

**City Council meeting
Agenda of business
January 27, 2020**

The Lord's Prayer

Pledge of Allegiance to the flag

Item
no.

A. Roll call

B. Approval of minutes

C. Communications, reports, and resolutions

1. Communication from Mayor Donald Mason-Downtown Design Review Board- Mayor Mason is hereby recommending the reappointment of Mark Baker to the Downtown Design Review Board. Mr. Baker's term will expire December 31, 2021.
2. Communication from Mayor Donald Mason- Zanesville Community Improvement Corporation-Mayor Mason is hereby recommending the reappointment of Susan Jones, Andrew Roberts, Gretchen Sayre, and Daniel Vincent to the Zanesville Community Improvement Corporation Board of Directors. The terms for Ms. Jones, Mr. Roberts and Ms. Sayre will expire December 31, 2022. Mr. Vincent's term will expire December 31, 2021.
3. Communication from Mayor Donald Mason-Shade Tree Commission – Mayor Mason is hereby recommending the reappointment of Robert Boehle and Don Dal Ponte to the Shade Tree Commission. Mr. Boehle's term will expire October 4, 2021. Mr. Dal Ponte's term will expire January 28, 2022.
4. Communication from Mayor Donald Mason-Zanesville Planning Commission and Board of Zoning Appeals – Mayor Mason is hereby recommending the appointment of Mandy Jennings to the Planning Commission to complete the unexpired term of Vincent Russo. Ms. Jennings' term will expire December 31, 2020.

Further, Mayor Mason is hereby recommending the appointment of Mandy Jennings, as a member of the Planning Commission, to serve on the Board of Zoning Appeals replacing Vincent Russo. Ms. Jennings' term will expire December 31, 2020.

5. Communication from Mayor Donald Mason-Historic Preservation Board – Mayor Mason is hereby recommending the appointment of Michael Bullock and the reappointment of Ann Gildow to the Historic Preservation Board. Mr. Bullock’s term will expire January 27, 2025. Ms. Gildow’s term will expire December 31, 2021.
6. Communication from Scott Brown, Interim Public Service Director -2019 Municipal Airport’s 4th Quarter Report.
7. Communication from Scott Brown, Interim Public Service Director -2019 Municipal Airport’s Year-End Report.
8. Resolution No. 20-03 – Introduced by Council – A Resolution authorizing the sale, by internet auction during calendar year 2020, of City owned personal property which is not needed for public use or which is obsolete or unfit for the use for which it was acquired. (Second Reading)
- 9.

D. Proposed ordinances

10. Ordinance No. 2020-08 – Introduced by Council – An Ordinance enacted by the City of Zanesville of Muskingum County, Ohio for cleaning of the bridge carrying SR 555 over the Muskingum River in the City of Zanesville. (First Reading)
11. Ordinance No. 2020-09- – Introduced by Council – An Ordinance establishing rates of pay and benefits for Seasonal Employees and Employees engaged in stage and technical support at Secrest Auditorium. (First Reading)
12. Ordinance No. 2020-10 – Introduced by Council – An Ordinance repealing Ordinance No. 19-140, and authorizing the Proper City Official to submit an application for a 2020 Certified Local Government Program Grant and declaring an emergency. (Emergency or First Reading)
13. Ordinance No. 2020-11 – Introduced by Council – An Ordinance authorizing the Community Development Director to execute an agreement with the Muskingum Soil and Water Conservation District. (First Reading)
14. Ordinance No. 2020-12 – Introduced by Council – An Ordinance authorizing the Community Development Director to execute a Gift Agreement with the Muskingum County Farm Bureau. (First Reading)
15. Ordinance No. 2020-13 – Introduced by Council – An Ordinance authorizing the Proper City Official to enter into an amended Historic Property Investment Agreement in connection with the Zane-Zenith Downtown Redevelopment District. (First Reading)

16. Ordinance No. 2020-14 – Introduced by Council – An Ordinance authorizing the City to enter into Energy Savings Contracts with ABM Technical Solutions, LLC. (First Reading)

17. Ordinance No. 2020-15 – Introduced by Council – An Ordinance authorizing the City to enter into a Tax-Exempt Municipal Lease for the funding of Energy Conservation Measures in the city provided by ABM Technical Solutions, LLC. (First Reading)

18. Ordinance No. 2020-16 - Introduced by Council – An Ordinance authorizing the City Auditor to pay the invoices of various departments using 2020 money for 2019 invoices and declaring an emergency. (Emergency or First Reading)

E. Ordinances for action

19. Ordinance No. 20-05 – Introduced by Council – An Ordinance authorizing the proper City Official to dispose of City property. (Second Reading)

F. Traffic orders

None were filed for this meeting.

