

## Zoning and Annexation Committee Meeting Minutes February 16, 2015

### *New Philadelphia City Council*

The meeting was called to order at 7:00 p.m. with the Committee present (Cheryl Ramos, John Zucal, Darrin Lautenschleger) and alternate Rob Maurer present. Also present were Gerald and Connie Frank, Brian Bauer, Kris Moreland, Christopher J. Wagner, Glen Thomas Vickers II, Council President Sam Hitchcock, Council Clerk Patty McKay, Council members Sandy Cox and Dan Lanzer, Law Director Marvin Fete, Mayor Dave Johnson, Service Director Jim Zucal, and Insight Advisory Group representatives (Jennifer Syx and Jordan Warfield).

The Chair reminded everyone that the meeting would be taped. The two items of business to consider were read.

**Item 1.** Request for rezoning from Residential to Office for the property located at 419 Tuscarawas Avenue N.W., New Philadelphia. Mr. Christopher J. Wagner, Esq., presented information regarding the Zoning change request. He assured the Committee that ChemSpec, would upgrade the property for use as offices for remote sales and that no chemicals would be stored at the location. He stated that there would be limited foot traffic as the customer base in not in Tuscarawas County, and the company will follow the signage ordinances of the City. He stated that there should only be six people using the offices but the additional space would permit one to two additional people. They do not anticipate a driveway up the front of the property. The Chair noted that the Planning Commission approved the request 8-0 at their meeting. Service Director Zucal was in agreement with the zoning change request. There were no questions from the Committee, Council, administration, or the public. John Zucal made a motion that the information be sent to the Law Director regarding the zoning change from residential to office for 419 Tuscarawas Avenue N.W., New Philadelphia; that the appropriate legislation be prepared and read at the next Council meeting. Darrin Lautenschleger seconded the motion. Motion passed 3-0.

**Item 2.** Request for rezoning from Residential to Business for the property located at 1121 Tuscarawas Avenue N.W., New Philadelphia, Ohio. Presented by Brian Bauer, Architect, MKC Associates for Frontier Communications. Mr. Baurer explained that Frontier wanted to renovate the property and consolidate an office located in Dover to the New Philadelphia location. Part of the renovation would include building an additional structure to store equipment and service vehicles. They discovered during the planning that the zoning would need to change, from residential to business, although the activity that currently occurs would not really change. He explained that there would be needed parking for the staff and the public. Frontier is also going to erect a security fence around the perimeter of the property for security of vehicles, equipment, and the poles. The Chair noted that the planning Commission had approved the request 8-0. Mayor Johnson asked how many jobs would be coming to New Philadelphia. Mr. Baurer explained that hadn't been worked out yet. There were no other questions from Council or the administration.

Mrs. Connie Frank stated to the Council that "since they purchased their residence in 1967, they moved into a problem with parking along Tuscarawas Avenue from the General Telephone company's employees blocking our driveway, restricting our vision to back on to Tuscarawas Avenue safely. Whenever we'd call the telephone company or police to have the cars moved another car would pull in the same space making this a chronic problem, so we have had to deal with this problem a long time." John Zucal asked Mrs. Frank where they live and she replied 1104 Tuscarawas Ave. Mrs. Frank continued her statement, "After several trips to City council, various no parking signs were put up, which did not solve the problem. Eventually, the telephone company moved a house from their property to Emmet Avenue to allow additional parking for employees. In the future they purchased the remaining properties for parking only, not for construction, telephone poles or other equipment storage. These additional properties did not belong to the telephone company in the 1960's. With this being a primary residential neighborhood to the North, South, and West, we are trying to avoid any future conflicts. There is no comparison with the Frontier Telephone company with other local businesses in the 1100 block of Tuscarawas Ave. If this is allowed, will they be allowing enough parking for their employees, clients, delivery, service vehicles, construction, and construction of equipment? Will they abide by the city ordinance pertaining

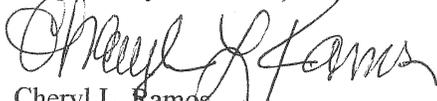
to quiet times, regarding the new expansion, late night emergencies, and all maintenance such as snow removal, etc.? If the additional lighting is required, will they please limit the lighting to their property only? Suggesting a shaded area. It is constantly daylight with all the lights they have going on there.”

The Chair asked Mr. Baurer if he could address Mrs. Frank’s concerns. He said that there should be ample parking as most of the employees would be on the road and service staff would mainly be housed in the building. Mrs. Frank expressed concern that the area was primarily residential and a concern was the vehicle traffic and the lighting. Mr. Baurer explained that they are required to do a photometric study to show where the lighting would need to cut-off and not spill over onto neighbor’s adjacent properties. They will work to improve the lighting and not throw it out onto adjacent properties. He explained that there will be more service vehicles with most parked on the East side of the building towards the alley; the poles and service building would be on the South. Mr. and Mrs. Frank asked that there be something in ordinance that would protect the residents if there were problems in the future regarding the activity of the company. They requested that something be placed in writing regarding the problems in the past to prevent future problems. The Law Director stated that there were ordinances already in place that the company would be required to follow. Service Director Jim Zucal explained that the telephone company building was there prior to the 1987 zoning laws changes and had been grandfathered in. The company has requested a zoning change due to their proposed new building otherwise they would not have to make a request. Mr. Lautenschleger explained that there will be more “teeth” regarding the parking with the zoning change and the fence would add containment for the parking and it would be an advantage to the Franks. The Franks asked that the City work with them on their concerns of parking, lighting, and equipment. There were no more questions or comments from the committee, Council, administration or the public.

Darrin Lautenschleger made a motion to approve the changes as requested by the business owner and approved by the Planning Commission that the appropriate legislation and public hearing be scheduled. John Zucal seconded the motion. Motion passed 3-0.

As there was no other business to come before the committee, John Zucal moved to adjourn the meeting at 7:28 p.m.

Respectfully submitted,



Cheryl L. Ramos

Chairperson

A tape of this meeting is available from the Council Clerk.