

CITY COUNCIL AGENDA

April 3, 2017

7:30p.m.

The meeting will be held at City Hall, in Council Chambers, 1st Floor, 538 N. Market Street, Wooster, Ohio.

I. ROLL CALL & ORDERING OF AGENDA

II. APPROVAL OF MINUTES

III. COMMUNICATIONS FROM MAYOR/ADMINISTRATION

IV. PETITIONS/COMMUNICATIONS FROM PUBLIC

V. COMMITTEE REPORTS; PUBLIC HEARINGS

West Highland Annexation Public Hearing

VI. OLD BUSINESS

1. Second Reading – ORDINANCE NO. 2017-10
AN ORDINANCE ACCEPTING APPLICATION FOR THE ANNEXATION OF TERRITORY LOCATED ON WEST HIGHLAND AVENUE AND CONTIGUOUS TO THE CORPORATION LIMITS (Knapic)
2. Second Reading – RESOLUTION NO. 2017-16
A RESOLUTION IMPOSING A MORATORIUM ON THE GRANTING OR PROCESSING OF PERMITS FOR ANY BUILDING, STRUCTURE, USE OR CHANGE OF USE THAT WOULD ENABLE CULTIVATION, PROCESSING, OR RETAIL SALE OF MEDICAL MARIJUANA WITHIN THE CITY OF WOOSTER FOR A PERIOD NOT TO EXCEED TWELVE MONTHS FROM THE EFFECTIVE DATE OF THIS RESOLUTION, AND DECLARING AN EMERGENCY (Knapic)

VII. NEW BUSINESS

1. First Reading - ORDINANCE NO. 2017- 13
AN ORDINANCE AMENDING PART ELEVEN, ZONING, OF THE CODIFIED ORDINANCES OF THE CITY OF WOOSTER, OHIO, SO AS TO AMEND THE ZONING MAP AT CERTAIN PARCELS ON WEST HIGHLAND AVENUE (Knapic)
2. First Reading – ORDINANCE NO. 2017-14
AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN ENTERPRISE ZONE AGREEMENT WITH DAISY BRAND, LLC, FOR CERTAIN TAX INCENTIVES, AND DECLARING AND EMERGENCY (Ansel)
3. First Reading – ORDINANCE NO. 2017-15
AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH LORAL PROPERTIES LLC FOR COMMUNITY REINVESTMENT AREA TAX INCENTIVES, AND DECLARING AN EMERGENCY (Ansel)
4. First Reading – RESOLUTION NO. 2017-19
A RESOLUTION ADOPTING AN UPDATE TO THE CITY OF WOOSTER’S CITIZEN PARTICIPATION PLAN IN CONNECTION WITH COMMUNITY DEVELOPMENT BLOCK GRANT ACTIVITIES IN THE CITY OF WOOSTER, AND DECLARING AN EMERGENCY (Ansel)
5. First Reading – RESOLUTION NO. 2017-20
A RESOLUTION AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO ENTER INTO A COOPERATIVE AGREEMENT WITH THE OHIO DEPARTMENT OF TRANSPORTATION FOR

THE RESURFACING OF PORTIONS OF BEVER STREET, OAK HILL AND SMITHVILLE-
WESTERN ROADS WITHIN THE CITY OF WOOSTER, AND DECLARING AN EMERGENCY (PID
105353) (Ulbright)

6. First Reading – ORDINANCE NO. 2017-16
AN ORDINANCE AUTHORIZING THE MAYOR TO ALLOW FOR AN ENCROACHMENT UPON
THE PUBLIC STANDARD HIGHWAY EASEMENT AS PART OF THE WOOSTER LOOP PHASE 1
PROJECT, AND DECLARING AN EMERGENCY (Ulbright)
7. First Reading – ORDINANCE NO. 2017-17
AN ORDINANCE AMENDING THE TRAFFIC CONTROL FILE TO ENACT THE
RECOMMENDATIONS OF THE TRAFFIC COMMISSION, AND DELCARING AN EMERGENCY
(Cavin)
8. First Reading – ORDINANCE NO. 2017-18
AN ORDINANCE AMENDING CHAPTER 331, OPERATION GENERALLY, OF THE CODIFIED
ORDINANCES OF THE CITY OF WOOSTER, OHIO BY AMENDING A PROHIBITION AGAINST
ENGINE BRAKING (Knapic)

VIII. MISCELLANEOUS

IX. ADJOURNMENT

ORDINANCE NO. 2017-10

AN ORDINANCE ACCEPTING APPLICATION FOR THE ANNEXATION OF TERRITORY LOCATED ON WEST HIGHLAND AVE., AND CONTIGUOUS TO THE CORPORTION LIMITS

(Matthew A. Long, Esq., Agent for Petitioners JC5 Properties, and Adam and Jody Rives)

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WOOSTER, OHIO:

SECTION 1. That the proposed annexation, consisting of approximately 4.492 acres on West Highland Ave., with Parcel Numbers 53-00225.000, 53-00343.000, 53-00344.000, 53-0341.00, 53-00339.000, 53-00342.000, and 53-00338.000, as applied for in the petition described above, and as approved for annexation to the City of Wooster by the Board of County Commissioners of Wayne County on December 21, 2016, is accepted. The territory to be annexed is described in the petition, a copy of which is attached and incorporated by reference.

The certified transcript of the proceedings for annexation, together with an accurate map of the territory, the petition for annexation and other papers relating to the proceedings of the Wayne County Commissioners, are on file with the Clerk of this Council, and have been for more than sixty (60) days.

SECTION 2. The Clerk of Council is directed to make three (3) copies of this Ordinance, to each of which shall be attached a copy of the map accompanying the petition for annexation, a copy of the transcript of proceedings of the Board of County Commissioners of Wayne County relating hereto, and a certificate as to the correctness. The Clerk shall then deliver one copy of these documents to the Wayne County Auditor, one copy to the Wayne County Recorder and one copy to the Secretary of State, and shall file notice of this annexation with the Wayne County Board of Elections within thirty (30) days after it becomes effective; and the Clerk shall do all other things required by law.

SECTION 3. This Council finds and declares that all formal actions concerning and relating to the adoption of this Ordinance occurred in an open meeting of this Council or its committees, in compliance of the law.

SECTION 4. This Ordinance shall take effect and be in full force from and after the earliest date allowed by law.

1st reading 3/20/17 2nd reading _____ 3rd reading _____

Passed: _____, 2017 Vote: _____

Attest: _____
Clerk of Council _____
President of Council

Approved: _____, 2017 _____
Mayor

Introduced by: Barbara A. Knapic

Resolution

No. 2016-627

Board of Wayne County Commissioners
Ann M. Obrecht Sue A. Smail Scott S. Wiggam

Adopted: December 21, 2016

Subject: **Approval of a Regular Annexation from Wayne Township to the City of Wooster, Wayne County, Ohio (2016-A4 Regular ORC 709.02)**

It was moved by Mrs. Smail and seconded by Mr. Wiggam that the following resolution be adopted:

WHEREAS, on September 28, Matthew Long, on behalf of Petitioners filed with the Board of County Commissioners, Wayne County, Ohio, a Petition for Annexation to the City of Wooster, County of Wayne, pursuant to RC 709.02 which Petition was entered on the journal on October 5, 2016, pursuant to Resolution No. 2016-470; and

WHEREAS, said Petition is valid in that:

1. The Petition conforms to all of the statutory requirements outlined in Chapter 709 of the Ohio Revised Code and contains all of the matters required by RC 709.02.
2. RC 709.02(C)(1) requires signatures from at least 51% of property owner(s), this Petition is signed by 100% of the owner(s) of the territory proposed to be annexed and no signature is dated more than 180 days before the date of the filing of the Petition [RC 709.02(C)(1)].
3. The Petition includes an accurate legal description of the perimeter and an accurate map or plat of the territory proposed for annexation [RC 709.02(C)(2)].
4. The Petition names Matthew Long to act as agent for the Petitioner(s) [RC 709.02(C)(3)].
5. The Petition includes a list of all tracts, lots, or parcels proposed to be annexed; and all tracts, lots or parcels located adjacent to the territory to be annexed or directly across the road when a road is adjacent to the territory to be annexed, including the name and mailing address of the owner of each tract, lot or parcel, and the auditor's permanent parcel number for each tract or parcel [RC 709.02(D)];
6. Any owner that is a firm, trustee or corporation has been signed by a person authorized to sign for that entity [RC 709.02(E)];
7. The City of Wooster has complied with RC 709.03(D) by adopting Ordinance No. 2016-60, which indicates what services it will provide upon annexation, and the approximate date it will provide such services.

