

## PLANNING COMMISSION MEETING MINUTES

Tuesday, February 14, 2023 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
Janine Paul	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, February 14, 2023 Newark City Planning Commission Meeting to order.
2. **APPROVAL OF MINUTES FOR The January 10, 2023 PLANNING COMMISSION MEETING- Motion by Ms. Floyd , second by Mr. Gebhart , passed by acclamation**

**Mayor Jeff Hall** - We have three items here tonight for a Public Hearing. What we are going to do is flip these around, the last two numbers 4 and 5 are for Mt. Vernon Road, which I assume most of you here are here for the Merchant Street zoning, so we will do the two for Mt. Vernon Road first. Then everyone will have an opportunity to speak on the other one after that. Public hearings are for us to hear from you, not for us to give our input while you are speaking. We are going to combine both for Mr. Vernon Road, they are adjacent properties.

### PUBLIC HEARING

3. **ZONING CHANGE FOR 1401 MT. VERNON RD., NEWARK OHIO**  
Application Number : PC-22-57  
Owner: Rick Platt  
Applicant: Nathaniel Ward  
Current Zoning: GC - General Commercial Zoning District  
Proposed Zoning: LI - Limited Industrial Zoning District
4. **ZONING CHANGE FOR 1425 MT. VERNON RD., NEWARK OHIO**  
Application Number : PC-22-56  
Owner: Rick Platt  
Applicant: Nathaniel Ward  
Current Zoning: GC - General Commercial Zoning District  
Proposed Zoning: LI - Limited Industrial Zoning District

**Rick Platt, representing the Port Authority who owns the property, home address in Newark is 880 West Locust Street** - I'd like to speak in favor of the zoning change for the two parcels mentioned. I have a prop that was in your packet. This depicts what our plans are. This was the former Chesrown Car Dealership. At this point speculative as to the investment we would make in

the buildings and how we would attract companies to it, our intent and why we are asking for the zoning change is we believe it's more in line with what we are attempting to accomplish in the future with the building. We know at this point what we do not want to do. We don't want to have a car dealership like what was there before, we don't intend to do retail so there won't be a lot of traffic generated by it. It won't be the type of facility that is attractive to say a bait shop or tattoo parlor or those kind of things that are possible in the General Commercial zoning district. Our intent is to call this Stem Flex so the flex is so the buildings would have the ability to flex in terms of how much office how much production space they have and the Stem part is the Port Authority and our track record in Licking County speaks for itself I think. We are totally focused on STEM jobs. How do we go about attracting those skilled jobs at a jobs per square foot ratio higher than we see with some of the retail and some of the other activity in a General Commercial Zone. We know that we have neighbors with two condo associations, so you'll notice that, if you were familiar with these buildings from the ground, there are doors that drive through the buildings because it was used for car repair. On the south side of the smaller building at 1401, our intent would be that though the garages would remain we would put grass on the outside so they wouldn't be used for through traffic. You wouldn't have like when it was used for a car dealership, you wouldn't have an announcement, your car is ready in bay 2, you wouldn't have the car drive through and the backing up of a truck at 3 in the morning. Also the lights that are a little dated, if you've seen them lately, our intent is to improve so there is less light going off of the site onto the other properties. So, we want to be a good neighbor, but we think this zoning allows us to have the best use in terms of impact for the City as well as best catalyst for improving this site for long term future. So, we seek your approval for re-zoning to move it forward to Council.

**Mayor Hall** - AS this is a public hearing, is there anyone else that is here to speak either for or against this?

**Motion by Mr. Ennen to close the public hearing and suspend the normal procedure and hear the Planning Director's recommendation, Second by Ms. Floyd. Motion passed 5-0**

**Janine Paul, Planning Commission Clerk**- A public hearing was held by the City of Newark Planning Commission on Tuesday, February 14, 2023. Upon consideration of the information presented, the following actions are recommended: The zoning classification for the parcels at 1401 and 1425 Mt. Vernon Road shall be changed to LI- Limited Industrial and the requested zoning district change is recommended to be approved. Ordinance No. 22-57 and Ordinance No. 22-58 are recommended for passage and approval by Council.

