

PLANNING COMMISSION MEETING MINUTES

Tuesday, August 8, 2023 6:00pm

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

Present:

Bruce Ennen	Member
Carol Floyd	Member
Joe Gebhart	Member
Janine Paul	Planning Commission Secretary
David Rhodes	Planning Director
George Carter sitting in for	Brian Morehead, City Engineer

Absent:

Jeff Hall	Mayor
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1. **CALL TO ORDER**- Director Rhodes called the Tuesday, August 8, 2023 Newark City Planning Commission Meeting to order.
2. **APPROVAL OF MINUTES FOR The July 11, 2023 PLANNING COMMISSION MEETING**- Motion by Mr. Ennen, second by Mr. Gebhart passed by acclamation

PUBLIC HEARING

3. ZONING CHANGE FOR 235 EAST MAIN ST., NEWARK OHIO

Application Number : PC-23-16

Owner: Brewers Real Estate

Applicant: Steven Brewer

Current Zoning: Single Family Residence RH- High Density District

Proposed Zoning: MB - Medium Intensity Business

Steven Brewer - I bought a house that is right next to Owens Collision, if you guys are familiar with where that's at on East Main Street. For the past 3 years it has been a squatters house, the lady fell ill to a mental illness, moved in with her son who actually works at Houston Plumbing and it has been a squatters house and it was an ongoing disaster of a place for me being right across the street from DorMar. So, when I had an opportunity to purchase that, I purchased it. Mr. Paul upstairs deemed the facility uninhabitable, so there wasn't squatters rights to it, so the NPD was helpful in removing the squatters because the place had been deemed uninhabitable. Currently if you guys go by it you'll see it's still boarded up because it's still a constant people trying to break in to move back into the squatters house. So, your Council helped me get some other properties re-zoned to do some commercial duplexes and I would like to tear this building down eventually and after this hearing could hopefully get approved or after its re-zoned in a month or two hopefully, I would like to tear that building down so it can't keep getting broken into and it doesn't have to stay boarded up and I would like to build a duplex commercial facility as well just like the ones you guys helped me get approved. I think ultimately in my opinion being in the east end of Newark, I think ultimately it will help to continue to clean up the area getting more businesses in there instead of a rundown kind of home which that one had become.

Director Rhodes - On this particular one I've met with Mr. Brewer a couple of times and had discussions, I do have an opinion on this, but want to wait and see if anyone else has any

comments on this particular issue.

Motion by Mr. Ennen to suspend the rules and instead of referring to the Director for future recommendation, we accept his recommendation now, second by Mr. Gebhart, Motion passed 4-0

Janine Paul - Upon consideration of the information presented, the following actions are recommended:

1. The zoning classification for the parcel at 235 East Main Street shall be changed to MB - Medium Intensity Business. Ordinance 23-17 is recommended for passage and approval by Council.

Motion by Mr. Ennen to accept the Planning Director's recommendation and forward the same to Council for their approval, second by Ms. Floyd, Motion passed 4-0

4. ZONING CHANGE FOR THORNWOOD DRIVE, NEWARK OHIO

Application Number : PC-23-17

Owner: Michele J and Cynthia S. McCracken

Applicant: Scott Hartley

Current Zoning: GC - General Commercial District

Proposed Zoning: MFH Multi-Family High Rise District

Scott Hartley - Development partner for Vista Residential Partners, we are an active multi-family development company headquartered in Atlanta with a national footprint, we have regional offices across the U.S., Mid -Atlantic, Carolinas, Florida, Nashville, Houston, Denver in addition to the Pac-Northwest. I'm part of one here in Columbus for the time being. We were founded in 2000 by Edward Gourdiola. Historically the types of projects we have focused on have been more work-force housing in nature. So, we have historically targeted the Industrial boom cashing the white roof tops, so this piece here in Newark lends itself specifically to our investment pieces. We've completed 100 multi-family projects to date. We currently have a pipeline of 16 developments across the U.S. as well. We have institutional capital that we've historically invested with alongside us, including Nationwide Insurance based here in Columbus. This site specifically, we currently have programmed a 310 unit multi-family development. It's what you would consider a garden style 2 and 3 story walk-up type structure. It would have all the class A amenities and features that you would see across the City and across the U.S., stainless steel appliances, granite counter tops, under-mount sinks, in addition to full amenities such as resort style pool, fitness center. Co-working spaces which are more and more important in todays day and age. This site we believe specifically is the highest and best use, just given the topography and the challenges from a rock perspective. As you know, this is more of a commercial area in nature. There is a significant amount of topography that changes about 90 feet from bottom to top from an elevation change, it is not conducive to a commercial development. We believe the highest and best use for this site is a multi-family project. It borders, as you know, the T.J. Evans trail, so we would like to program down the road a bike pavilion center for the community as well to have a little bike storage and an inclement weather pavilion as well. This is David Hodge, with Underhill-Hodge as well.