WHEREAS, Agent for the Petitioner(s), caused written notice of hearing to be sent to all owners of property adjacent to the property to be annexed and caused a notice of hearing to be published; and

WHEREAS, a hearing on this Petition was held by this Board on November 30, 2016, in the Commissioners' Meeting Room, 428 W. Liberty St., Wooster, Ohio; and

WHEREAS, the record in this matter consists of the following:

- a. The Annexation Petition;
- b. The Notice of Petition for Annexation;
- c. A certification that notice of the filing of the Petition for Annexation was served by publication and by certified mail;
- d. The Ordinance or Resolution from the municipal corporation indicating the services that will be provided;
- e. Digital Recording of Public Hearing and Minutes prepared by Clerk of the Board of County Commissioners approved by the Board on December 21, 2016;

WHEREAS, based upon a preponderance of the substantial, reliable and probative evidence found within the record, this Board finds that:

1. The requirements stated in 709.033(A)(1) – (3) have been met, as stated above.
2. The territory proposed to be annexed is contiguous to the City of Wooster.
3. The territory proposed to be annexed is not unreasonably large.
4. On balance, the general good of the territory proposed to be annexed will be served, and the benefits to the territory proposed to be annexed and the surrounding areas will outweigh the detriments to the territory proposed to be annexed and the surrounding area RC 709.033(A)(5).
5. No street or highway will be divided or segmented by the boundary line between a township and the municipality as to create a road maintenance problem.

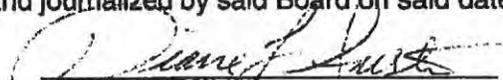
IT IS HEREBY RESOLVED that the Petition for Annexation be granted.

IT IS FURTHER RESOLVED that a certified copy of this Resolution be sent to the City of Wooster Clerk of Council, Fiscal Officer of Wayne Township and to the Agent for the Petitioner(s); and then if no appeal is filed within 30 days, certified copies of this Resolution, Petition, map, Statement of Services and all other papers on file along with the minutes of these proceedings be delivered to the City of Wooster Clerk of Council in accordance with RC 709.033.

The vote is as follows: Ann M. Obrecht yea Sue A. Smail yea Scott S. Wiggam yea

CERTIFICATE

I, Diane L. Austen, Clerk of the Board of County Commissioners, Wayne County, Ohio, hereby certify that the above is a true and correct copy of the resolution adopted and journalized by said Board on said date.


Diane L. Austen, Clerk

PETITION FOR ANNEXATION

To the Board of Commissioners of Wayne County, State of Ohio

The undersigned, being a majority of the owners of real estate in the following described territory within the County of Wayne and adjacent to the City of Wooster, Ohio, petitions the Board of Commissioners of Wayne County, Ohio, to annex the territory described below to the City of Wooster. The territory to be annexed is fully described in the attached **Exhibit A**.

The Tax Account Numbers are: 53-00225.000, 53-00343.000, 53-00344.000, 53-00341.000, 53-00339.000, 53-00342.000, and 53-00338.000.

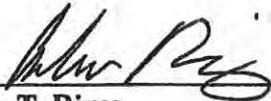
The seven parcels described herein for annexation consist of 4.492 acres.

An accurate map of this territory is attached hereto and incorporated herein as a part of this Petition as **Exhibit B**.

Matthew A. Long, 225 North Market Street, Wooster, Ohio, is hereby appointed and authorized to act as agent for the undersigned petitioners in securing such annexation with full power and authority hereby granted to said agent to amend, alter, change, correct, withdraw, refile, substitute, compromise, increase or delete the area; to substitute an agent; to do any and all things essential thereto and to take any action necessary for obtaining the granting of this petition. Said amendment, alteration, change, correction, withdrawal, refile, substituting, compromise, increase or deletion, or other actions for granting of this petition shall be made in the petition, description and/or plat by said agent without further expressed consent of petitioners.

20 02 02 02 102
RECEIVED
MAY 12 2004
CLERK OF COURT

The total number of owners of real estate in the above-described territory is three (3). Pursuant to Ohio Revised Code Section 709.02(E), the City of Wooster is not considered an "owner" and has not been included in the total number of owners necessary to file this petition.



Adam T. Rives

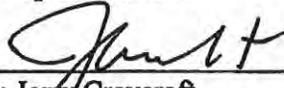
Date: 9/28/16



Jody R. Rives

Date: 9-28-16

JCS Properties, LLC

By: 

Name: Jerry Craycraft
Title: Manager

Date: 9/28/16

R.W.

GASBARRE & Associates, Inc.

Professional Land Surveyors

401 South Market St. P.O. Box 44

Wooster, Ohio 44691

330.264.9499

William R. Gasbarre, P.S. (Ret.)

Edward A. Gasbarre, P.S.

gasbarresurveying@embarqmail.com

September 21, 2016

Boundary Description
4.492 Acres



Situated in the State of Ohio, County of Wayne, Township of Wayne, in the northeast quarter of Section 32, T-16N, R-13W.

Described as follows:

Beginning at the southwest corner of Lot 10 of the Nelsen Allotment No.1 recorded in volume 5, page 19 of the Wayne County plat records.

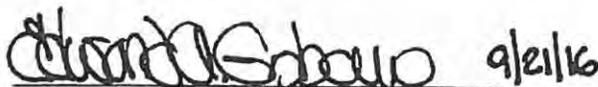
Thence with the following SIX courses:

- 1) N 1° 27' 00" E 140.00 feet to the north line of the quarter section.
- 2) S 88° 07' 00" E 1000.00 feet, along the north line of the quarter section and in Highland Avenue (County Road 106), to a point.
- 3) S 1° 27' 00" W 250.00 feet to the southeast corner of Lot 16.
- 4) N 88° 07' 00" W 500.00 feet, along a south line of the allotment, to the southwest corner of Lot 12.
- 5) N 1° 27' 00" E 110.00 feet, along a west line of the allotment, to the southeast corner of Lot 11.
- 6) N 88° 07' 00' W 500.00 feet, in part along southerly lines of the allotment, to the **Point of Beginning**.

This parcel contains 4.492 acres.

This description was prepared by Edward A. Gasbarre, P.S. 7036, from information contained in a survey drawn under his direction, in September of 2016, on behalf of R.W. Gasbarre & Associates, Inc. A copy of that survey is on file at the Wayne County map office. See survey volume ___, page ___.

All bearings are related and common with volume 5, page 19 of the Wayne County plat records.