G. Miscellaneous and unfinished business

H. Private petitions and communications

Non-agenda item petitions filed

Mr. Joe Temple, 533 Merrick Ave, Zanesville, Ohio speaking about City Code people.

Public Hearing

A Public Hearing was held at 6:05 p.m. on Monday, January 13, 2020 in Zanesville City Council Chambers, 401 Market Street, Zanesville, OH to hear a request by the City of Zanesville to amend the City of Zanesville's Comprehensive Implementation Index. All testimony for and against will be heard.

Present at this hearing were Nicolette Pizzuto and Andrew B. Campbell of WHIZ-TV; Tom Robertson, Zanesville Times Recorder reporter; Matthew Schley, Planning and Zoning Administrator; William Arnett, Community Development Director; Councilmembers Sandy Gentry, Todd E. Ware, Jan Bradshaw, Ann Gildow; Joey Osborn, J. Rob Sharrer, Steven Foreman, and Mark Baker; Council President Daniel Vincent; and Clerk of Council Susan Culbertson.

Mr. Vincent: Good evening everyone. I would like to call our first public hearing to order and I will turn it over to Matthew Schley.

Matthew Schley: Thank you, Mr. Vincent, for having me today and the rest of Council. This is for Ordinance 19-148 which is for the Comprehensive Plan Implementation Index update. The Comprehensive Plan Implementation Index is a road map to goals and places the City wants to be in the next ten years. Part of getting there involves looking at what the goals are and then seeing if we have obtained those goals. How we have obtained those goals and then where we are lacking and when we would believe we will obtain those goals? During the November 19th, 2019 meeting of the Planning Commission a copy of the Implementation Index with numerous updates was presented to the Planning Commission. Those updates came from Public Safety, Public Service, Community Development, and various City departments where the Comprehensive Plan fits and where we follow it. Those updates were given to the Planning Commission members and they transmitted it to Council with a recommendation of approval. Then this was heard at the Community Development Committee in December where it was presented and it was also transmitted to Council with a recommendation for approval. The big thing is this shows where the City has done well and where the City hasn't done quite as well, but gives us steps on where and when we are going to get there. Are there any questions?

Mr. Vincent: Are there any questions from Council? Is there anything else?

Matthew Schley said not with this one.

Mr. Vincent: With that, Council has that information in front of them and has probably read through and reviewed what has happened.

Matthew Schley: It is a fairly large document.

Mr. Vincent: Do we have anyone here to speak for this? Is there anyone to speak against it?

No one came forward for either option.

Mr. Vincent: This is the last call for anyone to speak on anything related to this. Okay, no other comments, so with that we will call this Public Hearing to a close at 6:07. Our next one will start at 6:15 p.m.

Public Hearing

A Public Hearing was held at 6:15 p.m. on Monday, January 13, 2020 in Zanesville City Council Chambers, 401 Market Street, Zanesville, OH to hear a request to rezone Auditor's parcel numbers 84-18-06-02-000 and 84-18-06-01-000 and amend and revise the zoning map and make permanent zoning in the City of Zanesville, Ohio from I-1 Industrial to C-2 Community and Regional Commercial. All testimony for and against will be heard.

Present at this hearing were Nicolette Pizzuto and Andrew B. Campbell of WHIZ-TV; Tom Robertson, Zanesville Times Recorder reporter; Matthew Schley, Planning and Zoning Administrator; William Arnett, Community Development Director; Councilmembers Sandy Gentry, Todd E. Ware, Jan Bradshaw, Ann Gildow; Joey Osborn, J. Rob Sharrer, Steven Foreman, and Mark Baker; Council President Daniel Vincent; and Clerk of Council Susan Culbertson.

Mr. Vincent: It is time for the second of four public hearings this evening. With that, I will turn this over to Mr. Schley.