**Motion to approve the recommendation and forward to Council by Mr. Ennen, second by Ms. Floyd, Motion passed 5-0**

**Mayor Hall** - That recommendation will be forwarded on to Council and will come to Council on March 6<sup>th</sup> at 7pm in this same room. There will be one more public hearing at that time, followed by a vote from Council. We are still in a public hearing mode and will be considering the following:

## **5. ZONING CHANGE FOR 293 MERCHANT STREET, NEWARK OHIO**

Application Number : PC-22-53

Owner: Robert and Heather Vaile

Applicant: Robert and Heather Vaile

Current Zoning: Single-Family-Residence, RM - Medium Density District

Proposed Zoning: TFR - Two Family Residence District

**Robert Vaile, 293 Merchant Street** - This is one of the old historic homes on Merchant Street. It was built in sort of two phases, 1931 half of it was built and in 1933 the other half was built. It's a large house, it was kind of built, it looks like intending it to be for two families. It's not our purpose to make it a two family home, I just mention that because I know you have to plan for eventual uses beyond the current ownership. It has two main doorways into the two sections of it, back doors, separate kitchen separate stairs all the way up, so it kind of lends itself to two family. Also, we have another two family home on Merchant Street and then one right across the alley. Our

purpose in getting it zoned for two family is that it will allow us to have a small assisted living and that's defined in Ohio as having four or more unrelated adults living in the same home. We wanted to create a place for our parents. My parents just turned 80. The census bureau tells us that there are 120,000 people turning 85 every month in the United States out of that 77 million baby boomer population that we have. We would like to give our parents and maybe some similarly situated people the opportunity to live in smaller homes in their retirement years rather than the big facilities where you can get lost and offer that service to a small group of people. That use is permitted under two family which is really why we are asking for the zoning change. The other thing I might mention is that means we will have some care givers in the home. Two care givers around the clock and as I mentioned there's an alley that runs right next to the home, we would have parking in the back accessed by that alley. So, seniors are typically the least impactful of neighbors, you know, no parties, no loud music or those sorts of things. We think it would be nicely compatible with that beautiful neighborhood.

**Mr. Ennen** - How many folks are you planning to accommodate?

**Mr. Vaile** - No more than 10. It could be 9 rooms, but no more than 10. There's about 2,000 sq. ft. on each floor of the home, first and second floor and so, it's not an immediate change for us, but we plan to go through the permitting process, and make sure that we have all the fire codes and elevators and bathrooms that are needed to accommodate that group, but that's the plan.

**Ms. Floyd** - Would you be having someone prepare meals for those people?

**Mr. Vaile** - Yes, that's one of the core services that we would offer there.

**Spencer Barker, At Large Councilman, 40 West Main St.** - I have received a lot of phone calls from people in the audience here, as well as emails. I cannot support this re-zoning. To me this feels like a spot zoning, as in everything on Merchant Street is all single family residences. As much as it sounds like a great thing, what happens if they sell the property and it's already zoned that way, what other things could it open up. So I would just stand today and oppose this zoning and hope the planning Commission would also oppose this re-zoning, thank you.

**Beverly King, 285 Merchant Street** - I have lived there for 28 years. I have a petition here with neighbors from Merchant Street, 11<sup>th</sup> Street and Granville Street have signed. By signing this petition you wish to see 293 Merchant Street remain unaltered and not transformed into a multi-household dwelling place. Help us save this house and preserve the historic nature of our neighborhood. In this residential area of Merchant Street, 11<sup>th</sup> Street and Granville Street, we are proud to be the site of many historic and incredible homes, some that are more than a century old, including the Webb House Museum. These homes stand as a testament to the achievements and vision of the residents of Newark. Altering the original intent of the home would forever degrade this integral neighborhood and diminish the history contained therein. By adding your voice to this petition you are stating that you place value in the vision of those that came before and created this neighborhood, that you with your community wish to preserve our history and character and do not wish to see it become a remnant of what it was by dividing 293 Merchant Street into a TFR Two Family Residence. Thank you for your support!

**Theresa DeMers and my husband Steven, 299 Merchant Street** - We are directly west of this property. I think the petitioner only has a cursory view of the neighborhood and a total lack of understanding on what it is and has always been. These were the leaders of our community who originally lived on this street, the merchants, the lawyer, the grocer, the banker, the businessmen. It is a unique community and it has a unique atmosphere as well. It's serene, it's parklike, even though it's that close to downtown, it's very special and families move into the neighborhood and they stay for decades. I think we're probably the longest participants at this point at almost 38 years, we've raised 5 children and it's definitely a neighborhood, we look out for each other and we do not want this or any business on my street, my next door that's going to lower my property values and forever impact and change the character of the Merchant Street community.

**Beverly King, 285 Merchant Street** - I live on the other side of this house. He made a statement that he could guarantee there would be no noise, what about when they put in a parking lot in the

back, what if they are doing all of their renovations, assisted living people don't live in a two story home, is he going to put in an elevator. I don't understand why we have to have that on our street. They have a big home in Granville, they could do it there. They don't want to do it in Granville. We don't want it in Newark.