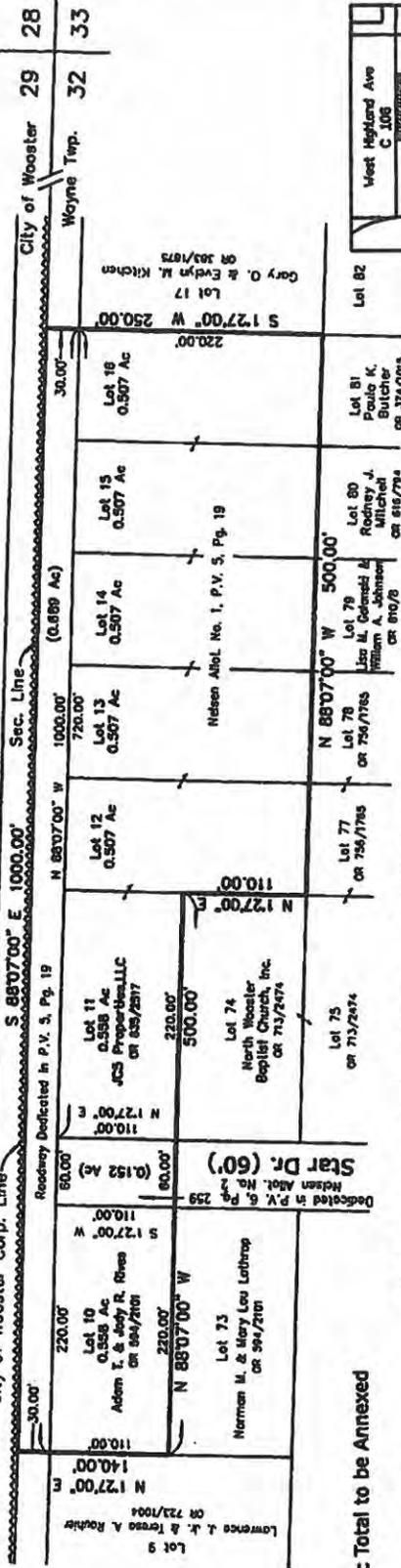
 9/21/16

Edward A. Gasbarre, P.S. 7036

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W. Highland Ave. (60') C.R. 106



4.492 Ac Total to be Annexed

CERTIFIED THIS ___ DAY OF ___ 2016 BY THE WAYNE COUNTY COMMISSIONERS.

BY: SUE A. SMALL ANNI M. OBRECHT SCOTT S. WIGGAM

APPROVED THIS ___ DAY OF ___ 2016 BY THE WOOSTER CITY COUNCIL ORDINANCE No.:

RECEIVED FOR RECORDING THIS ___ DAY OF ___ 2016 BY THE WAYNE COUNTY MAP OFFICE. BY: DOUGLAS K. GREEN

RECEIVED FOR TRANSFER THIS ___ DAY OF ___ 2016 BY THE WAYNE COUNTY AUDITOR. BY: LINDA ROHRER, DEPUTY

Filed for record in
WAYNE COUNTY, OHIO
JANE CARMICHAEL, RECORDER
 DATE ___ AT ___
 INSTRUMENT # ___ PAGE ___
 PLAT VOL ___ BY: JANE CARMICHAEL
 FEE \$ ___



This annexation plat, which I believe to be correct, was prepared from a survey made in 1956 by Ray W. Gasbarre, recorded in volume 5, page 19 of the Wayne County Plat Records.

Edward A. Gasbarre, P.S. 7036
 Date 9/21/16

AREA SUMMARY	
LOTS 7 - 18	3.851 AC
ROADWAY 2	0.641 AC
TOTAL	4.492 AC

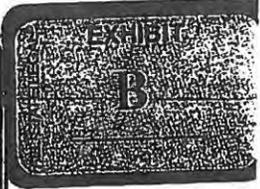
Annexation Plat
 of 4.492 Acres to the City of Wooster
 Part of the NE Qtr. of Sec. 32, T-16N, R-13W
 Wayne Township
 Wayne County, Ohio

Beats of Bookings common with plat Vol. 3, Pg. 19
 Drawing 216147.dwg
 R.W. **Gasbarre**
 Professional Land Surveyor
 401 South Market St. - P.O. Box 44
 Wooster, Ohio 44691
 PH 330-264-8489

September 21, 2016

Scale 1" = 100'

Legend:
 O set of property found
 5/8" x 3/8" steel rod w/ yellow U.S. Cop
 marked "Gasbarre Wooster, Ohio"
 R - Iron/Steel monument found
 Described in Drawing
 U - Stone monument found
 S - Spits or magnet set
 F - Spits or magnet found
 H - Fence Line Evident
 R - Record Dimension
 M - Measured Dimension
 U - Used Record Dimension



RESOLUTION NO. 2017-16

AN RESOLUTION IMPOSING A MORATORIUM ON THE GRANTING OR PROCESSING OF PERMITS FOR ANY BUILDING, STRUCTURE, USE OR CHANGE OF USE THAT WOULD ENABLE CULTIVATION, PROCESSING, OR RETAIL SALE OF MEDICAL MARIJUANA WITHIN THE CITY OF WOOSTER FOR A PERIOD NOT EXCEED TWELVE MONTHS FROM THE EFFECTIVE DATE OF THIS RESOLUTION, AND DECLARING AN EMERGENCY

WHEREAS, Substitute House Bill 523, legalizing the cultivating, processing, and dispensing of medical marijuana in the State of Ohio, became effective September 8, 2016; and

WHEREAS, this law, among other things, permits patients in Ohio to use medical marijuana on the recommendation of physicians, creates state regulatory oversight of the cultivation, processing, retail sale, use and physician recommendation of medical marijuana; authorizes the legislative authority of a city to adopt regulations to prohibit or limit the number of retail medical marijuana dispensaries; and prohibits a cultivator, processor, retail dispensary or laboratory from being located or relocating within 500 feet of a school, church, public library, public playground or public park; and

WHEREAS, as such, Council requires additional time to undertake a review of all applicable codes statewide and within the City in order to formulate a local response to House Bill 523; and to determine whether to limit or entirely prohibit the cultivation, processing, and/or retail dispensing of medical marijuana in accordance with Ohio Revised Code Section 3796.29; and

WHEREAS, it is immediately necessary to impose a temporary moratorium on the granting and processing of permits for medical marijuana-related businesses in the City in order to ensure the public health, peace, property, safety, and welfare; and

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WOOSTER, OHIO:

SECTION 1. Council of the City of Wooster imposes a twelve month moratorium on the granting of permits for any building, structure, use or change of use that would enable the cultivation, processing, or retail sale of medical marijuana for a period not to exceed twelve months from the effective date of this Resolution, in order to allow Council to review applicable Ohio statutes, criminal codes, and City of Wooster Zoning Code relative to such use.

SECTION 2. That for purposes of this Resolution, "medical marijuana" shall have the same meaning as that term is defined in Section 3796.01(A)(2) of the Ohio Revised Code, effective September 8, 2016.

SECTION 3. That no building permits or other permits shall be granted to a business owner who intends to open, use any land or devote any floor area of that business for the purposes of the cultivation, processing, or retail sale of medical marijuana for the period of this moratorium. No valid existing business in the City may expand in any way that would establish cultivation, processing, or retail sale of medical marijuana for the duration of the moratorium.

SECTION 4. This moratorium shall be in effect for a period of twelve months from the effective date of this resolution or until changes are enacted to amend the Codified Ordinances of the City of Wooster to address these issues or until Council approves legislation explicitly revoking this moratorium, whichever occurs first.

SECTION 5. This Council finds and declares that all formal actions concerning and relating to the adoption of this resolution occurred in an open meeting of this Council or its committees, in compliance with law.

SECTION 6. This Resolution is declared to be an emergency measure necessary to the immediate preservation of the public health, peace, safety and welfare of the City, or providing for the usual daily operation of a municipal department or division; and for the further reason that prompt action is necessary to impose this moratorium in order to permit the City of Wooster to more fully study the problem and the need, if any, for the regulation thereof; wherefore, this Resolution shall be in full force and effect from and immediately after its passage and approval by the Mayor; provided it receives the affirmative vote of at least three-fourths of the members of the Council; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

1st reading 3/20/17 2nd reading _____ 3rd reading _____

Passed: _____, 2017 Vote: _____

Attest: _____
Clerk of Council President of Council

Approved: _____, 2017
Mayor

Introduced by: Barb Knapic

**Request for Agenda Item
Non-Capital**

Division **Meeting Date Requested**

Project Name **Approved for Agenda**

Description (be as descriptive as possible, given space limitations)

Matt Long of Critchfield, Critchfield & Johnston Ltd. representing JC5 Properties LLC and Adam and Jody Rives requesting an approval recommendation from the Planning Commission to City Council for a zoning map amendment to designate 4.492 acres on West Highland Avenue with Parcel Numbers 53-00225.000, 53-00343.000, 53-00344.000, 53-00341.000, 53-00339.000, 53-00342.000, and 53-00338.000 to an R-2 (Single Family Residential) zoning district upon annexation into the City of Wooster.

