beth Bline, 33 Summit St.** - Good evening. I was listening to everyone speak and I thought, what can I add to that? You've all been very well spoken and thank you for listening, but I guess in summary we might say we're shaped by what we allow. We are shaped by what we allow. Some of us are shaped in different ways by what we've allowed. Some of us have evidence in different aspects of our lives, but everyone that has spoken up here has demonstrated, at least verbally, how this has impacted their life. The Roost on the River is a business and their intent is to make money. The job of the city and of the residents is to cooperate and communicate for the best interests of everyone. We would all be best

served with boundaries. Boundaries keep the good in and the bad out. I'm not talking about people, I'm talking about behavior. Behavior demonstrates intent. Behavior demonstrates the core purpose of either an event or it would even be a future statement. So, what we're dealing with, people have been impacted by a series of consistent behaviors. For the city and for residents, as we continue to work together in a community, it would seem best that we do what serves us all the most, and that includes the Roost on the River. It really does. I mean, we want to be good neighbors for them, too. Right now, where they are, they have a number of issues that are a detriment to them. They have safety issues. People have already spoken about flooding. I was down there during one of the major floods, of course I live just around the corner, and ten feet of water came in a matter of minutes. And with one way in and one way out of that property, I couldn't imagine. Electric could go out because there's, to my knowledge right now, there's just one source and it is close to the water. There're safety issues concerning the security of that site. There's no fence. People come and go up and down the hillsides as they wish, and to the Roost on the River's intent of being drug-free, and I've heard them say that, which is a good thing. However, you can't monitor what's going in and out of there when there's so much freedom of the, I don't know, we probably all consider probably 50 acres that surround that, where people can come and go as they wish, and they don't know who's there. And to that point, we don't know who's coming up into our neighborhoods from there. So, I want to thank everyone for speaking so well. Again, as you're making your considerations, we are not financially benefiting as residents. We're not getting a cut for the concerts. We aren't benefiting from what they're doing. So, we don't have any way to balance out any median to help us in that consideration. Thank you for your time, and thank you for thinking about it.

**Devon White, 15 Vogel St.** - Good evening. I'm the property owner. I'd just like to thank you for your time, thank you for your comments. Touch on a few things here. In 2018, I'll solve some of your questions. I met with the city, Steve Baum and his people. We went over the zoning. It was considered music was, live music was what we were zoned for. Recreational activity. I've been doing it eight years now. We've had six concerts in eight years. We're not blowing the neighborhood up and I think the Moose Lodge has concerts twice a week all summer long. I think a lot of that is infiltrating up the hill. We have never had a problem, never had one arrest at any one of our shows. We've never had a medical issue at any one of our shows. We have professional medics. We have professional security. We have a professional cleanup crew. If you want to come down to my property any day, it'll be the cleanest property you will ever see. I'm not out to hurt anybody. As far as lights through the trees and all this, they point in the sky. I'm sorry, we're going to have to get rid of drones and stuff because for a couple hours a year, you're going to see some lights in the sky. It's part of music. My money comes from my business I started in 1999. I've never made a penny off that concert venue. I started a fabrication business in 1999 and I own a very successful business right now. I've never made a nickel off that venue because I put my heart and my soul into it. None of these people know me. If I was out there banging on doors trying to get people to hate or like on me, I mean there'd be 500 people here saying it don't bother us. But they have other things to do. They got life to live. They're not out there saying, oh it's so loud and crazy and drugs and all this. No. And a flood is a flood. The flood, I live there. No flood happens in 10 minutes. That was going on two days and everybody had time to evacuate and get done what they needed to do. So, camping there is not an issue. Drugs, I don't care. Go down to any bar in this town at night they're all smoking pot. Okay. I don't smoke pot. It's going to happen. You can't, it's everywhere. Okay. As far as the people that we bring in, wearing skimpy clothes. You live in the south end. Maybe we need to shut down the Circle K and all those places where all the people of all kinds walk in and do business. Again, six concerts in eight years and we're only looking for a handful of them a summer. That's it. God bless her soul. Miss Moore passed the noise ordinance. It's 60

