

PLANNING COMMISSION MEETING MINUTES

Tuesday, September 12, 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
Brian Morehead	City Engineer
Jeff Hall	Mayor

Absent:

David Rhodes	Planning Director
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1. **CALL TO ORDER**- Mayor Hall called the Tuesday, September 12, 2023 Newark City Planning Commission Meeting to order.
2. **APPROVAL OF MINUTES FOR The August 8, 2023 PLANNING COMMISSION MEETING**- Motion by Ms. Floyd , second by Mr. Gebhart passed by acclamation

PUBLIC HEARING

3. **ZONING CHANGE FOR 74 South 30th Street, Newark, Ohio**

Application Number : PC-23-22

Owner: Karen Doherty

Applicant: Candice Cook

Current Zoning: LB - Limited Intensity Business

Proposed Zoning: GO - General Office

Candice Cook, 74 S. 30th Street - We bought this building and right now it's zoned Limited Intensity Business, we want to get it zoned down to General Office, I have 4 a daycare in my home and so I'm trying to expand. I get calls all the time, daycare is scarce out here. I get calls all the time, I know other daycare facilities, I know other homes and everybody has a wait list, everybody is full. I just have a small building, it's nothing big, it will be normal hours, no overnight and no evenings. So, I didn't feel like it would be too much especially with Cherry Valley right down the road with school kids and everything, we extend our hours to about 5 - 5:30 so we could get some after school kids too, for those parents working. Right now we're kind of stuck in a hard place with the Limited Business. Zoning sees it a little bit different, they read it two ways, so they see clients as parents or they see clients as children, so for the dentist office that used to be there, there was no issue with that, but a daycare, now we are service instead of the actual office that a dentist would be, it's more of an issue, so for us to be zoned down it would help us. Obviously I'll be State Certified so I'll go through everything with the State folks, they'll come out and do everything, this is just a part of the process.

Trevin Pierce - Candice Cook is my fiancé so I am co-owner of the business. I've been in construction since I was 18 years old, I'm 29 now and I can say for a fact with Intel coming in and all of the constructions that's been going on between Facebook in New Albany, daycare is definitely needed. I've got people just that work with me, they have to lose their jobs, they're struggling just to find childcare, so I think it would be a benefit to the City of Newark.

Mr. Ennen - I move that the Public Hearing be closed and it's my understanding since there are no objections, that the Planning Commission Director has prepared a recommendation, So I move that we suspend our regular rules and move forward to hear the recommendation of the Planning Director and forward this on to Council.

Second to close Public Hearing by Mr. Gebhart, motion passed 4-0

Second to suspend rules and hear recommendation to forward to Council by Ms. Floyd, motion passed 4-0

Janine Paul - Upon consideration of the information presented, the following actions are recommended: The zoning classification for the parcel at 74 South 30th Street shall be changed to GO - General Office District. Ordinance 23-29 is recommended for passage and approval by Council.

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

Mayor Hall - This will come to the October 2nd City Council meeting at 7pm in this same room and there will be a Public Hearing and they will take the vote, I suggest you attend to make your wished known at that time.

4. ZONING CHANGE FOR 196 South 5th Street, Newark, Ohio

Application Number : PC-23-23

Owner: Thomas J. Evans Foundation

Applicant: Scott Hayes

Current Zoning: MB - Medium Intensity Business

Proposed Zoning: MFR - Multi-Family Residence

David Harmon, 197 S. 5th Street - I'm the owner of (inaudible), so, I'm trying to run a small business right across the street from 196. The most peaceful part about the last 6 weeks of my life has been since Vertical shut down. Every time IZ play in the yard with my daughter, there's 4 or 5 guys standing out there smoking cigarettes staring right at her. There has been theft, littering, vandalism, people passed out, fighting, all of those things just in the short time I've lived there for almost 2 years. It's hurting the property value, so I don't see why doubling down is going to help anything. I'm a recovering addict myself, I have 7 years, Christmas. I did that without AA or any of that stuff, what I did was I made a decision for her and myself and that decision was enough. I didn't need housing, I didn't need a place to stop and get a shower, it would've been helpful at times, but I didn't have it. So, I started this company, I got full custody of my daughter, she lost her mom to fentanyl last year. So, whatever is happening isn't working in this town. I just don't personally see the need to double down.