Prior to City Council's review, Zoning Amendment applications require a recommendation from the Planning Commission, after a required public hearing. At the February 22, 2017 meeting of the Planning Commission, the public hearing was held and a motion was unanimously approved to forward an approval recommendation to City Council.

The application requires a public hearing before City Council per the notification requirements of Section 1119.09 of the City of Wooster Codified Ordinances. In addition, the review of the application will need to be coordinated with the current annexation request for the subject properties.

Is there a need for rules suspension or time limitation when this must be passed?

No

Manager Requesting

Date

Approved for Agenda

**PLANNING COMMISSION
APPLICATION INFORMATION SHEET**

Application Number

PC-17-02

Scheduled Meeting Date

02-22-2017

Application Type

Zoning Amendment - Map

Property Location

0 West Highland Avenue

Property Information

Acreage:

Zoning: Unincorporated

Property Owner

JC5 PROPERTIES LLC

Applicant

Matthew Long

Applicant's Project Description

This Application is related to the Annexation of the subject property. The requested zoning is consistent with adjacent zoning and existing use of the subject property as single-family residential.

Agenda Text

Matt Long of Critchfield, Critchfield & Johnston Ltd. representing JC5 Properties LLC requesting an approval recommendation from the Planning Commission to City Council for a zoning map amendment to designate 4.492 acres on West Highland Avenue with Parcel Numbers 53-00225.000, 53-00343.000, 53-00344.000, 53-00341.000, 53-00339.000, 53-00342.000, and 53-00338.000 to an R-2 (Single Family Residential) zoning district upon annexation into the City of Wooster



CITY OF WOOSTER
Planning and Zoning Division
538 North Market Street Wooster, OH 44691
Phone: 330-263-5238

February 23, 2017

Matthew Long

Dear Mr./Mrs. Long,

At the 02-22-2017 meeting of the City of Wooster Planning Commission, a motion was made to recommend approval of application PC-17-02, Matt Long of Critchfield, Critchfield & Johnston Ltd. representing JC5 Properties LLC and Adam and Jody Rives requesting an approval recommendation from the Planning Commission to City Council for a zoning map amendment to designate 4.492 acres on West Highland Avenue with Parcel Numbers 53-00225.000, 53-00343.000, 53-00344.000, 53-00341.000, 53-00339.000, 53-00342.000, and 53-00338.000 to an R-2 (Single Family Residential) zoning district upon annexation into the City of Wooster, as presented with the following conditions:

- No Conditions.

The motion received the necessary votes and the application will be forwarded to City Council with a recommendation of approval from the Planning Commission.

This action of the Planning Commission does not constitute approval of a Zoning Certificate, Variance, Building Permit, Engineering Development Permit, or other application required by the City of Wooster Codified Ordinances.

Please feel free to contact me at (330) 263-5238 or adutton@woosteroh.com if you have any questions or need any further information.

Sincerely,

Andrew Dutton
Planning and Zoning Manager



**Application PC-17-02
Highland Avenue Zoning Designation**

Property Owners: JC5 Properties LLC and Adam and Jody Rives
Applicant: Matt Long of Critchfield, Critchfield & Johnston Ltd.
Location: West Highland Avenue
Proposed Zoning: R-2 (Single Family Residential)
Request: A recommendation from the Planning Commission to City Council for a zoning map amendment to designate 4.492 acres on West Highland Avenue with Parcel Numbers 53-00225.000, 53-00343.000, 53-00344.000, 53-00341.000, 53-00339.000, 53-00342.000, and 53-00338.000 to an R-2 (Single Family Residential) zoning district upon annexation into the City of Wooster

LOCATION AND SURROUNDING USES

The site consists of seven properties and right of way composed of 4.492 acres on the south side of West Highland Avenue. Properties to the north contain multi-family residential uses zoned R-3 (Attached Single Family/Townhouse) and single family residential uses zoned R-1 (Suburban Single Family Residential). Properties to the east and west contain single family residential uses located outside the city limits. Properties to the south contain single family residential uses, vacant land and a church located outside the city limits.



PROPOSED APPLICATION

The applicant is currently progressing through the process to annex the subject 4.492 acres of vacant land and right of way into the City of Wooster. The applicant is requesting a zoning of R-2 for the subject properties upon their annexation into the City.



ZONING DISTRICT INTENT

The intent of the R-2 zoning district is as follows, per Section 1133.01(h)(2):

The R-2 Single-Family District is established to promote, preserve and protect medium-low density predominantly single-family neighborhoods in the City. Two-family dwellings are restricted to locations where they are designed and located in a manner that is compatible with the existing or proposed residential neighborhood.

PERMITTED USES

Table 1133.02 includes a list of all Permitted (P), Conditional (C), Accessory (A), and Prohibited (-- or not included in the table) uses in the R-2 zoning district:

	R-2 District
(1) Residential	
A. Single-family detached dwelling	P
B. Single-family attached dwelling	--
C. Two-family dwelling – new construction	C
D. Two-family dwelling conversion from SF dwelling	C
E. Cluster Residential Development (CRD) in	P
F. Bed and breakfast establishment	--
G. Adult care facility for 3-5 persons	P
H. Residential facility for 5 or fewer persons	P
I. Residential facility for 6-8 persons	P
J. Flag lots	--
(2) Community Facilities	
A. Place of worship/church	C
B. Cemetery	--
C. Day care facility, child and/or adult	C
D. Library, cultural institution	C
E. Public safety, health or utility facility	C
F. Utility substation/distribution facility, indoor	C
G. School (public/private) elementary/secondary	C
(3) Open Space/Recreation	
A. Golf course, except miniature golf	C
B. Community recreation facility	C
C. Public park, public playground	P
(4) Other Uses	
A. Wireless telecommunication facility	See Chapter 1173
B. Family Day Care Home, Type B	A
A. Temporary sales/leasing office or model unit ¹	P



COMPREHENSIVE PLAN

Land Use Objectives of the Comprehensive Plan relate to the proposed annexation and zoning classification, as follows:

Objective LU.5 – Expand housing opportunities.

Action LU.5.4

Promote new residential on vacant and underutilized sites within developed areas.

City code should be revised to promote residential development on greyfield land, or underutilized sites in the City. By promoting this type of development, the City can make for more sustainable residential areas within the community.

Objective LU.7 – Responsibly manage growth outside the City limits

Action LU.7.1

Extend the City boundary only when the expansion will result in new targeted economic growth, or serve to accomplish other goals and objectives of the Comprehensive Plan or other City policies.

One of the clear themes from the public outreach conducted as part of this plan is to put a priority on infill and redevelopment before outward expansion of city boundaries. The City should put a priority on inward growth prior to outward growth to avoid sprawl development and place unnecessary stress on the existing infrastructure.

Action LU.7.2

New residential expansion should be designed in a cluster or conservation style development pattern.

New residential development should be in a cluster or conservation style pattern. Minimizing the footprint of development reduces the short and long term cost of infrastructure, and promotes the preservation and access to public space and opens space.

Action LU.7.3

Ensure new annexations can be served by city utilities.

If and when land is annexed into the City the impacts to the local infrastructure network should be considered. Specific impact studies should be completed (e.g. traffic, sewer, water) to examine the cost of outward of an outward development pattern. These costs should be considered carefully so as to not 'tax' the existing infrastructure network.

The subject site is currently underutilized as vacant land in a residential area. Though development of the area is not technically infill development, the site is predominantly surrounded by developed land.

City utilities are currently available along West Highland Avenue. The City of Wooster Engineering Division has not indicated any issues with servicing the subject properties.