decibels. And to hear somebody saying, we're just trying to, we're just turning it down to get through this. And then all of a sudden, we're going to jack it up. No, there is a noise ordinance in this town. Now I will tell you, I have 30 acres down there. I sat on my back porch the other night with the air conditioner running. It was 68 decibels. So, I think what's happened here is, see, no one has ever went and checked their homes before a concert. All they do is call and say, oh, it's so loud. It was just blowing my doors off. Well, and to go up, I think the last time it was 62 decibels, a cop read. Okay. Two decibels over the limit. That is, we're talking at 70 right now. Okay. But my thing is we don't even know what the decibels were before it was tested when we was playing music. It could have been 62, 65 decibels without my music playing. Now it's playing. Oh, I can hear it. Well, I mean, I hear the ballpark down there every night. I hear the Moose Lodge every weekend. I have the Moose Lodge people come and park on my property without permission. Okay. You know, so there's a lot more problems going on in this town than Devon having a couple of concerts a year. We like to bring entertainment in. It's a place for gathering. To judge and talk about people, the way they dress and who they are and what you see on my website, some of the nicest people in the world to give you the shirt off their back and do anything for you. So just being judgmental on a certain crowd or a certain type, there's all certain types. There're rock and roll types. There're hippie types, you know, there're bluegrass types, and we don't want to just have concerts down there. We want to do a lot. We want to bring the Boy Scouts in. We are going to have the BB gun nationals down there. I mean, there are a lot of things that we want to do. We want to bring in a lot of things. For me, I grew up in the music industry. So that is my avenue for people, you know. It takes a lot of money and when people are going to come in and help you out without holding their hand out to try to help you get going, music's going to be the first thing and yes, it's basically we want to have 21 shows a year. That's one weekend a month, six months. So, at any rate I was asked to- I've been- like I said, eight years under the impression I was zoned properly. I went to the appeals meeting. My attorney, it's all laid out, state of Ohio. It even says it. Any public or private recreation facility, music, live entertainment, absolutely falls within those guidelines. Mr. Carter said no it don't. It's his decision. You need to file for a rezoning. That's why I'm here. Personally, for me, I believe I'm zoned properly at this moment. The Moose Lodge is zoned Conservation District, the same as I. They play music every weekend. They played it last weekend. They'll be playing it this week, and next weekend, and next weekend, and next weekend, and nothing is going to change. So, I'm applying for the rezoning because I was asked to and yes, there will be a conditional use. I will have to go to the appeals board for the conditional use They would put conditions on it. All you people can come, we can all agree on it. Here's how many days? Here's what time it is and we can go from there. So, all I'd ask is you would consider it, and I appreciate your time. Thank you.

**Mayor Hall** – Would anyone else like to make a comment?

**Ms. Bline** – I would like to in respect to what he had spoken of on decibel levels. Yeah, the decibel meter is a calibrated instrument and it must be calibrated via our safety department. It has to be calibrated to state standards. It is, for right now, it is 60 decibels, but when it goes beyond that at the point of crossing into a neighbor's yard, then it becomes a violation. Presently, there have been several warnings and then they have turned it down. Now, to involve our officers in that constant chase is a misuse of their time. They have many other things to do then to go down and make sure that someone keeps turning their music down after they've been given option, after option, after option, during every concert. During their last variance they applied for, which I applaud, that was a good thing to apply for the variance, they asked for 80 decibels. I had to think on that for a little bit because if it is causing a tremendous problem for someone to be having 65, 67 decibels over their property line to the point that they can't sleep at night and knowing, a concert venue, knowing that that was the meter

reader and taken, and then to apply for 80. I mean, we want to be good neighbors. We want to be good neighbors and we want to do what's best for the city. Thank you.

*(Conversation in the audience between Mr. White and Ms. Bline)*

**Melinda Molden, 494 Beacon Rd.** - When he mentioned one concert a weekend, a month, that may not sound a lot, but when you work on the weekends and you have to get sleep to go to work, that is a lot. You can't call off just because they're having a concert. I'm not going to get sleep. I can't go to work. I'm going to lose my job. And another concern I have is property value. I mean, I'm just worried that our property value is going to go down because of this loud venue. I mean, he keeps mentioning a band playing at the Moose Lodge. It's a band. There's a big difference between bands and a big concert venue. Please take that under consideration.

**Tom Brunner, 419 S. 2nd St.** - Okay, he mentioned the decimeters, okay. I had several councilmen out at his first concert, and his second one, at my house, and when we were sitting on my back porch, you could not even hear yourself talk to each other. And the same way with my front porch. So, if the decimeters are that high at the front of my house, and Mayor Hall, you know where I live, that's stretching a long way to get those decimeters up. So that's what's got to be considered. That's all I have. Thank you.

**Motion by Mr. Ennen to close the public hearing and refer to the Planning Director for his recommendation, Second by Ms. Floyd, Motion passed 5-0**

#### OLD BUSINESS

There is none this meeting.

#### NEW BUSINESS

There is none this meeting.

#### MISCELLANEOUS – ADMINISTRATIVE APPROVALS

There are none this meeting.

**THE NEXT SCHEDULED PLANNING COMMISSION MEETING WILL BE HELD ON TUESDAY, SEPTEMBER 9, 2025, 6:00 P.M. THE DEADLINE FOR AGENDA ITEM SUBMITTAL IS MONDAY, AUGUST 18, 2025 4:30 P.M.**

**Meeting stands adjourned**

  
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Mayor      Jeff Hall

  
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Planning Director      David Rhodes