Matthew Schley: We will start with a quick map of the area to kind of explain what is going on. As you can see here is the railroad and then here is the station here. Over here we have C-2 Community Commercial and then across the street we have I-1 Industrial. Here is the problem. In the center there are actually three retail establishments that opened up and want to continue operating. The way our zoning code works is we don't allow for retail in an industrial zone. Down here we also have the property owner wanting to open offices and have different types of businesses in there as well; so it made sense to rezone both of these properties. We have C-2 across the way. We have C-2 to the north. We have industrial back here. If you keep going it actually turns into C-2 going north on Linden Avenue. There is really just this little pocket of industrial. The big piece here is it goes with the trend of development along Linden Avenue. Along the Linden Avenue corridor it is predominately retail and office space. There is not much industrial. At one time that building housed an exterminator, I believe it housed a woodworking office, so at one time what was being done there worked. Today it doesn't. This works with our Comprehensive Plan which is EDG1. The City will use its land use and regulatory authority to provide a framework necessary for living wage jobs and the provision of vibrant retail offerings for our residents. This type of use, right now I know what is there; now is The Treasurer Barn which is like a thrift store type retail offering. There is a hair salon that is going in there now and then I know they want to have a homeopathic remedy store in there as well. I believe they have one more retail space that has yet to be determined. All of those are allowed in C-2 Community Commercial. Essentially, the current uses are not compatible and rezoning

this property would make them compatible and allow that to become a vibrant shopping center for years to come.

Mr. Vincent: Without this change they would have to close.

Mr. Schley: Absolutely.

Mr. Vincent: With that, by history, I can go back 33 years. Maybe some of you can go back further than that; but, I know 33 years ago those have been I think back to when The Advertiser was in the one building. So there has been retail there more than three decades. Bud's Auto Parts was mentioned.

Matthew Schley: To be honest Councilmembers, we zone things for the future so it is very possible that when the zoning map in this area was created the thought was the railroad or another industrial site would eventually kind of clean slate there and create some industrial uses. That hasn't happened. So that is kind of where we are at now. So most likely it has been retail off and on for the last thirty years.

Mr. Vincent: Are there any questions or comments from Council? Okay, is there anyone here to speak for this? Is there anyone here to speak against?

No one came forward to speak for or against this item.

Mr. Vincent: The last call, is there anything else? If there is nothing else, we will call this second hearing to a close at 6:20. The next hearing will start at 6:25 p.m. Thank you.

Public Hearing

A Public Hearing was held at 6:25 p.m. on Monday, January 13, 2020 in Zanesville City Council Chambers, 401 Market Street, Zanesville, OH to hear a request to rezone fifty-three lots from the current zoning district of either RS-4 Medium-High-Density Single-Family Residential District, RS-5 High-Density Single-Family Residential District or C-2 Community and Regional Commercial to C-4 Highway Commercial by amending and revising the zoning map and make permanent zoning in the City of Zanesville, Ohio. All testimony for and against will be heard.

Present at this hearing were Nicolette Pizzuto and Andrew B. Campbell of WHIZ-TV; Tom Robertson, Zanesville Times Recorder reporter; Lanny Gross, concerned citizen; Matthew Schley, Planning and Zoning Administrator; William Arnett, Community Development Director; Councilmembers Sandy Gentry, Todd E. Ware, Jan Bradshaw, Ann Gildow; Joey Osborn, J. Rob Sharrer, Steven Foreman, and Mark Baker; Council President Daniel Vincent; and Clerk of Council Susan Culbertson.

Mr. Vincent: We will call the third of four public hearings to order. I will turn this over the Mr. Schley.

Matthew Schley: Thank you, Mr. Vincent. I will start with a quick overview map of the area that we are looking to rezone. On the map, there are 53 lots. There are several in this area with large X's on them. This indicates the lots are vacant. If I remember correctly, there are about 17 vacant lots total. This is a very large rezoning project and it is actually probably one of the largest ones that has been done in the City in many years. Part of the reason we are looking at rezoning this area is to increase economic viability for Linden Avenue and Adair Avenue as well. As you can see there are 23,183 vehicles that come from Underwood down to Adair and then they split off onto Linden with 8,400 to the north, 7,500 vehicles to the south, and 16,000 continue on to Maple Avenue. That makes this the second highest traffic area in the City of Zanesville, second only to Maple Avenue. Part of the reason this request came forward is because we had numerous requests from developers that wanted to develop this corner and basically all four corners and this square here. There has been some interest in other lots and some in the middle. That hasn't been gauged as thoroughly as on the corners.