Rebecca Vogelsang, 203 S. 4th Street - I live behind Vertical. When I moved in I didn't realize what Vertical was, but when I found out I was actually kind of excited because I find myself as a good person. I have two kids and every day I do two things for those kids, 1. Make sure that they are healthy and they are safe and 2. Make sure I structure their life so that they are a better person the next day. My kids know that by heart, every time I punish them I see it hurts them a little bit because nobody likes to be punished, but if you ask them why are we doing this, they are like so I'm a better person tomorrow. SO, I was actually pretty excited about Vertical, but unfortunately since living there that is not really what I've got to see. I'm sure there are people that come through there and they get help and I am really happy that Vertical was there for those people, but unfortunately year after year I've seen the same people walking that alley and again, the last 6 weeks has been peaceful. When I first moved in there I had my truck windshield broken, I had somebody break in to that same truck and sleep in it overnight and that's discouraging, but the worst part is they left all their trash in there and they smoked cigarettes and I'm not a smoker, so I have a car that had cigarettes and ashes and trash in it, so that was really disturbing. I couldn't let my daughter out in our yard with that back there because I had people literally using my yard as a pass through and that was when I had a

fence up. We took down the fence and now have a privacy fence which is in process, has a couple gates to go up, but I felt the need to put up a privacy fence because people were just opening my gate and coming through with my children in the back yard. At one point I had a dog that was actually a rescue/foster, she wasn't good with strangers. She was in my care because she needed rehabilitative training, I am all for rehabilitative training it does work, but again you have to want that. That dog wanted that but that was really fearful for her. The person actually said to me can I just go ahead through and I said no you need to turn around, you're lucky that you haven't already been bitten. I said that I am a mother, you're lucky that this dog is here because this confrontation would be really different. They're very, I hate to say it, very bold about that being their space and I don't know what the intentions for this multi house living is, but if it's anything like what I've seen coming out of Vertical thus far, I'm very discouraged that it's not going to be best for our community. Again, I hate to say it, when we would go out for date nights, I wouldn't be comfortable leaving my two kids at my house with my dogs and a security system, I would take them to my parents house. They would go to a friends house and stuff like that. Since Vertical has been closed, I've allowed my son to watch my daughter with the dogs at my house because I'm still an overprotective Mom, the world we live in we have to be, but this is the first time I've been comfortable to do that and it's only been a few times, but now with this Council meeting, my son is like well don't you trust me? Of course I trust him, he will watch out for his sister almost as good as his Mom, as I will, but I have to look at the environment not just him of course. So that's kind of where our struggle has been, do we want to help people, absolutely and I love that aspect of it, but I'm not seeing people grow and I'm seeing the same people. Then on the back side of Vertical, they like to camp out there. There is constantly trash and stuff, I have actually, my neighbor doesn't really appreciate it, but I leave my trash can out because that's been one of the few things that's actually helped them put trash somewhere, but even I can say I come up and there is trash laying right beside it or on top of the trash can, Like it took too much to lift the lid and put it in, but I leave my trash can out to decrease the litter on our end. I'm just not seeing the benefit of it if it's any style of what Vertical has had to offer thus far. The other aspect of that too is that since Vertical shut down I have gone down to the east end and gone by the Salvation Army and I've seen an increase, they've just kind of flooded down there and that's where they are hanging out now, so they will just move to wherever they are offering what they are looking for, but it doesn't seem like help from a community perspective.

Sabrina Turner, Manager at Circle K on national and 5th - Since Vertical has closed, my good customer ration is up 75%, my theft is down 95%, the vandalism to my property is down 100%, I don't see how opening this back up is going to make this area better. I ask my Corporate to come down here to flood numbers and they said if there was another hearing that they would show up.

Michelle Campbell, 176 S. 5th Street - I am three doors up from where Vertical was. I'm a licensed Massage Therapist for 28 years, I have a private practice in my home. I agree with my neighbors the last few weeks have been the most peaceful since Vertical closed. When it opened initially, I thought okay her is an opportunity for people, it didn't turn out that way. We've had OD's in my back yard, that's not cool, not for them not for anybody. I've had a lot of theft, I've had a catalytic converter stolen off of my car. My neighbors have had the same thing going on, people running up and down the street, no respect for anybody there at all. I was concerned of the safety of my patients, many who are elderly, they park on the street and come up to my front door, I was going out to greet them. I've had people standing out in front of my house singing at the top of their lungs, they're loaded like a freight train, they don't know where they're at, they don't remember doing it, you don't engage with them because you don't know what you're going to get. It has been so nice and peaceful, this was a 24 hour problem, it didn't just happen during the time Vertical was open, it was constant, it was overnight, people fighting, people having sex wherever they wanted to. You know what, I'm not for it at all. I'm all

about people getting help because it's my profession. This was not helpful, this was enabling. So, I am opposed to whatever this multi-family residence is supposed to be. I have a lot of my patients, I have a lot of connections, I am understanding this to be a halfway house. Put it somewhere else. I'm sorry, we suffered and survived Vertical and I truly mean suffered and survived it.

