

## New Philadelphia City Council Zoning and Annexation Committee Meeting Minutes

Monday, March 10, 2014

The Zoning and Annexation Committee meet on Monday, March 10, 2014 at 7:00 pm in the council chambers in the John Knisely Centre to review a request for a change of zoning from “Central Business District” to “Office” at 203 East High Avenue on behalf of Ms. Ruth Ellen Walker and the Board of Directors of the Friends of the Homeless.

In attendance were Zoning and Annexation Committee members Mr. John Zucal, Mr. Darrin Lautenschleger, and Mrs. Cheryl Ramos, Chair and alternate Mr. Rob Maurer.

Guests were Mr. Sam Hitchcock, President of City Council; Ms. Patty McKay, Council Clerk; Mr. Dan Lanzer, Council Member; Ms. Sandy Cox, Council Member; Ms. Winnie Walker, Council Member; Mr. Marvin Fete, Law Director; Aaron Hillyer, Treasurer; Ms. Beth Gundy, Auditor; Mr. Jim Zucal, Service Director; Fire Chief Jim Parrish; Sandy Parrish; Aaron Hixenbaugh, WWTP Superintendent; Mr. Greg Popham, Safety Director; Mr. Mark Cox; Devon McCarty; Ethan Zucal; Mary Jo Fagrasse, Executive Assistant; Ms. Holly Waldenmyer, Vice President Board of Friends of the Homeless; and Jackie Somer, Secretary Board of the Friends of the Homeless.

The request was reviewed along with the recommendation of the Planning Commission who voted against the change in zoning request. Ms. Waldenmyer explained their request for the zoning change was to expand their capacity for the Pathway to Wellness Program. The current Pathway to Wellness Program, corner of Ashwood Lane and 2<sup>nd</sup> St NE, is located directly behind the 203 East High Avenue property. The current program is in a building that is zoned “Office.” The Homeless Shelter (211 East High Ave) is immediately adjacent (property owned by the First Presbyterian Church.) The Friends of the Homeless Board feels that the 203 East High Avenue property would be ideal to expand to because of the location, staffing availability and proximity to similar programs. They do not plan to make any changes esthetically to the building with the exception of a handicap ramp if required by law. The home is not signed as a heritage home.

They could expand the program if the zoning stayed “central business” but all individuals would have to be housed upstairs and an elevator would have to be installed. Installing an elevator would not be financially feasible. The Pathway to Wellness program has a contract on the property contingent on the zoning being changed.

The committee initially had no questions or comments.

The administration initially had no comments.

The public initially had no comments.

Mrs. Ramos, noted that spot zoning had been mentioned as a possible problem by the Service Director. She also noted that addiction was a terrible struggle and this worthy program for men was needed in our community. She noted that she had also talked to the Law Director about a possible issue of spot zoning or reverse spot zoning.

Mr. Fete said that he did not see an issue with the zoning. Mr. John Zucal asked him to clarify and a discussion ensued regarding the current use of the surrounding properties being used for the same purpose.

Mr. Zucal said it was not constituted as “office” and Mr. Fete said that the surrounding properties were not being used as “commercial business district” either. Mr. Zucal then said he felt that we should change all the zoning in that area if council changed the zoning to “Office” for the 203 East High Avenue property. He was not sure if we were talking about 203 East High Ave only or the Homeless Shelter also. It was confirmed that the discussion was about 203 East High Ave NW only.

The Zoning Map was displayed and explained in relation to the property in question. Mr. Jim Zucal explained the current zoning. Mrs. Ramos pointed out that the map indicates another zoning area other than explained by Mr. Zucal. Mr. Lanzer noted that the property was already spot zoned. Mr. Jim Zucal explained that in 1987 zoning changes were made with addendums done in 2002. The current Pathway to Wellness program is in a building grandfathered in as “Office.” Mr. Jim Zucal said that he felt that it would be spot zoning to change the 203 East High Avenue property to “Office.” Mr. Fete expressed that he felt this would not be much different than the signage change on Tuscarawas Ave NW and 7<sup>th</sup> St NW. The Service Director expressed that Pathway to Wellness is a worthy program but has concerns about the signage change if new owners would possess the property the purpose might change. The Service Director expressed concern about possible future signage issues. He felt that we should be careful about what we are doing. Ms. Mary Jo Fagrasse that spot zoning has been a hassle in the past and that the city has worked hard to not spot zone properties.