As you can see, one more thing, this is actually already C-4 Highway Commercial. This is considered spot zoning. This rezoning request would remove that instance of spot zoning. So, staff contacted all property owners within 200 feet of all the properties were notified by mail in October 2019 and we receive zero negative comments and received 17 positive comments. This was heard in the November Planning Commission meeting. The Planning Commission voted to transmit this to Council with the recommendation of approval. This was heard at the December Community Development Committee meeting where it was also voted to transmit to Council with a recommendation of approval. We haven't actually received any negative feedback on this. We have received all positive from different individuals who are stake holders and own property in that area.

In terms of compatibility of existing uses and zoning environments there are a small number of existing residential structures and some limited commercial activity in the corridor. There are a few people who have opened offices there. That technically is in a residential district and it is not okay, but they are there. This change will not affect those residences or businesses at all. What will happen, is those businesses or residences will become; what is called legal non-conforming. The legal non-conforming structures will be allowed to remain as such so long as used in that manner. So, if somebody owns a house there and they decide they want to keep it residential, they can live there for the next three, four, or five hundred years if it is still standing. They can sell, fix it up, or keep it going and it is still allowed to be there. It is a legal property. We call those legal non-conforming.

Now, it is consistent with two comprehensive plans. The first one is EDG-1. This is something that we will see a lot when we do these re-zonings from residential to commercial or to a different commercial classification or office classification. That is, the City will use its Land Use and Regulatory authorities to provide the framework necessary for living wage jobs and provisions of private retail offerings. Essentially, this area is either; you are not allowed to have any commercial activity so there is no vibrant retail offerings or jobs there at all; or what you can offer is a very limited in scope. C-2 is

a very limited scope of a commercial district. You couldn't open a gas station, no restaurants that serve alcohol in a C-2, so that is something that, just as an example, wouldn't be allowed to be there. The second one is ADP-2.9 and that insures the regulations encourage the commercial uses to cluster and intensify focal points along major arterial streets.

Per the traffic counts we have at just this intersection; this would constitute a clustering along a major arterial street. As far as the public interest, numerous individuals have expressed interest in this request. I think seventeen people came forward saying we really like this idea and we want you to run with this. We believe that would be an overall benefit to the community and it would ultimately further the public interest and not the interest of just one private individual. It is important by trend of development. Staff has seen an increase in number of two allowable uses. Essentially, we have had people who have wanted to open small restaurants, boutiques, shopping centers, professional office space, gas and service stations, all on that stretch. Specifically, mostly focused on the Linden Avenue corridor, but some smaller ones up towards Maple Avenue. The reason being is there is a topographical problem on the southern side of Adair where the topography is so steep it could be difficult to develop any commercial offerings there in the immediate future. It would take considerable development.

The other thing to look at is residential new construction in those residential areas because we felt it was important to say; well, when we are looking at trend of development are there residential uses there. The answer was no. Over the last ten years we have not even issued a zoning permit on any of those properties for residential uses. So, with that being said, the Planning Commission did transmit this to Council with the recommendation of approval. The Community Development Committee did review this and they did recommend it for approval as well. Are there any questions?

Mr. Vincent: Thank you, sir. Will you go back to the slide with the map? The X's are vacant lots?

Matthew Schley: Yes.

Mr. Vincent: The homes that remain on the south side on the upper part of Adair, are those vacant?

Matthew Schley: It was unclear. I believe two of them are rentals or owner occupied. I am not entirely certain. When I went up and knocked on the door of the house in this area, no one was there to answer the door. There is one house here that is owner occupied. There is one house here that is vacant. There are houses over here that are owner occupied as well.

Mr. Vincent: The lot depth on the south side of Adair and on the upper side of Adair, how deep is that lot?

Matthew Schley: Between 50 and 60 feet which is actually larger than a number of lots on Maple Avenue. To put it in perspective, it is larger than the Picnic Pizza lot and Vince Russo's lot for Russo's Pizza would be comparable to this lot.

Mr. Vincent: There would not be room to put a gas station in there?