**David Ruff, 300 Merchant Street** - I moved in 4 years ago. This is a very quiet neighborhood and for the most part we all get along fine. Things I've heard here tonight is there could be up to 9 or 10 people living there. My dad is 82, he still drives, my mom is 80 she still drives when all these people have cars how are they going to park on the street how are they going to park in the back, there is going to be so much congestion if that thing grows to that size of 9 or 10. I understand the main concern was his own older parents, well the house seems like it's set up fine for two family's maybe his parents on one side and him on the other and then you keep the status of the house and the zoning in tact.

**Jay Andrews, 296 Merchant** - I am directly across the street. Like Bev said and some of my other neighbors, I've been there 35 years and it's been a beautiful neighborhood. We all keep our houses up. We all are a family, but having the uncertainty of on down the road, it might be well intended right now, but nobody knows what's going to happen 5 years from now or 10 years from now. Can they maintain the place, are people going to want, just like Bev was saying, to go up and down steps. I just don't like the uncertainty of what's going to happen to the facility, so I oppose this change.

**Kathy Jurden, 370 Merchant Street** - My husband Rick and I live at 370 Merchant Street. We also own a second home on Merchant Street which is 304 Merchant Street, which is directly next door to us. For us, of course as everybody else has spoken too, we are such a community on our street and we don't need a nursing facility on our street. I understand caring for aging parents, I respect that, but there's many other places that could be done other than in our neighborhood. So, I also came today with another neighbor of ours Soc and Krisanne Goumas, they are currently in Florida for the winter, they are very aware of what's going on, so they have asked me if I could read their feelings, if that's okay. We are Soc and Krisane Goumas, and live at 309 Merchant Street, Newark. Five years ago we bought we bought our home after living in Granville for 35 years. Living on historic Merchant Street had always been a dream of ours. This lovely street is a hidden gem in the city of Newark. Since we purchased our home, we have worked hard to make many improvements, inside and outside. 309 has become a second home to our children and grandchildren and we have and continue to make lovely memories here. We take pride in our home and our neighborhood and want it to remain the street that many people admire and write stories about. It has been brought to our attention that the new owners of 293 Merchant are asking permission to turn the home into a duplex. We Strongly oppose this and ask you to take into consideration what approval of this request would do to our street. We also ask you to take a look at the property in Granville which the new owners have. It is in disrepair. I recall driving past it many times thinking that it looked dilapidated and was in need of work. This home, as 293 Merchant, is an older historic home. Allowing 293 Merchant Street to be made into an apartment for two families is a terrible idea and will compromise the integrity of our neighborhood in which we take great pride. We beg you to do the right thing and deny the request of changing the zoning and setting a precedent for Merchant Street. Now, she sent me an addendum today because we became aware that they want to create an assisted living, In addition, we've discovered that the new owners would like to turn 293 Merchant into an assisted living center. The letter written by the owners appears to be insincere and condescending to us. If they are so concerned about their aging parents and have been making plans for years to have them live with them, why don't they do just that? Also, their idea that we, as senior citizens may want to consider moving into their nursing home so that we can be with other seniors and stay on our street is a slap in the face. We purchased our home to live in a residential street, not on a street which houses a business. Please take your nursing home business elsewhere. We are not buying your syrupy, condescending words and encourage the zoning board not to either.

First I would like to thank you for having this meeting tonight because I was scheduled to be in front of the zoning committee in Cleveland, luckily I didn't have to drive up to Cleveland tonight, so thank you so much.

**Scott Rives, 388 Merchant Street** - I was hired by the Shottenstein family 10 years ago to come to Columbus and work. We looked all over the Columbus area and we finally found a house that we loved on Merchant Street. I'm assuming you've driven down Merchant Street, correct? If you haven't, it's full of legacy homes, beautiful, that don't seem to exist very much in the Newark area, it's unique. The homes are over a century old, mine 120 years old. I'm afraid that I can't support this, considering the detriment that it would have to the property values in the area, which is a tax base, let's get real. These homes have increased in value since their inception. I live in one of three Heisey homes that are within a block of this area. I would be remiss to say if it wasn't for the home itself I wouldn't be in Newark, I wouldn't be contributing to the tax base here. So, I am hoping that you will see with the opposition of this wonderful historic street to keep it as it is.

**David Ruff, 300 Merchant** - I drive that street everyday 2 or 3 times. The alley they are going to share, there is another duplex on 11<sup>th</sup> Street, that house has several small children who play in that alley and play on our street every night. If you share that alley with a bunch of senior citizens that become challenged as they get older and one of those kids get hurt or hit, the decision made on this really determines, I guess we can look at ourselves and blame ourselves if this goes through. They're not the only little kids on that street, there's other little kids that live further up the street. They ride their bikes there, so there's more to this decision than what we've talked about here tonight.