Joanne Minyard, 180 S. 5th Street - This is my husband, if it would be better for you to see pictures of actually what we have lived through, I have pictures, care to see them?

Mayor Hall - You can give them to the gentleman on the end and we will pass them around and get them back to you.

Steve Minyard, 180 S. 5th Street - Two doors north of Vertical, next to Michelle. I've written down a few things so I just want to go over this. I want to say first of all, I know Mr. Hayes wanted to help the homeless, get them off the street, give them an opportunity to improve their lives and not all homeless people are bad, but there was a lot of drug use at Vertical. The people that came to Vertical didn't care about the neighborhood, if they had trash walking down the street they just threw it wherever they were at. There were multiple times that people came out of Vertical with bags of clothes or whatever they were giving out and they would get in front of my house 2 doors down and just drop it in my yard. I got tired of seeing that kind of stuff, you know some people, they want to get help, but a lot of these people that were coming to Vertical, I know one of the others talked about it, you see the same people. You know they opened in 2018, we're in 2023 and there's a lot of those people I've seen every year constantly back and forth coming to Vertical. They don't contribute to society in any positive manner, at least the ones that are causing all of the issues in the neighborhood. They are more of a detriment to the neighborhood. We've had plant stolen, you can see in some of the pictures we have hanging plants. I have plenty of security cameras around my house because of Vertical. They walked right up at 1 or 2 in the morning 2 hanging plants that were brand new and walked away with them. You call the Police Department and they tell you there is nothing they can do about it. Even with the pictures, what are they going to do, it's a misdemeanor, it's ridiculous they can't do anything. We had a yard flag that was stolen from our front yard. I had a cement gargoyle, I had two of them about 2/12 feet tall, weighs about 80-100 pounds. Some guy decided he wanted to try to steal it, I thought it was nuts that he was trying to carry it down the driveway and put it on top of his bicycle and dropped it, the wing broke off so he picked it up threw it down and smashed it even more. People don't have any respect for people's property there. As far as Vertical goes, I have to agree it's been nothing but a detriment to the neighborhood, the squad was there constantly because people were overdosing, the police were there all the time because they were fighting with each other. I had an incident one day, I came home for lunch I go outside and two guys are walking down the street cussing, swearing, calling each other all kinds of names and I walked out front looking down the street and one of the guys turned around and says, excuse my language, hey Bitch what are you looking at? I turned around thinking he was talking to some woman behind me. I said are you talking to me? He said Yeah, what are you going to do about it? I said I guess I'll call the police, he said go ahead, I'm going to come back and kick your ass. Then his buddy that he was fighting with said well I'm going to come with him and do it too and they both started walking towards me, so I called the police and luckily there was a Sheriff car in the neighborhood. They had them stopped before they got all the way to the railroad tracks, so I don't know how familiar you are with South 5th Street, but it's a little ways to the railroad tracks, they got to them pretty quick. We hosted a meeting in our house4 back in October 2021, we had Jeremy Blake, 2 new Newark police officers came and approximately 8-9 neighbors, a couple of them are here and we tried to discuss how we could resolve this issue. We couldn't come up with anything, the police said what they are doing in the neighborhood, what they are stealing isn't considered a felony, it's a misdemeanor, even if we arrest them they are going to be out in 2 days because there is nothing they can do about it. Jeremy Blake didn't think there