Matthew Schley: No, there is not enough room for a gas station. What you would probably see here would be a small shopping center or a small retail establishment or something like a small Dollar store I suppose. I guess that might be too big. You would be looking at a small store or advanced retail offerings. So something like a hardware store.

Mr. Vincent: The topography makes it difficult to get any building of width in that section.

Matthew Schley: The topography dips here and then it gradually increases in elevation the further you go. It would take considerable backfilling and doing some different things to the land to even make it buildable, but it does level out at this point and down further. So, this section here and all up here is developable and most of this section here would be developable in the future.

Mr. Vincent: That first X, to the southwest, behind Webb Financial, is that their vacant lot?

Matthew Schley: Yes, well, no. They do not own that lot.

Mr. Vincent: Right behind that is the alleyway and it is a dead end alley, correct?

Matthew Schley: Yes, sir.

Mr. Vincent: Is there possibly a right-of-way that goes through or not?

Matthew Schley: The right of way goes just this way here and ends. The right of way ends as well.

Mr. Sharrer: I was just going to ask about the ingress and egress. To put anything commercial in there, is the only ingress and egress through that alley behind Webb Financial and then going down?

Matthew Schley: At this time, yes, but remember there isn't any development there or any proposed development. Whenever any proposed development comes in we take a look at the entire property. So, for example, we all know Menard's is coming to the City of Zanesville. Chip Saunders and the engineering department determine where those curb cuts can go and how access to the property is obtained. Also in the Zoning department we also look at that as well. It would depend on the type of development, the amount of traffic that is needed, but it is not anticipated that this alley would be the main access point. What would most likely happen would be a cross access agreement

with numerous properties where they would actually access the property from a built road on that site.

Mr. Vincent: On that side or the front side?

Matthew Schley: Depending on where we grant a curb cut there is actually an alley here as well. Again, without seeing a development plan I couldn't say whether or not it would be on this side or that side. This is a right in and right out access. So I would highly doubt it would be on that section.

Mr. Vincent: I am hearing concerns tonight about that area and the Abbey Place residents.

Matthew Schley: Abbey Place is to the south.

Mr. Vincent: The homes abut up to the rear. With that can you go over just briefly the screening that would be required? I know we have changed to make it better screening and more distance which is going to cut into that shallow lot of 50-60 foot.

Matthew Schley: I believe it is a five-foot (corrected later to new code requirement of 10 foot) buffer zone along any residentially used property that abuts commercial. If you are talking specifically here, the best example I can say is there is a five-foot buffer zone and we would require a six foot tall 100 percent opacity barrier, which is essentially a privacy fence. That is at minimum. When we look at these developments a lot of times we run into things that are conditional uses and things of that nature. Most likely they would be required to do something a little different and something extra to assure the two houses would not be negatively impacted.

Mr. Vincent: Okay, are there any questions from Council?

Mrs. Osborn: Matt, can you talk about, I know you talked about the alley right behind it, but what about the alley that runs parallel. That one gets a lot of traffic already and it is fairly unsafe. I won't let my child ride her bike on that alley because people cut through and speed. So, I mean how does that play into the plan for ingress and egress?

Matthew Schley: Well, it shouldn't necessarily impact that at all, because any development that would happen here has an ingress and egress point here. It would be on that property; so therefore, they wouldn't go any further than the alley. They wouldn't have any reason to use it. Arguable they could potentially go to the south and cut out Abbey Place that way. There are other things that we can do from an engineering standpoint or a zoning standpoint that would limit access to the south whether that would be an alley vacation or something like. For a development, it would be my assumption; and again without seeing an actual plan for development, but my assumption would be that most traffic would right in here and right out.

Mr. Vincent: Are there any question from Council? Sir, you were here to speak for or against or just here to find information? You are welcome to speak. Is there anyone to speak for this?

