

Service Committee Minutes

Honorable Council
City of Newark, Ohio
March 17, 2025

The Service Committee met in Council Chambers on March 17, 2025 with these members in attendance:

Jeff Rath - Chair
Doug Marmie sitting in for Dustin Neely – Vice Chair
Bill Cost Jr.
Beth Bline
Bradley Chute

We wish to report:

1. **Resolution No. 25-15** A RESOLUTION AUTHORIZING NEWARK DEVELOPMENT PARTNERS TO ACT AS AGENT FOR THE CITY OF NEWARK FOR THE SALE OF CERTAIN REAL PROPERTY AND AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH NEWARK DEVELOPMENT PARTNERS GOVERNING THE SALE AND DISTRIBUTION OF PROCEEDS.

David Rhodes, Service Director - Thank you, Mr. Chair. The City owns a lot at 37 South Morris Street. Mr. Maurer received a call on that lot to see if we would want to sell it. We have no municipal use for it, and the best way to make that happen is for us to take it to Newark Development Partners. There will be an agreement in place that speaks to the proceeds and the proceeds coming back to the City.

Motion to send to full Council by Mr. Marmie, Second by Ms. Bline, Passed 5-0

2. **Ordinance No. 25-11** AN ORDINANCE CHANGING THE ZONING CLASSIFICATION OF CERTAIN REAL PROPERTY, GENERALLY DESCRIBED AS 2236 RIVER ROAD, CITY OF NEWARK, LICKING COUNTY, OHIO, PARCEL TAX ID #054-225738-00.000 AND #054-225744-00.000 FROM THAT OF MFC - MULTI-FAMILY CONDO ZONING DISTRICT TO MFR – MULTI-FAMILY RESIDENCE ZONING DISTRICT, ZONING CODE OF THE CITY OF NEWARK, OHIO

Director Rhodes - Thank you, Mr. Chair. You might remember this particular parcel did come through council one time. It did come to planning commission. Planning commission sent it out to council with a negative view. And it all had to do with density and number of units. So, the developer is back at us with the same parcel with a lesser density. I've not seen the plan. This is the second of two developments in that particular area. I'd ask that you just give it to planning

commission. Let's take a look and see what they want to build now, and we'll send it back to you with a recommendation.

Mr. Marmie - So we're voting on zoning. Density has nothing to do with zoning. So, therefore, if we turned it down once, why would I approve it now?

Director Rhodes - Well, that's a good question. One of the planning commission members stated at the meeting that he was not going to vote in favor of the zoning change because of the number of units they had, and if they would come back with a smaller number of units, he might reconsider his vote. That was something that one of the planning commission members said that blew life back into this. So, they have reapplied.

Mr. Marmie - If we pass the zoning and they change their mind and they do the density that they want anyway, we have no recourse. It's either the zoning is correct or it's not. It doesn't have anything to do with density.

Director Rhodes - Well, you can make that argument. I didn't speak for that zoning commission member that night. I did not. And the fact of the matter is, when it came back to this council, you guys voted no for the zoning change.

Mr. Marmie - Right, because it was not recommended.

Director Rhodes - It was not recommended. It was recommended, but the planning commission overrode the recommendation.

Mr. Rath - Right. And it was not voted upon by council.

Director Rhodes - Because we pulled it. Yeah, that's right. We pulled it. So, let me say it to you this way. We're here tonight because one of the members said, if you brought forward a lesser number of units, I might change my vote. They have the right to come back and ask for a zoning change. You have a right to stop it right here in committee, or you have a right to pass it on to me in planning commission. That's your decision. Not based on the number of units, based on the zoning.

Ms. Bline - Yeah. I attended those meetings, and they were quite populated and well attended by residents. Now, are the residents going to be notified again about the second opportunity?

Director Rhodes - Oh, yeah. They know, and it's flying around on different social media platforms. Yes, they will be notified of this. Let me be real clear. It's a zoning change, as Doug points out. It's not a density. We're here because of the comment that was made at planning commission. It's up to you guys. If you even want to consider a zoning change, vote yes and give it to me. If you don't, vote no, and that stops here.

Mr. Chute - Just to expand a little bit on what Mr. Marmie was asking, can you speak to why this area was zoned multi-family condo to begin with, as opposed to some other?

Director Rhodes - Well, if you go back to when we redid the zoning maps and the zoning code, which hadn't been redone for about 30 years, I'm going to go back to, and I'm going to get the dates wrong, so let me just get that out there. Sometime around 2005, 2006, 2007, and again, I could add those years wrong, there wasn't a lot of activity out in this area. It was a group of us sitting in the basement of MedBen, rewriting the zoning code and saying, gosh, we think this zoning would work fine there. We also took a look at the terrain on there, you know, the ground, this and that. So as things pick up and more being built in the city, other people have different thoughts and ideas. But we rewrote the whole code and we redrew all the maps way back then. So that's kind of what we thought. Then we've changed some zoning out there over a period of time from one zoning to another zoning through avenues like this. So, this is the last

zoning that is out there is condos. Give you about 90 units with condos, and that's a rough and dirty number. Probably what we would hear from this developer would probably be around 250 apartments. And again, I haven't seen the plan, but I'm just guessing.

Mr. Rath - What was the original proposal?

Director Rhodes - Jeff, I'd have to look at that. I think around 300.

Mr. Rath - It was over 300?

Director Rhodes - I think so.

Mr. Cost - Did I misunderstand? Did you say apartments?

Director Rhodes - Yes. They want to build apartments.

Mr. Cost - Okay. Well, I can say I don't know about anybody else, but my mail that I'm getting, every one of them has the word apartments. Over and over and over. I realize we've got more than one zoning situation going on, but it sounds like we do have a density issue and we do have a zoning issue. But I think we have, I think the apartments was another (inaudible).