was much he was going to be able to do, he took the concerns and tried to see what he could do, but there was nothing ever came out of that. Honestly the Police Department is understaffed, I don't know if it still is, but October of 2021 that's what we were told that you guys just don't have the money or resources to hire more police officers. Based on my experience with Vertical and Scott Hayes, I'm pretty confident that any multi-family dwelling that he's looking at putting in there is going to be a low income type residence and it's going to bring the same people that were in Vertical right back into the neighborhood. Right now as things stand with Intel going in and all the other businesses that are going to come along with that property values should be going up in Newark not going down. I can assure you that if he puts in a multi-dwelling house or facility there, my property value is going to go down. I just got a thing saying my property value just went up considerably compared to the last two years, I'm sure I'm going to get taxed on that, if this goes through I'm going to be coming back and saying my property value just went back down to about half of what you are asking for. So, I don't agree with that. Then I got a letter not too long ago about the Downtown Improvement District and that you are trying to improve downtown, well I'm in that zone, I'm in that district and now you want to put a low income multi family dwelling right in the middle of that, I don't know how that looks for downtown Newark. I don't think you are going to draw much business from something like that as far as coming into downtown Newark. My opinion, I am 100% opposed to this, I don't think it should happen and I'll be there at the Council meeting if this goes to Council.

Scott Hayes - I know you guys are expecting me to argue with you and oppose you, but I don't oppose anything that you've said, that's what initiated my reasoning to make a change. Everything each of you have said, I've experienced down there too, I get that, my apologies. It actually was my conversation here with this couple in their house and they made a statement to me that hit me in the heart. They said you're a bad neighbor. My goal and my intention was to make the neighborhood better. Obviously you don't feel like that and I don't towards the end. I felt like early on and I don't mean this in an arrogant way, it ran different when I was there every day. I work at the jail. My goal, my proposal is to make this a place where up to five adult men live, that are sober, that do go to work and that is managed. That is my proposal. So, you won't even know they are there, I promise you. I have two houses in this community that the neighbors don't even know that it's that kind of a house until we go and tell them. So, my proposal is to have a house for transitional living for adult men. Up to five men will live there. So, that's my goal.

Mr. Minyard - Can you tell me what kind of rent you will be charging?

Mr. Hayes - They will be \$320 month each. What the goal is, they will be there for up to 9 months, actually from 9 up to 12 months and then I have an apartment building that they will transition into, to better their life.

Mr. Harmon - Did you know that the longer you are in a sober living or half way home your chances of staying sober decreases? After 6 months it goes down.

Mr. Hayes - I disagree with you on that, but that's okay.

Ms. Campbell - How are you going to convert the building that is there to accommodate this?

Mr. Hayes - I'm going to install some windows and put up a couple walls.

Ms. Campbell - How are you going to manage that, how are you going to manage their activity and who they have coming and going?

Mr. Hayes - They won't have any one coming and going, they have a 10pm curfew, the first 5 30 days they can't even leave the property. I'm telling you it's going to work. This is the 4th time I have done this type of thing and never had any complaints from the neighbors. This is not the same people that were in Vertical that are homeless and drug addicts that are running the street. These are people that have 6 months clean time and need a chance to move forward.

Ms. Campbell - Give them chance somewhere else, we've suffered and survived Vertical. I thought it was a great thing in the beginning I really did, you used to send out a little flyer

telling how many people got housing.

Mr. Hayes - I can give you those stats.

Ms. Campbell - I don't need those stats now because it didn't end up being that way. At first I thought this is good it might actually be helping some people out and then it just tanked and became a whole different animal.

Multiple additional discussion and questions between Mr. Hayes and the audience.

Beth Bline, Newark City Council 2nd Ward Council Member - I do have some questions. I have been working during and after Vertical and the transformation of that area is incredible, not only is it visible, but how can you address the feeling of stress lifting in an area. I've walked around on the weekends and people are out in their yards again. The emotional climate has changed considerably since it's closure, but I do have a question and this is something that Pastor Scott would have to address. What if this is declined? What will happen to that property, will it revert to what it was?

Mr. Hayes - Possibly.

Multiple people speaking and discussion

Ms. Bline - Personally I would ask that you turn this into a profitable business. Maybe something along the line of an arm of The Lookup, where they have training and people that are already on their feet that are not at risk, maybe even a restaurant where you can bring tax dollars into the area because that's the one thing about non-profits, they tend to drain an area. All of our EMS services no one contributes to them except the taxpayers and so it's great to have a non--profit but it's like a sieve and we end up paying for it as residents and citizens, so I would ask respectfully that if this is declined that number one you will consider the people and then consider how you may give back because there are a lot of things that have been taken away. They've all given testimonies and I have talked to resident again and again where nightmare stories, people breaking into elderly womens' homes and living in their basements and the poor women thinking they're senile and people living in their basement just so they can get resources from the Vertical. We're going to stay abreast of this, please feel free to reach out to me, but please be considerate of our neighborhoods.