CRITERIA FOR APPROVAL

When a proposed amendment would result in a change of zoning classification of any property, the Planning Commission and the City Council should consider whether:

- (1) The change in classification would be consistent with the Comprehensive Plan of the City or other adopted plans and policies.
- (2) The change in classification would be consistent with the intent and purposes of this Planning and Zoning Code.



- (3) The proposed amendment is made necessary because of changed or changing conditions in the area affected, and if so, the nature of such changed or changing conditions.
- (4) The uses that would be permitted on the property if it were reclassified would be compatible with the uses permitted on other property in the immediate vicinity. The Planning Commission may suggest conditions and restrictions on the uses that would be permitted on the property if it were reclassified in order to attain compatibility with the uses permitted on other property in the immediate vicinity.
- (5) The uses that would be permitted on the property if it were reclassified would have an adverse environmental or health impact on the immediate surrounding area in terms of acceptable air, noise, light, or water quality standards.
- (6) Adequate utility, sewer, and water facilities, and all other needed public services exist or can be provided to serve the uses that would be permitted on a property if it were reclassified.
- (7) The amount of vacant land with the same zoning classification as proposed for the subject property, particularly in the vicinity of the subject property, and any special circumstances, if any, make a substantial part of such vacant land unavailable for development.
- (8) The proposed amendment would correct an error in the application of this Planning and Zoning Code as applied to the subject property.

STAFF RECOMMENDATION

Staff recommends approval of application PC-17-02 to designate 4.492 acres on West Highland Avenue with Parcel Numbers 53-00225.000, 53-00343.000, 53-00344.000, 53-00341.000, 53-00339.000, 53-00342.000, and 53-00338.000 to an R-2 (Single Family Residential) zoning district upon annexation into the City of Wooster.



CITY OF WOOSTER

Planning and Zoning Division

538 North Market Street Wooster, OH 44691
Phone: 330-263-5235 Fax: 330-263-5274

February 8, 2017

Dear Property Owner,

You are receiving this notice because you are an owner of property within 200 ft. of a Zoning Map Amendment application that has been submitted to The Planning Commission of the City of Wooster. The Commission will hold a public hearing at their next regular meeting regarding the subject application, as described below. The meeting will take place at City Hall, 1st floor Council Chambers, 538 North Market Street and will begin at 5:30 pm on Wednesday, February 22nd, 2017.

#PC-17-02. Matt Long of Critchfield, Critchfield & Johnston Ltd. representing JC5 Properties LLC and Adam and Jody Rives requesting an approval recommendation from the Planning Commission to City Council for a zoning map amendment to designate 4.492 acres on West Highland Avenue with Parcel Numbers 53-00225.000, 53-00343.000, 53-00344.000, 53-00341.000, 53-00339.000, 53-00342.000, and 53-00338.000 to an R-2 (Single Family Residential) zoning district upon annexation into the City of Wooster.

All interested parties are welcome to attend and will be provided the opportunity to address the Commission during the public hearing portion of the meeting. Special auxiliary aids for handicapped persons are available upon request with at least five (5) days notice prior to the meeting. For further information, or to request special auxiliary aids, please contact the Planning and Zoning Division at (330)263-5238 during regular office hours.

Andrew Dutton
Planning and Zoning Manager

Owner	Address	City
ARTIFLEX MANUFACTURING LLC	1425 E BOWMAN ST	WOOSTER OH 44691
BUTCHER PAULA K	1109 NELSON DR	WOOSTER OH 44691
CUPPLES CONAN J	2457 BARRINGTON WAY UNIT 325	WOOSTER OH 44691
DAUGHERTY LAVON L	2447 WETHERINGTON LN UNIT 102	WOOSTER OH 44691
DROWN HENRY J & MARY LEANA S/T	2457 WETHERINGTON LN UNIT 326	WOOSTER OH 44691
DUECKER RONALD L & ETHEL M S/T	2457 BARRINGTON WAY UNIT 324	WOOSTER OH 44691
EDINGTON ROY L & DONNA J TRUSTEES	2457 BARRINGTON WAY UNIT 328	WOOSTER OH 44691
FERRELL GREGORY	1461 OIL CITY RD	WOOSTER OH 44691
GALANSKI LISA M	311 E SOUTH ST APT 102	WOOSTER OH 44691
HAUGH ROBERT LEE & JANE ANN CO-TRUSTEES	2457 BARRINGTON WAY UNIT 321	WOOSTER OH 44691
HAWKINS ALICE M	2447 WETHERINGTON LN UNIT 110	WOOSTER OH 44691
KITCHEN GARY O & EVELYN M S/T	1076 W HIGHLAND AVE	WOOSTER OH 44691
KNECHT GARY W	2328 STAR DR	WOOSTER OH 44691
KRANKOVICH JERALD	2457 BARRINGTON WAY UNIT 323	WOOSTER OH 44691
LATHROP NORMAN M & MARY LOU S/T	2342 STAR DR	WOOSTER OH 44691
MARSH CHARLOTTE A	2447 WETHERINGTON LN UNIT 107	WOOSTER OH 44691
MILLER CATHERINE I	2447 WETHERINGTON LN UNIT 101	WOOSTER OH 44691
MILLER ROBERT E II	2306 STAR RD	WOOSTER OH 44691
MITCHELL RODNEY J	1181 NELSON DR	WOOSTER OH 44691
MOMCHILOV JOSETTE TRUSTEE	2447 WETHERINGTON LN UNIT 112	WOOSTER OH 44691
NORTH WOOSTER BAPTIST	2315 STAR DR	WOOSTER OH 44691
NUSSBAUM LULA J TRUSTEE	4156 MACKAY FALLS TRCE	SARASOTA FL 34243
OLDER WILLIAM D II TRUSTEE	408 N BEVER ST	WOOSTER OH 44691
RAJASHEKARA GIREESH & LEENA GIREESH S/T	2428 DAYBREAK DR	WOOSTER OH 44691
RHODES GENE R	2447 WETHERINGTON LN UNIT 104	WOOSTER OH 44691
ROUHIER LAWRENCE J JR	1440 W HIGHLAND AVE	WOOSTER OH 44691
RUGANI JOHN R & ORA K S/T	1041 NELSON AVE	WOOSTER OH 44691
SELING A FREDERICK JR	2424 DAYBREAK DR	WOOSTER OH 44691
SHAMP SUSAN A	2447 WETHERINGTON LN UNIT 103	WOOSTER OH 44691
SIGLER EMMA J	2447 WETHERINGTON LN UNIT 109	WOOSTER OH 44691
SMAIL CHESTER M & ELIZABETH M	635 WESTRIDGE DR	WOOSTER OH 44691
SPITLER JEFFREY M	2447 WETHERINGTON LN UNIT 105	WOOSTER OH 44691
STIFFLER KENNETH E & STEPHANIEL S/T	1040 W HIGHLAND AVE	WOOSTER OH 44691
STILL LOUIS	2447 WETHERINGTON LN UNIT 106	WOOSTER OH 44691
WAYNE COUNTY NATIONAL BANK TRUSTEE (FIKE)	PO BOX 757	WOOSTER OH 44691
WEAVER CUSTOM HOMES INC ETA	2472 WETHERINGTON LN	WOOSTER OH 44691
WRIGHT STEVEN R	2447 WETHERINGTON LN UNIT 108	WOOSTER OH 44691
WWM PROPERTIES LTD	124 E LIBERTY ST STE A	WOOSTER OH 44691

PC-17-02



CITY OF WOOSTER

Planning and Zoning Division

538 North Market Street Wooster, OH 44691
Phone: 330-263-5235 Fax: 330-263-5274

February 8, 2017

DAILY RECORD

PLEASE PUBLISH February 12, 2017

The City of Wooster Planning Commission will hold their Regular Meeting at 5:30 pm on Wednesday, February 22nd, 2017. The meeting will be held at City Hall, 1st floor Council Chambers, 538 North Market Street, Wooster, Ohio. At the meeting, the Planning Commission will hold a public hearing for each of the following applications:

#PC-17-02. Matt Long of Critchfield, Critchfield & Johnston Ltd. representing JC5 Properties LLC and Adam and Jody Rives requesting an approval recommendation from the Planning Commission to City Council for a zoning map amendment to designate 4.492 acres on West Highland Avenue with Parcel Numbers 53-00225.000, 53-00343.000, 53-00344.000, 53-00341.000, 53-00339.000, 53-00342.000, and 53-00338.000 to an R-2 (Single Family Residential) zoning district upon annexation into the City of Wooster.