David Hodge - I'm a zoning and land use attorney at the Law Firm of Underhill and Hodge, we're based in New Albany. I've been at it as a zoning attorney for a little over 20 years, this is the first opportunity I've had to come in and be involved directly in a project in the City of Newark, so happy to be here. Deal a lot with County Commissioners down the street on Township projects and certainly was involved previously on a project on this property is right for this kind of development, Scott's company is not the first phone call my office has received to look at the site development on this particular property in the City of Newark, so we'll stand by and answer any questions that the Commission has and any neighbors here with questions about this particular project, but happy to be here tonight.

Director Rhodes - These applicants have number 5 and number 6 here as well.

Mr. Ennen - Are these similar types of developments all three of them?

Mr. Hartley - Just to clarify, it's 310 units on all 4 parcels, since they were different parcels and different owners we were asked to submit 3 different applications. So it's not 301x4, it's 310 total.

Director Rhodes - Does anybody have any questions on this particular application, this would be on Thornwood Drive.

Motion by Mr. Ennen to consolidate hearings 4,5 and 6, Second by Mr. Gebhart, Motion passed 4-0

Steve Layman, 9 N. 3rd Street, Newark - I am not unbiased just to get that on the record. We represent Michele and Cynthia McCracken, who own the corner of Thornwood and West Main. They also own a parcel that's not included in this re-zoning request that's contiguous to this property and goes down Thornwood which these guys also have under contract. I also have a fairly sizable investment in the area, we have about \$4 million invested in 25 acres fronting on Cherry Valley Road that abuts their property and that development is going to be 62 single family houses. We are in favor of this development, we've been involved looking at this land for a long time. I would agree with their analysis that it's the highest and best use of the ground. With some of the uses across the street on West main, a concrete plant specifically and recycling business, more power to them if they can make that residential, but we think that is the best use, that ground is topographically challenged. So, being able to site individual buildings on the land makes a lot of sense and I would hope that you would vote in favor of this request.

Eileen Scarrett-Dudgeon, Courtesy Ambulance -, 1890 West Main St. - The property abuts right up to the bike path. My only thing that would be very helpful for our company is the egress. It is getting very difficult with all the changes that are going out there on West Main and Thornwood, to get those ambulances in and out of there it's like Russian roulette right now. So, I may have to come back to you if this traffic pattern with changes that they wish to do gets worse. I may have to figure out a pathway onto Chalfant to West Main and right now you do not want those size vehicles on Chalfant, you just repaved it, thank you very much, but the problem is, I've got very heavy trucks that are on it so I'm going to be tearing it up if I have to go that way, so my only thought is whatever you choose to do, please help me down the road on how we're going to deal with this.

Director Rhodes - I will say this. This just speaks to the zoning and when the final plans are turned in, we will definitely take your words into consideration and you know how to reach me and I know how to reach you.

Tom Harvey, Hope Timber Properties, 2135 West Main Street - We are directly across the street from the McCracken property. I guess I've got a couple of questions about 310 units, going to house 6 to 900 people plus Steve's property going down Thornwood, looks like it might be some sort of apartment, the traffic there right now is an issue. So, that's something that both the City and the County have to keep an eye on. I know there's all kinds of different plans to make an interchange there at Thornwood, but we have heavy trucks coming in and out of our facility, our garden center with regularity and certainly is on a hill and with all that traffic coming in it and toward it and across it and everything else like that, there's going to be some issues up there unless there's some really good planning on those roads. There already are issues, but that's just a matter of growth, this is exponential growth that you guys are talking about here. So, that is my comment on the traffic. Secondly, when you say family high rise, would you define that for us please?

Mr. Hartley - From the zoning classification we are going for that MFH for the 310 units, they are 2 and 3 story garden walk-up type units, they are wood framed 3 story max, this is not a high rise.

Mr. Harvey - Okay 3 stories max, okay I see. Where is the proposed entrances off of Main

Street, or are there? So that's more at the bottom of that hill.

Director Rhodes - Tom, should the Committee vote to move this onto Council, this is just zoning, all of those plans and the conversations I've had with the developers. There's going to be a need for infrastructure improvements and the City does exaction fees and we do planned developments with developers that pay into that, so all those details are not worked out but would have to be worked out prior to plan approval. It's just zoning at this point.