Mr. Lanny Gross: I would speak for it actually. My name is Lanny Gross and I am basically here. (He referred to the north side of Adair by CVS Pharmacy) I am on the north side of Adair and saw years ago how heavily trafficked that was and I bought that property and made it our home because I figured it would make a good investment at some point. Now when we bought that house there was a gas station on that corner. That is where CVS is now. So the Family Dollar is right behind that and my house is three doors down. So, I was hoping for years that someone would want to develop that part of it. The south side as you have been talking about would be a lot more difficult to develop, but my side would not. It is a lot more level ground and could be developed fairly easily. So with the two rentals between me and CVS; I know the one rental there the owner was telling me he was looking to sell the property anyway and it is currently not being used. The other one had renters in it, but I was hoping for years that someone would rezone that. I know there was light commercial zone, but it is limited on what can be done in that area with a light commercial. So, I was hoping it would get changed and I am all for that change and hopefully someone will want to develop that and it will wind up being a good investment after all.

Mr. Vincent: Thank you, sir. I appreciate that. Is there anyone else here to speak for this? Is there anyone here to speak against? Is there anything else from Council?

No additional speakers came forward to speak for or against this item.

Mr. Vincent: With no other speakers we will call this hearing to a close about 6:40 p.m. and we will move on to our fourth and final hearing. We are a few minutes late and my apologies.

Public Hearing

A Public Hearing was scheduled for 6:35 p.m. on Monday, January 13, 2020 in Zanesville City Council Chambers, 401 Market Street, Zanesville, OH to hear a request by the City of Zanesville to amend the Chapter 1115 of the City of Zanesville's Planning and Zoning Code. All testimony for and against will be heard.

Present at this hearing were Nicolette Pizzuto and Andrew B. Campbell of WHIZ-TV; Tom Robertson, Zanesville Times Recorder reporter; Matthew Schley, Planning and Zoning Administrator; William Arnett, Community Development Director; Councilmembers Sandy Gentry, Todd E. Ware, Jan Bradshaw, Ann Gildow; Joey Osborn, J. Rob Sharrer, Steven Foreman, and Mark Baker; Council President Daniel Vincent; Howard Cornell, city employee; and Clerk of Council Susan Culbertson.

Matthew Schley: Thank you for having me and sorry we ran over on time, but this should be a little bit simpler. Essentially, what we are looking at is Use Variances. So, out code currently allows for what we call area variances. Area variances are a change

to the code for one specific property that would say we require a 30-foot set back in an office district. A variance would reduce that potentially down to 20 foot under the right conditions. What this does is it allows for a use variance and a use variance allows for specific uses on legal non-conforming lots and without changing the zoning. The lots are limited to specific uses that are almost undevelopable in their current state. It allows for more specified development. So, here is a great example: Menards. A few months ago we went through this process to rezone a parcel for Menards. Menards wanted to go from an RM-1 multi-family residential to a C-4 to allow for a detention pond. If we had use variances in our code, we would have been able to do that without having to worry about all the other stuff that could happen in a C-4 lot. If Menards decides they don't put a detention pond there, there is nothing holding them to that. What this would do, is we could allow for a detention pond on this lot and this lot alone. It can't be anything else. That is what it is going to be.

Essentially use variances do not change the existing zoning standards of the district or the entire lot. So, if you are saying you want to open up a McDonalds and you need a use variance to do that in a C-2 or along those lines, they still have to abide by all the standards. They would just be allowed to have it right there; one specified thing. Use variances are common throughout the state of Ohio. Most specifically, or the most intense one I found, was Warren Heights. They have a very long list of criteria for a use variance. Our criteria, just to put the big ones into play are basically the property can't be put to any economically viable or appropriate use without, under any appropriate uses in the zoning district. Take a legal non-conforming property that has since lost its legal non-conforming status. If a property is not in use for two years consecutively it loses its legal-non-conforming status. Therefore, you could think of a commercial building in a residential district, zoned residential, and vacant for three or four years and somebody comes in and wants to do something commercial there. They can't because it lost its status of legal non-conforming. Under this they would be allowed.

The other big thing is that the applicant's predicament cannot feasibly be resolved by some other method other than a variance. In the Menards example, there was no other way, other than potentially rezoning the property, but that again wasn't an ideal situation. It opens the door for a lot of other developments to go in there adjacent to residential properties, that we wouldn't want to happen.

Lastly, that the granted variance does not adversely affect the community character, public health, safety, or general welfare. That is the standard line, but it is important that we look at that in all of our permits. How is it going to fit in the general community? That is what I have for you.

Mr. Vincent: Thank you. Are there any questions from Council? Is there anyone here to speak for this? Is there anyone to speak against?

No one came forward to speak for or against this item.