#PC-17-03. Josh Hughes of Miller-Valentine Group representing Jeff Smith requesting Conditional Use approval for a multi-family residential use at 2024 Akron Road in a C-5 (General Commercial) District.

All interested parties are welcome to attend and will be provided the opportunity to address the Commission during the public hearing portion of the meeting. Special auxiliary aids for handicapped persons are available upon request with at least five (5) days notice prior to the meeting. For further information, or to request special auxiliary aids, please contact the Planning and Zoning Division at (330)263-5238 during regular office hours.

Andrew Dutton
Planning and Zoning Manager

Wooster Daily Record Inc., L.L.C.

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 The Holmes County Hub • The Holmes County Shopper News
 The Wayne-Holmes Property Magazine • Buckeye Printing
 Spectrum Publications

212 E. Liberty Street • P.O. Box 918 • Wooster OH 44691
 Phone (330) 264-1125 • FAX (330) 264-3756

Advertising Receipt

A Dix Communication Property

City Of Wooster-LEGALS
 Finance
 PO Box 1128
 538 N. Market Street
 Wooster, OH, 44691

Cust #: 10025637
 Order #: 12282768
 Phone: (330)263-5242
 Date: 2/8/2017
 PO Number:

Ad Taker: jrumbaugh Salesperson: 210 House Classifieds Classification: 5 Legals

Description:	Start	Stop	Ins.	Cost / Day	Surcharges	Total
20 Daily Record Internet Charge	2/12/2017	2/12/2017	1	120.54		120.54

Total: 120.54
 Prepaid: 0.00
 Total Due: 120.54

LEGAL NOTICE

The City of Wooster Planning Commission will hold their Regular Meeting at 5:30 pm on Wednesday, February 22nd, 2017. The meeting will be held at City Hall, 1st floor Council Chambers, 538 North Market Street, Wooster, Ohio. At the meeting, the Planning Commission will hold a public hearing for each of the following applications:

#PC-17-02. Matt Long of Critchfield, Critchfield & Johnston Ltd. representing JCS Properties LLC and Adam and Jody Rives requesting an approval recommendation from the Planning Commission to

City Council for a zoning map amendment to designate 4.492 acres on West Highland Avenue with Parcel Numbers
 53-00225.000,
 53-00343.000,
 53-00344.000,
 53-00341.000,
 53-00339.000,
 53-00342.000, and
 53-00338.000 to an R-2 (Single Family Residential) zoning district upon annexation into the City of Wooster.

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Andrew Dutton
 Planning and Zoning

Manager

Publish Wooster Daily Record
 February 12, 2017

**PLANNING COMMISSION
FIRE DEPARTMENT COMMENT SHEET**

TO: NATHAN MURPHY
DATE: January 26, 2017

Application Number

PC-17-02

Application Type

Zoning Amendment - Map

Property Location

0 West Highland Avenue

Project Description

This Application is related to the Annexation of the subject property. The requested zoning is consistent with adjacent zoning and existing use of the subject property as single-family residential.

Comments

No issues

Please review the attached plan sheets, indicate all necessary comments and return this comment sheet electronically to the Planning Division within 7 days from the above date.

**PLANNING COMMISSION
ENGINEERING COMMENT SHEET**

TO: ROGER KOBILARCSIK
DATE: January 26, 2017

Application Number
PC-17-02

Application Type
Zoning Amendment - Map

Property Location
0 West Highland Avenue

Project Description
This Application is related to the Annexation of the subject property. The requested zoning is consistent with adjacent zoning and existing use of the subject property as single-family residential.

Comments

*Roadway shall be dedicated right of way on W. Highland Ave
and Stone Dr. within the annexation proposal.*

Please review the attached plan sheets, indicate all necessary comments and return this comment sheet electronically to the Planning Division within 7 days from the above date.

PETITION FOR ANNEXATION

To the Board of Commissioners of Wayne County, State of Ohio

The undersigned, being a majority of the owners of real estate in the following described territory within the County of Wayne and adjacent to the City of Wooster, Ohio, petitions the Board of Commissioners of Wayne County, Ohio, to annex the territory described below to the City of Wooster. The territory to be annexed is fully described in the attached **Exhibit A**.

The Tax Account Numbers are: 53-00225.000, 53-00343.000, 53-00344.000, 53-00341.000, 53-00339.000, 53-00342.000, and 53-00338.000.

The seven parcels described herein for annexation consist of 4.492 acres.

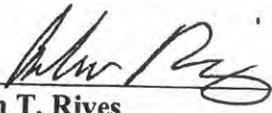
An accurate map of this territory is attached hereto and incorporated herein as a part of this Petition as **Exhibit B**.

Matthew A. Long, 225 North Market Street, Wooster, Ohio, is hereby appointed and authorized to act as agent for the undersigned petitioners in securing such annexation with full power and authority hereby granted to said agent to amend, alter, change, correct, withdraw, refile, substitute, compromise, increase or delete the area; to substitute an agent; to do any and all things essential thereto and to take any action necessary for obtaining the granting of this petition. Said amendment, alteration, change, correction, withdrawal, refiling, substituting, compromise, increase or deletion, or other actions for granting of this petition shall be made in the petition, description and/or plat by said agent without further expressed consent of petitioners.

2010 JUN 28 PM 3:22

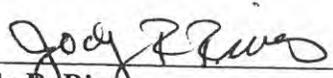
RECEIVED
WAYNE COUNTY
ADMINISTRATIVE SERVICES
DIVISION

The total number of owners of real estate in the above-described territory is three (3). Pursuant to Ohio Revised Code Section 709.02(E), the City of Wooster is not considered an "owner" and has not been included in the total number of owners necessary to file this petition.



Adam T. Rives

Date: 9/28/16



Jody R. Rives

Date: 9-28-16

JCS Properties, LLC

By: 

Name: Jerry Craycraft
Title: Manager

Date: 9/28/16

R.W.

GASBARRE & Associates, Inc.

Professional Land Surveyors

401 South Market St. P.O. Box 44

Wooster, Ohio 44691

330.264.9499

William R. Gasbarre, P.S. (Ret.)

Edward A. Gasbarre, P.S.

gasbarresurveying@embarqmail.com

September 21, 2016

Boundary Description

4.492 Acres



Situated in the State of Ohio, County of Wayne, Township of Wayne, in the northeast quarter of Section 32, T-16N, R-13W.

Described as follows:

Beginning at the southwest corner of Lot 10 of the Nelsen Allotment No.1 recorded in volume 5, page 19 of the Wayne County plat records.

Thence with the following SIX courses:

- 1) N 1° 27' 00" E 140.00 feet to the north line of the quarter section.
- 2) S 88° 07' 00" E 1000.00 feet, along the north line of the quarter section and in Highland Avenue (County Road 106), to a point.
- 3) S 1° 27' 00" W 250.00 feet to the southeast corner of Lot 16.
- 4) N 88° 07' 00" W 500.00 feet, along a south line of the allotment, to the southwest corner of Lot 12.
- 5) N 1° 27' 00" E 110.00 feet, along a west line of the allotment, to the southeast corner of Lot 11.
- 6) N 88° 07' 00" W 500.00 feet, in part along southerly lines of the allotment, to the Point of **Beginning**.

This parcel contains 4.492 acres.