Mr. Harvey - I personally don't have any problem with the approval of the zoning, housing is necessary here in the City and so as long as everybody is on board with really good planning, that hill has to come down or the intersection has to come down in some way, shape or form to accommodate the proposed traffic that everybody is looking for on Thornwood Drive, so this is all part of that. So, I don't have any objections to the zoning change.

Jared Stearns, 435 Thornwood Drive - We are right across from this development as well. My only question about the 2 and 3 story is, we are right on the road, it wouldn't be great if we had people on a third story balcony looking into our property, we would not love that, so is there plans to either push it further off the road or build a privacy screen or something like that?

Mr. Hartley - There is a significant tree cover on the side facing you which is a requirement in the zoning, so our goal is to create a natural barrier with the wooded trees and keep those there.

Mr. Stearns - So keeping some trees along the road?

Mr. Hartley - Along the road as well as around the entire perimeter as well.

Mr. Stearns - And is there any plan, I know you mentioned like a bike locker, will that be if use to our neighborhood or is it just strictly for that community?

Mr. Hartley - The proposed bike kiosk is for the entire community similar to what you see on Gooddale in downtown Columbus. Those type of structures is what we are contemplating for people to hide out in inclement weather.

Mr. Layman - Kind of a point of clarification, I don't want anyone to be confused. My understanding is that there are 3 lots on the corner of Thornwood and West Main that are proposed for commercial use, so if you are going to re-zone that whole parcel, somewhere in the language you should leave those 3 parcels zoned for commercial use. If you are re-zoning all of McCracken, somewhere in the text you ought to reserve the corner itself for commercial purposes because I think that's part of the plan.

David Hodge - I looked at this issue a little bit as we got prepared to come and in this district that we are requesting there is I believe a conditional use process that allows for some neighborhood commercial. That would be another way to skin the cat to allow for a neighborhood commercial conditional use.

George Carter, Zoning Inspector - Under the conditional use for the MFH District, small retail which are accessories to the project along with home retail are conditional uses. Conditional use must be approved by the Board of Zoning Appeals.

Director Rhodes - So, there is another layer to it, you would have to apply to the Board of Zoning Appeals.

David Hodge - So it could be accommodated in this District, certainly not precluded as we move into future phases if some of those uses want to be a little bit different on that corner to go back through a separate zoning process to allow whatever those particular uses are but there is a carve out that conditional use to the BZA in this District that we are requesting.

Director Rhodes - That's correct.

Mr. Harvey - One more quick question, you mentioned 4 parcels, on this agenda we only see 3 parcels.

Mr. Layman - That other parcel is 9.5 acres on the east side of Thornwood it runs from McCracken down to Reddington. The City right now has undertaken a study on how to handle Thornwood, one of the options is to bypass the hill entirely and come through our parcel. They have an agreement to buy it that is tied to that study and that study is not due until February 1

think, so they are holding off on what they are going to do with that parcel until we know what the City is going to do on Thornwood.

Mr. Hartley - Exactly. The 3 avenues have it staying west of the pipeline and our phase I is east of the pipeline which could be proceeded forward.

Ms. Floyd - Are these apartments in the Newark City School District?

Mr. Hartley - They are.

Liz Stearn, 435 Thornwood - This may have already been answered so I am just kind of seeking clarification. With the roundabout, the big question is the road, we know there's been funding, but the question is how is that going to be routed. One of my concerns and if I understood correctly, the development is going to be flexible to accommodate these different possibilities of the roads. My concern is that it's going to force the road in a way that's going to eat in to my property on that corner of Thornwood and West Main and again this may be me just not fully understanding the full picture, so what I'm asking for clarification on is, is there still going to be flexibility so that when the City does this study and come in and try to determine what the best route is by passing Thornwood, is this development going to be flexible around that?

Director Rhodes - This is simply zoning, the City does retain final site plan approval.

Mr. Ennen - Also, the planning process is still going on and yes there is flexibility built into the system because we still have to approve whatever they do finally.

5. ZONING CHANGE FOR WEST MAIN STREET, NEWARK OHIO

Application Number : PC-23-18

Owner: Englefield Frederick William IV Trustee and Kennedy Group 1991 LLC

Applicant: Scott Hartley

Current Zoning: GC - General Commercial District

Proposed Zoning: MFH Multi-Family High Rise District

6. ZONING CHANGE FOR 1975 CHERRY VALLEY ROAD, NEWARK OHIO

Application Number : PC-23-18

Owner: Englefield Frederick William IV Trustee and Kennedy Group 1991 LLC

Applicant: Scott Hartley

Current Zoning: Single-Family-Residence, RH-High Density District

Proposed Zoning: MFH Multi-Family High Rise District

Motion to close the Public Hearing and suspend the rules and hear the recommendation from the Planning Director, Second by Mr. Gebhart, Motion passed 4-0

Janine Paul - Upon consideration of the information presented, the following actions are recommended

The zoning classification for the parcel at Thornwood Drive shall be changed to MFH Multi-Family High Rise District. Ordinance 23-20 is recommended for passage and approval by Council.