Paul Moran, 63 North 4th St. - I'm a historian, I can tell you about the building. There have been 2 convenience stores in it, then a Mexican Restaurant, a Church then the American Red Cross. So, from the mid 70's to the mid 80's the uses of this building. It does not resemble a residence at all if you go down and look at it, you can tell it does not resemble a house or apartment building or nothing. I'd like to see it be a place for children and youth a little center for them. Tutors to come in and help with homework, spelling and reading, little snacks for them, I feel that would be the best use for the building. The convenience stores didn't last long, the restaurant didn't last long, I think the Church was there 2 or 3 years, everything has been a short span that has used that building. We lack in investing in our youth, we lack greatly I feel it would be best to have an activity center for them so then can get better grades in school. I just felt lead to come up and speak and be honest.

Mayor Hall - Everyone who spoke, I want to inject two quick little things. There are limitations to what you can do with it as it stands and with who owns it. I'm going to be honest. It's owned by a non-profit foundation, it could not become a for profit business while they own it. I'll be honest with you , it has to fall within their missions of non-profit. So, I don't want to go down a road that thinks things can happen that can't happen. I just want to interject that. I'm not speaking for or against, I'm just saying there is a little more detail there to some of these things.

Citizen - I have a letter from one of my neighbors opposing this.(attached)

Mayor Hall - This board will consider a recommendation to pass on to Council. It comes back here on October 10th at this meeting to render that decision and then it will go to Council on November 6th in this room at 7pm, there will be another Public Hearing and you will not be repeating yourself because it's Council that you are talking to now and they are the ones that do the vote for it. If you have any question in between you can get ahold of us.

Motion by Mr. Ennen to close the Public Hearing and forward to the Planning Director for his recommendation, second by Ms. Floyd, Motion passed 4-0

OLD BUSINESS

There is none this meeting

NEW BUSINESS

5. SITE PLAN REVIEW - New rental storage/warehouse building units - 125 Builders Drive

Application Number : PC-23-30

Owner: Michael Correll, 1851 Cherry Valley Rd. Newark, Ohio 43055

Applicant: Michael Correll, 1851 Cherry Valley Rd. Newark, Ohio 43055

Brian Morehead, City Engineer - We have been looking at this project for a couple of weeks now, we have the construction plans, we're reviewing them right now. AS far as the safety departments, the Police have no issues, the Fire Department has requested the installation of a Fire Hydrant near the proposed buildings as seen on the construction plans, that is taken care of. As far as parking goes the BZA has previously granted a variance for gravel parking areas there, so that is taken care of. Landscaping is not specifically shown on any of the plans that we've received, so that needs to be covered and added on the next set of plans. As I said we are looking at the plans for the water, sanitary and storm water infrastructure on the site. It's a challenging site because there is an existing drainage ditch, existing gas and electric lines crossing the site and it's also just very steep on the western part of the site, so although it's a large piece of land there's not a large buildable area on it. So, we're going through the construction plans, we've got comments giving those back to the designer, but generally, most of the zoning type issues are minimal, so we recommend approval of the site plan to move on with the construction plan review contingent on resolution of the landscaping plan and approval of the construction plans for the storm water, sanitary and water lines.

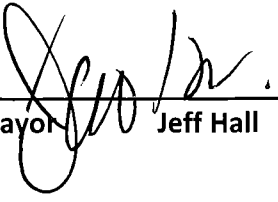
Motion by Mr. Ennen to approve the plan based on resolution of the contingencies, second by Ms. Floyd, Motion passed 4-0

MISCELLANEOUS – ADMINISTRATIVE APPROVALS

There are none this meeting

THE NEXT SCHEDULED PLANNING COMMISSION MEETING WILL BE HELD ON TUESDAY, OCTOBER 10, 2023, 6:00 P.M. THE DEADLINE FOR AGENDA ITEM SUBMITTAL IS MONDAY SEPTEMBER 18, 2023 4:30 P.M.

Meeting stands adjourned



Mayor Jeff Hall



Planning Director David Rhodes

To Whom it May Concern. :

9-12-23

I William Evans live at 213 S 4th St
I have lived there for 31 yrs. I oppose to
the zoning for the MFR multi family Residence
We dont want it because we are just now
getting to where this side of town is getting
back to the better there is less homeless less
riff raff, less broken and entering, less trash since
the virtual has been gone. Thank you for
time

9-12-23 William Evans