Director Rhodes - The city does not have a development agreement with this group. We have a development agreement with the VISTA group. We've not sat down and hammered out a development agreement. The VISTA group who we brought through here, who you all met, Scott Hartley, we would have redone that zoning all at one time had we known which way Thornwood was going to go. We still don't know which way Thornwood's going to go, but they did set aside eight acres to give us some leeway.

Mr. Cost - But this one does not involve apartments whatsoever.

Director Rhodes - This one does not involve the VISTA group whatsoever. That is correct, Bill.

Mr. Rath - I just want to make sure that you're clear. When you said this one doesn't involve apartments at all, this is apartments that they want to build, and they will want to build it on River Road on the northwest side of the roundabout. The VISTA project is on West Main and Thornwood. So, these are two totally different projects. And the VISTA project on West Main and Thornwood is also apartments. That's pretty much a done deal.

Director Rhodes - You'll have about 570 units with the VISTA group. I'm guessing around 250 units with this one.

Mr. Cost - I just want to make sure that I'm understanding the mail that I'm getting, because they don't put any sort of numbers on it or anything. So, you're reading them, and that's the word that's coming up everywhere. So that's why I was saying I think apartments are another aspect of the issues here beyond density and beyond zoning.

Director Rhodes - Again, Bill, let's use your property as an example. You have every right as a citizen to come in here and ask for it to be rezoned general commercial, and the administration would take your application. I'd stand here and ask you to pass it to me. In this case, this particular piece has been passed to us. We looked at it. A planning commission member blew a little life back into it, saying if you brought a different number. That's why we're here. That's why we're here. The question is, do you guys support a zoning change? Doug, you're right. They could sell it. We'd have to put some type of restriction in it on a number of units, things like that. I've not looked at the layout or the new proposed layout. I've not looked at anything that has to do with stormwater on this. This is just, again, the beginning of stage one of something we've done.

Mr. Rath - Is it legal and is it possible that we restrict the number of apartments being built on that property?

Director Rhodes - You guys can do it. I'd rather do it along with the zoning change as a condition, but again, I'd refer to the law director's office on that, on the legal part. But, again, if you like the idea of this property being rezoned, then give it to me. If you don't like the idea of the property being rezoned and you think it has the appropriate zoning, then vote no. I mean, that's your choice.

Mr. Marmie - So, in light of the fact that the first time it came through, it was pulled, it never really came to a vote. That's one issue that helps the property owner. Second thing is, property owner rights are the number one issue, and we should always respect property owner rights. I'm not saying I support the zoning change, but as of right now, I support the fact that this property owner has the right to due process to send it through. So, I'm going to vote in support of sending this through, letting the Planning Commission look at it, letting the law director look at it, and go through the process. Because if we just vote it down based on the fact that we don't want apartments, well, it goes against the Ohio Revised Code. Property owners have their rights.

Director Rhodes - And, Doug, I can't speak to the fact whether this property has actually been closed or sold at this point.

Mr. Marmie - Right, right. But they still have the right, the property owner has the right to petition.

Director Rhodes - Just as Mr. Cost would have property owner right to bring general commercial to his property.

Motion to send to full Council by Mr. Marmie, Second by Mr. Rath

Mr. Rath - I will second this, just to allow it to go through the process. I am opposed to the change, but I agree with Mr. Marmie about having an opportunity to go through the process as they did before. I would much rather see condominiums there, you know, lower density. Much like the property neighboring that property.

Mr. Marmie - Knowing that legally, we're better off if it goes through the process and gets denied than to go, just deny it, just out of the gate without letting it go through the process.

Mr. Rath - When it comes back to council, we can always vote against it

Mr. Marmie - It may not even come. Planning commission may not recommend it.

Director Rhodes - But you do have the right to deny it. That's why you have a city council.

Ms. Bline - Yeah, I'm interested in the law director's findings, because density is something that is going to have to be addressed soon. We have a lot of opportunities coming down the lane, and it's something, you know, I will often use the word boundary, but it's things that are, they keep the good in and the bad out. It's an opportunity to look into something that could safeguard our city.

Director Rhodes - Let me help you a little bit. There's two pieces that were created when the roundabout went in. There's a triangle piece, and then there's the greater piece. When I came up with my opinion last time on the greater piece, I wrote in support of the zoning change. The smaller piece, which was right against Reddington Village, I wrote in non-support of that. I wrote to keep that. I got that from the residents. At least I thought I got that from them, you know, because they were talking about how close the apartments would be. Didn't completely interpret what they really believed until it went a couple steps further. The concern of one of the planning commission members who said, you know, it's the density thing. It came from that particular member going out there and driving around and looking at the traffic. That's where

he came up with the number thing. And as you know, Doug, on these boards, people say different things. And people stand on this side, glean to different things. I'm happy to take it in planning commission, if you give it to me, or I'm happy not to take it.

Motion passed 5-0

Director Rhodes - I'll keep this committee informed as we begin to see plans and things. I know it's a tough vote, but that's an easy thing for me to keep you five informed.

Mr. Rath - So, Mr. Rhodes, one of the things that I would be interested in seeing is, I don't know if you can get this from our engineering department or not, what type of traffic volume exists there now, and what type of traffic volume, ultimately, that roundabout was designed to handle.

Director Rhodes – Okay.

Mr. Rath - I pray to God that it is designed to handle immensely higher traffic flows than what we have there now, because that certainly is what we're putting out in that area. But that type of information might be helpful as well.

Director Rhodes - It's fair enough. Again, we have a good traffic engineer, and he will get us that information.

Meeting stands adjourned

Jeff Rath -Chair