Upon consideration of the information presented, the following actions are recommended:

The zoning classification for the parcel at West Main Street shall be changed to MFH Multi-Family High Rise District. Ordinance 23-19 is recommended for passage and approval by Council.

Upon consideration of the information presented, the following actions are recommended:

The zoning classification for the parcel at 1975 Cherry Valley Road shall be changed to MFH Multi-Family High Rise District. Ordinance 23-18 is recommended for passage and approval by Council.

Director Rhodes - This is the reason I've asked Bruce and the Committee to suspend some of the rules, I've had the opportunity to meet with Mr. Brewer who was in here before, I've had the opportunity to meet with the Developer, with our Engineer, the City does retain site plan

control, it still has to be approved. Projects like this take a long time for planning, this isn't something that is going to be built overnight and your comments are on the record and will be taken into consideration.

Motion by Mr. Ennen to accept the recommendations of the Planning Director and forward to Council for their decision, Second by Mr. Gebhart, motion passed 4-0

Director Rhodes - There will be another Public Hearing at City Council and they will have the final vote on this for the re-zoning on September 5, 2023 at 7pm here in Council Chambers.

7. Consider Ordinance No. 23-22 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 IMPLEMENTING ADDITIONAL ARTICLES OF THE ZONING CODE OF THE CITY OF NEWARK, OHIO

George Carter, Zoning Inspector - I previously expended a lot of breath explaining all of the changes to this Ordinance at Committee meetings a few weeks ago, so I'm going to present myself and if you guys have any questions regarding these changes I'll be glad to answer them for you.

Motion to close the Public Hearing by Mr. Ennen and refer to the Planning Director for his immediate recommendation, suspending the regular rules , second by Mr. Gebhart, Motion Passed 4-0

Janine Paul

Upon consideration of the information presented, the following actions are recommended: Ordinance 23-22 is recommended for passage and approval by Council.

Motion by Mr. Ennen to accept the recommendation and forward to Council, Second by Ms. Floyd, Motion passed 4-0

OLD BUSINESS

There is none this meeting

NEW BUSINESS

8. ZONING CHANGE FROM TBZ FOR 900 & 906 SHARON VALLEY ROAD

Application Number : TBZ-23-02

Owner: Bryan McAnally

Applicant: Bryan McAnally

Current Zoning: Multi-Family Residential

Proposed Zoning: General Office - GO

George Carter, Zoning Inspector - Previously this month the TBZ met reviewing the property at 900 and 906 Sharon Valley Road. The property was previously zoned B-2 which presented an Office and Business component to the classification along with Residential. The entire property was re-zoned Multi-Family Residential with the intent that all of it would be developed, however, that was not the original intent. The original intent was to leave the commercial businesses there that are already there and develop the last part. There are lot splits currently in place and the TBZ thought under their power that it should be zoned General Office to correct that mistake from when we went through in 2008 and re-zoned it. It has been confirmed by our TBZ, it did pass 4-0 and their recommendation is that the proposed zoning should be General Office.

Mr. Ennen - Is the landowner okay with that?

Mr. Carter - Steve called the landowner at the meeting.

Mr. Layman - Yes.

Mr. Ennen - It's already built so I thought it was an obvious yes answer, but thought I would ask anyway.

Motion by Mr. Ennen to accept the recommendation of the TBZ, Second by Mr. Gebhart,

Motion passed 4-0

MISCELLANEOUS – ADMINISTRATIVE APPROVALS

There are none this meeting

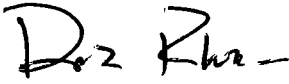
THE NEXT SCHEDULED PLANNING COMMISSION MEETING WILL BE HELD ON TUESDAY, SEPTEMBER 12, 2023, 6:00 P.M. THE DEADLINE FOR AGENDA ITEM SUBMITTAL IS MONDAY AUGUST 21, 2023 4:30 P.M.

Motion to adjourn by Mr. Ennen, Second by Ms. Floyd, Motion passed by acclamation

Meeting stands adjourned



Mayor Jeff Hall



Planning Director David Rhodes