**Denny Reynolds, 345 Granville Street** - A quick internet search will show you that this is a business opportunity. This is done over and over again in different locations, just not your location, somebody else's. If this is approved, right now, there are 2 huge opportunities for this exact same thing to occur again. So, I'm at 345, right next door and right across the street, if you allow this to pass, those two places are going next. So get ready for it to happen again.

**Mr. Vaile, 293 Merchant Street** - I appreciate all of the input. There's been a lot to take in, I hadn't considered a lot of these thoughts and whatnot. Maybe just to clarify a couple things, one of the things that my wife and I have been involved in that we love and the whole purpose of us purchasing that house is we love historic renovation. We're doing a project in Coshocton, one in Zanesville and one in Granville that's intended to preserve the history of an old home. That home needs a lot of work, inside and out and the assisted living portion of it, it is a business and the whole point of that is that we could have the funds that we need to maintain and improve that home, while preserving the historic structure of it. A lot of other comments, yes, we would try to find a way to put an elevator in there, but I really appreciate the input. We had a little bit of a glitch with regard to the date of this meeting and we had intended to communicate with the neighborhood a little better before this meeting so that it didn't come kind of out of the blue, but I appreciate the passion around the neighborhood, I think that's wonderful. Thanks for your consideration.

**Kathy Jurden, 370 Merchant Street -and 304 Merchant Street** - I appreciate his comments, however, the rest of us who live on Merchant Street and the surrounding communities of Merchant Street, Oh yes, they are old homes, they do require work, they require repairs, they require upkeep and we want to maintain them as historic homes. Clearly we do, we enjoy living there, many of us have lived there clearly many many years. However, none of us have turned our home into a business, none of us have turned our home into a healthcare facility to stimulate income so we can pay for the repairs on our home. Thank you.

**Beverly King, 285 Merchant Street** - I don't want to cry, but please, please listen to the neighbors. We're a big community, we're Merchant Street, we're 11<sup>th</sup>, we're Granville Street, we like each other. We're friends and neighbors, don't let this happen to us, please. Thank you.

**Mayor Hall** - Could I by show of hands, some of you have not spoken, how many of you are against this and how many are for this.

**Motion to close the public hearing by Mr. Ennen, second by Ms. Floyd, motion passed 5-0**

**Janine Paul, Planning Commission Clerk** - A public hearing was held by the City of Newark Planning Commission on Tuesday, February 14, 2023. Upon consideration of the information presented, the following actions are recommended: The zoning classification for the parcel at 293 Merchant Street shall remain as Single Family Residence - RM - Medium Density District. Ordinance 22-55 is **not** recommended for passage and approval by Council.

**Motion to forward the recommendation to Council by Ms. Floyd, second by Mr. Gebhart, motion passed 5-0**

**Mayor Hall** - This will also go in front of Council on March 6<sup>th</sup>, which is the first Monday in March at 7pm in this room. We give them a recommendation, they vote. There will be a public hearing similar to this before they take their vote. I appreciate everyone coming in this evening, taking time out of your evening, I appreciate you maintaining structure as we go through this and addressing us. This is what we are about in this room especially the sharing of ideas. This will be part of the file packet, as I say, Mr. Goumas and his wife had emailed us, so we have that document. Do you want your copy of that petition? We can do that and you probably have your email from the Goumas' so we can keep that one? It will be part of the file when that gets passed onto Council so they are aware of all that communication, as is tonight. Again thank you everyone, if you have any questions let us know, again our recommendation is to keep it zoned as is, but it's up to Council and their vote on the 6<sup>th</sup> of March at 7pm.

**OLD BUSINESS**

There was none this meeting

**NEW BUSINESS**

There was none this meeting

**MISCELLANEOUS – ADMINISTRATIVE APPROVALS**

There were none this meeting

**THE NEXT SCHEDULED PLANNING COMMISSION MEETING WILL BE HELD ON TUESDAY, MARCH 14, 2023, 6:00 P.M. THE DEADLINE FOR AGENDA ITEM SUBMITTAL IS TUESDAY FEBRUARY 21, 2023 4:30 P.M.**

**Motion to adjourn by Ms. Floyd, second by Mr. Gebhart, motion passed by acclamation**

**ADJOURNMENT**

**Meeting stands adjourned**

  
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Mayor Jeff Hall

  
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Planning Director David Rhodes