This description was prepared by Edward A. Gasbarre, P.S. 7036, from information contained in a survey drawn under his direction, in September of 2016, on behalf of R.W. Gasbarre & Associates, Inc. A copy of that survey is on file at the Wayne County map office. See survey volume ___, page ___.

All bearings are related and common with volume 5, page 19 of the Wayne County plat records.

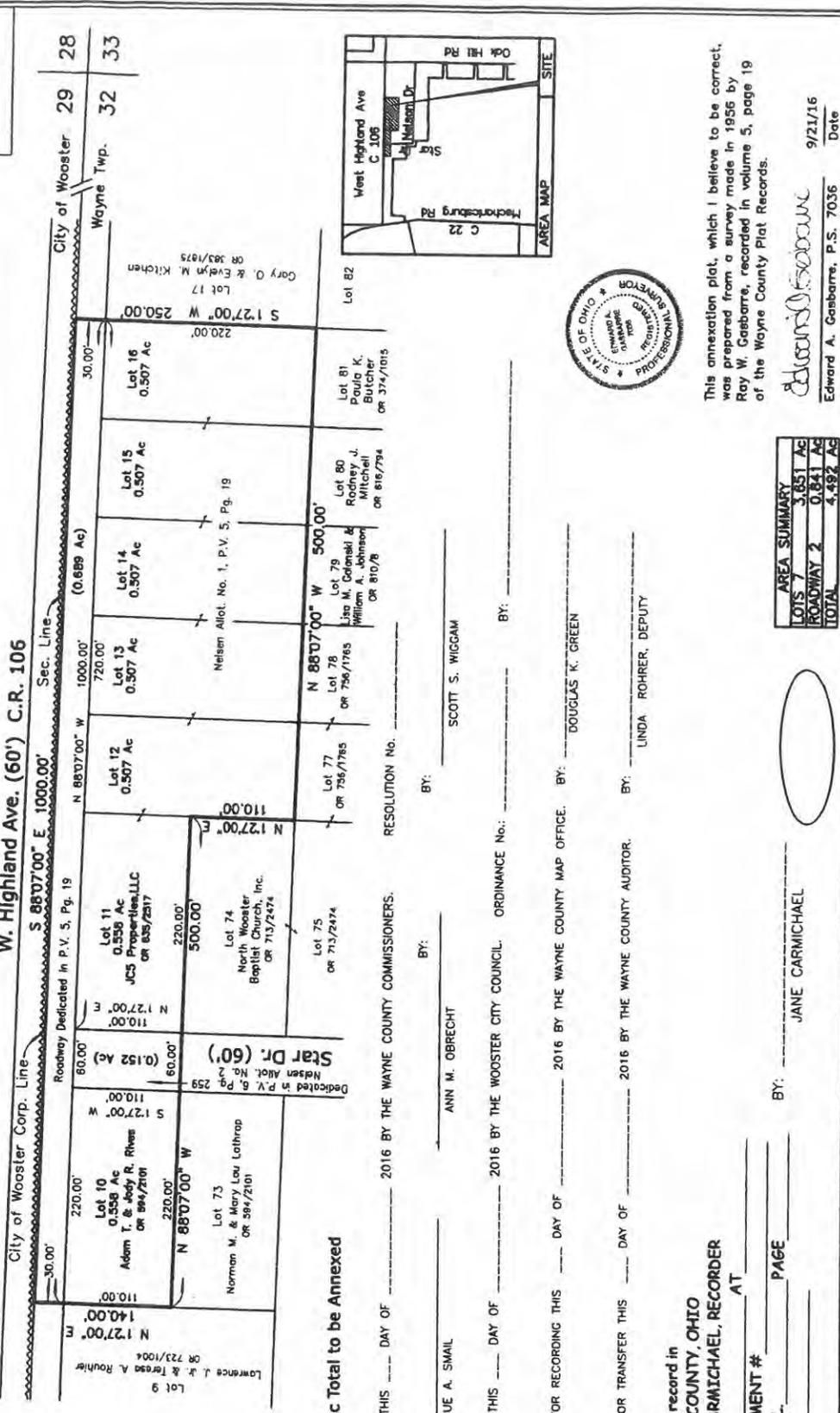
 9/21/16

Edward A. Gasbarre, P.S. 7036

\\hp4\Data (F)\ADAT4\AJOB\2K16\job147\JC 5 Properties legal.docx



W. Highland Ave. (60') C.R. 106



4.492 Ac Total to be Annexed

CERTIFIED THIS ___ DAY OF ___ 2016 BY THE WAYNE COUNTY COMMISSIONERS.

BY: SUE A. SMAL
ANN M. OBRECHT
SCOTT S. WIGGAM

APPROVED THIS ___ DAY OF ___ 2016 BY THE WOOSTER CITY COUNCIL.

RECEIVED FOR RECORDING THIS ___ DAY OF ___ 2016 BY THE WAYNE COUNTY MAP OFFICE.

RECEIVED FOR TRANSFER THIS ___ DAY OF ___ 2016 BY THE WAYNE COUNTY AUDITOR.

Filed for record in
WAYNE COUNTY, OHIO
JANE CARMICHAEL, RECORDER
DATE _____ AT _____
INSTRUMENT # _____ PAGE _____
PLAT VOL. _____ FEE \$ _____

BY: JANE CARMICHAEL



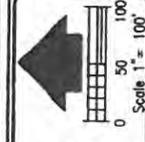
This annexation plat, which I believe to be correct, was prepared from a survey made in 1956 by Ray W. Gasbarre, recorded in volume 5, page 19 of the Wayne County Plat Records.

AREA SUMMARY	
LOTS 7	3.651 AC
ROADWAY 2	0.841 AC
TOTAL	4.492 AC

Edward A. Gasbarre
Edward A. Gasbarre, P.S. 7036
9/21/16
Date

Annexation Plat
of 4.492 Acres to the City of Wooster
Part of the NE Qtr. of Sec. 32, T-16N, R-13W
Wayne Township
Wayne County, Ohio

Basins of Bearings: common with plat Vol. 5, Pg. 19
Drawing 216147.dwg
September 21, 2016
Professional Land Surveying
401 South Market St. - P.O. Box 44
Wooster, Ohio 44691
PH 330-264-9489



Gasbarre & Associates, Inc.
R.W.
September 21, 2016



Request for Agenda Item Non-Capital

Division Meeting Date Requested

Project Name Approved for Agenda

Description (be as descriptive as possible, given space limitations)

Requested is Council's authorization in allowing the Mayor to enter into an Enterprise Zone agreement with Daisy Brand LLC for a 75 percent real estate tax abatement on the improved value of its property for a period of 10 years. Daisy Brand LLC, in return, will commit to making a real property investment of \$35,000,000 to \$55,000,000 associated with an approximate 110,596 square-foot expansion of its dairy food processing and manufacturing facility. The project will enable Daisy Brand LLC to add new production lines, including those for the creation of cottage cheese, and improve its operations. In addition to construction, the firm intends to invest between \$87,000,000 and \$107,000,000 in new machinery. Daisy Brand LLC will **create 81 new jobs with \$4,779,000 in new payroll** within three years as a result of this project.

Additionally, the firm will commit to retaining its current workforce of 58 persons with a \$3,400,000 payroll and complete its hiring of an additional 31 jobs with \$1,100,000 in payroll by a December 2017 deadline, as required under its original 2014 Enterprise Zone agreement (Agreement 115C-14-01). The original agreement enabled the construction of the current 173,000 square foot facility that presently manufactures sour cream for a multi-state region, with the commitment of creating 89 jobs with \$4,500,000 payroll before 2018. This office instructed the Applicant to include the 31 jobs and \$1,100,000 payroll yet to be created from the 2014 agreement as part of the job and payroll commitments.