Mr. John Zucal noted that the Planning Commission had unanimously (9-0) rejected the zoning change request. He added that he had taken a couple phone calls about the change although he felt the program was also worthy. The callers had expressed concern about residents on the first floor. He is concerned about future use, opening a can of worms, and spot zoning other properties. Mr. John Zucal noted that he had meet with several members of the Planning Commission and discussed their concerns.

Ms. Sandy Cox noted that she is on the Planning Commission and voted against the zoning change request. She noted that there were problems in the past with spot zoning. She cited an example about past problems involving a business change with a liquor license. She is concerned about future problems with what may go in to the property in the future which may cause problems.

Mr. John Zucal asked Ms. Waldenmyer to explain the activities that transpire on the ground floor of the homeless shelter. Ms. Waldenmyer explained the first floor activities of the Homeless Shelter program.

Ms. Somer explained that this is a separate program and is a recovery house. There is currently no place in this area for men to go when they come out of rehabilitation. They go back home into the same situation. This program is a recovery house to change the lives of the men. The program is structured and with counseling and drug testing and work. After a year at Pathways to Wellness, there is another program for the men to continue with their recovery. She emphasized that there is no place for recovering men in the County. She mentioned that the property behind 203 East High Ave is the Pathway to Wellness Program and beside that is the New Philadelphia Girls Group Home. The Homeless Shelter is beside the property.

Mr. John Zucal asked if Pathways would be willing to proceed if the zoning was not changed. Ms. Waldenmyer explained the ADA would require installment of an elevator, financially this would not be possible and all the bedrooms would have to be on the second floor. Per their architect, a stair/chair lift would not be possible. The requirement of a sprinkler system according to the fire code in answer to Mr. Fete’s

question regarding such would also be a problem. Mr. Fete noted that the whole area is being used for rehabilitation and he is not sure that the future should be a concern.

Mr. Darrin Lautenschleger did not question the integrity of the program but expressed concern about consistent zoning according to the map. He noted that there have been strong calls through the years to not spot zone.

Mrs. Ramos noted that she had done some research on flex zoning, which is a new trend. This flexibility in zoning is to help cities and the residents. She noted that the program was desperately needed.

Mr. Fete asked why everyone was concerned about what might happen in the future. All the properties there are used for rehabilitation programs.

Mr. Lautenschleger said his concern was that as a property owner he could go to the Planning Commission and ask for his property to be zoned Business and then the next owner could change it. He stated that the goal in the city's planning process is to create zoned areas consistent with use in that area.

Mr. Fete noted that what should be is different than what is the reality of the use.

Mr. Jim Zucal, Service Director, explained the definitions of "Central Business District" and "Office." He noted that the previous four administrations he has served under have tried to zone the city in blocks. If this was approved it would go against these zoned blocks.

Mr. Maurer asked if we could classify the change and that it would revert back if the program leaves. Mr. Fete explained that there are laws that cover properties reverting back to previous zoning.

The Chair asked for a motion. Mr. Darrin Lautenschleger moved that the committee accept the Planning Commission decision to deny the zoning change request. Mr. Zucal expressed his support of the program and the need for it in the community. He felt that we could not undo what the Planning Commission recommended (the denial of the zoning change) so with that Mr. John Zucal seconded. Motion to accept the recommendation of the Planning Commission to reject the zoning request change was passed by vote of two yeas (Mr. John Zucal and Mr. Darrin Lautenschleger) and one nay (Mrs. Cheryl Ramos).

Mr. Lautenschleger moved to adjourn at 7:27 p.m.

Respectfully submitted,

Mrs. Cheryl L. Ramos  
Chair, Zoning and Annexation Committee

This meeting was recorded and a copy is available from the Clerk of Council.