This project represents one of the largest single industrial expansions to take place in Wooster in recent time, with a budget for real estate and capital, along with committed payroll, exceeding that of the original 2014 Daisy Brand project. Daisy Brand LLC was formally invited to apply for the Enterprise Zone program by the City Administration in December of 2016 as the company was assessing various sites for new cottage cheese production lines, in addition to the City's Local Job Creation Tax Credit program. This was in concert with significant incentives offered by the State of Ohio, which included continuation of a State Job Creation Tax Credit, a JobsOhio Economic Development Grant, and a JobsOhio Workforce Grant.

As this project occurs within Enterprise Zone 115C, it is subject to the review and approval of the Wayne County Commissioners and the Wayne County Tax Incentive Review Council. State law dictates that a portion of city income taxes collected as a result of created jobs (excluding jobs filled by current Wooster residents or workers) must be shared with the local school district as payroll will exceed \$1,000,000 while the property remains under abatement.

Please find the attached Application Summary Packet prepared by our office outlining the details of the proposed project along with a copy of the original application.

Is there a need for rules suspension or time limitation when this must be passed?

An emergency is requested to allow the business to take advantage of a critical construction window.

Manager Requesting

Date

Approved for Agenda

ENTERPRISE ZONE REQUEST SUMMARY: Daisy Brand LLC



Prepared by the City of Wooster Department of Community Service and Development at the Request of:
Daisy Brand LLC – 3600 Gevers Chapel, Wooster, Ohio 44691
 Application Date: 22 February 2017.

Project Summary: Daisy Brand seeks to expand its food processing facility to include a cottage cheese production line, which would result in nearly doubling the facility's square footage and would create one of Wayne County's tallest structures. The firm, upon invitation by the City Administration in December of 2016, has submitted an Enterprise Zone application seeking a 10-year, 75-percent abatement to support the expansion. The invitation was made while Daisy Brand was weighing other locations for the production expansion. An 8-year, 50-percent Local Job Creation Tax Credit (L-JCTC) was also extended, matching a State of Ohio JCTC. Additionally, Jobs Ohio grant was provided.

Presently, Daisy Brand produces and distributes sour cream from its Wooster plant. The plant employs 58 persons with a payroll of \$3,400,000, and is under agreement to add an additional 31 employees and \$1,100,000 in payroll as part of its 115C-14-01 Enterprise Zone agreement for its 2014 facility construction by December 2017.

The expansion project will add a packaging area, blast chiller, receiving bag, and cottage cheese processing area, adding approximately 110,596-ft² to the existing 173,000-ft² facility. The additions will cost between \$35,000,000 and \$55,000,000, while the firm will invest another \$87,000,000 to \$107,000,000 in machinery and equipment. In total, the project will result in an investment of \$122,000,000 to \$162,000,000, the largest ever for a single Enterprise Zone agreement in Wooster. The new project will **add another 81 jobs and \$4,779,000 in new payroll** over three years. Any new agreement will require the retention of the 58 existing jobs and \$3,400,000 payroll while including 31 jobs and \$1,100,000 payroll previous committed separate of this project to its job creation commitments, totaling 112 new jobs with \$5,879,000 payroll. With the provision of the Enterprise Zone, Daisy Brand LLC intends to commence its project in the second quarter. The completion date for the project is December 31, 2020.

Project Site Map

3600 Gevers Chapel Rd (74-00003.001),
 Wooster, Ohio 44691.



Parcel 74-00003.001 outlined in blue. Note hatched area depicting facility expansion. Not to scale. Map: Wayne County GIS.

Project Impacts: The proposed site of 69.27 acres (excluding its waste water pre-treatment facility contained on a separate parcel) is zoned M-4 Heavy Manufacturing, which is compatible with the proposed use. An approved EZ may save the applicant approximately \$96,027 annually while generating \$32,522 in annual real estate taxes, assuming a \$6,500,000 increase in property valuation resulting from the \$35,000,000 to \$55,000,000 construction investment. *Please see attached application.*

TABLE: Project Implication Matrix – ESTIMATION ONLY

Daisy Brand LLC – 3600 Gevers Chapel Road – *Estimated* Level Investment Projected Tax Impacts. (Reference Notes.)

Current Value ¹ 3600 Gevers Chapel	Annual Tax Obligation ¹	Post Project Tax Value ² \$55M Invested - \$6.5M Valued	Annual Tax Obligation without Abatement ²	Annual Tax Obligation with 75% Abatement	Applicant's Annual Savings ³	Total Savings after 10 Years
\$10,724,320	\$63,505	\$17,259,437	\$193,595	\$96,027	\$97,568	\$975,680
Daisy Brand 2017 Project Impacts	<i>Annual City Income Tax Retention⁴</i>		\$36,000	<i>Net Property Tax Gain with Abatement</i>		\$32,522
	<i>Annual City Income Tax Creation⁵</i>		\$17,000	<i>Cumulative Net Property Tax Gain</i>		\$325,220
	<i>EZ Period Cumulative Income Tax</i>		\$620,000	<i>Post-EZ Annual Property Tax (Apprx.)⁶</i>		\$343,571

1. Current Value of \$10,724,320.00 based on the Wayne County Auditor's 100 percent 2016 valuation of taxes assessed for PPN 74-00003.001 with Annual Tax Obligation based on actual reported 2016 taxes payable for 2017. Note: Building is assessed as 60 percent complete. Another valuation is due in 2017 to assess the current structure at 100 percent complete. Assuming a 40 percent increase, total valuation could amount up to \$15,014,048, however, a direct proportional application of value based on construction completion is not an appropriate application to determine current value. An assessment of comparable values seem to indicate that the assessment may not change significantly. Therefore, the most recent assessed value is used, with the understanding that it could increase significantly later this year. Wayne County Auditor, Wayne County, Ohio. (2017). Property Records CAMA Database [Data file]. Retrieved from <http://www.waynecountyauditor.org/>
2. Current \$10,724,320 is under an active Enterprise Zone abatement that will last through 2026. "Annual Tax Obligation without Abatement" assumes the first EZ remains in effect, plus a value of \$6,535,117 for the new additions. The new construction cost is based on the planned 110,596 square feet, with an assessment value of \$59 per square foot. As a maximum figure, a \$55M increase in value would command a \$1,094,845 increase in property valuation. Historically, however, actual assessments are significantly below construction costs. In the case of Daisy Brand, the \$59 per square foot figure equates to current per-square-foot valuation of the existing facility, and is roughly comparable to other state-of-the-art food-grade manufacturing facilities, such as the J.M. Smucker Company complex in Orrville. The assessment per square foot valuation is among the highest within the City and immediate environs. The figure was calculated using the Wayne County Auditor's Tax Estimator Tool for tax rates within District 74 for 2017, which is contained within the City's 2nd Ward, the Green Local School District, and the Wayne County Schools Career Center District, with a total millage of 56.87506.
3. Estimated tax increase protection available, assuming that the \$35M to \$55M investment equates to a \$6,535,117 valuation increase. Because the actual valuation and may be higher or lower, this figure may change accordingly. Note that a \$55M valuation increase would command \$821,134 annually.
4. Net Income Tax Gain assumes 1.5 percent income tax of \$8M created annual payroll from 112 FTE jobs with \$3.2M in retained payroll from 58 FTE Jobs. Note \$739,283 of created payroll and 31 of 112 FTE jobs already committed under previous agreement EZ 115C-14-01.
5. Cumulative calculation is an averaged estimate based on hiring revenues and JCTC application. After EZ period, creates \$139,185 income tax annually.
6. Assumes expiration of proposed EZ Application and current 115C-14-01 EZ application.

Note: Notification to local school districts and a recommendation by the Wooster Growth Corporation are required before an application for an Enterprise Zone abatement may be considered by the Wooster City Council. Enterprise Zone 389 is governed by Ohio Revised Code Sections 3709.61 through 3709.69, as administered by the Ohio Development Services Agency, and City of Wooster Ordinances No. 2004-59 and No. 2007-04. For questions on this application or the City of Wooster's Enterprise Zone Program in general, please contact the City of Wooster Development Coordinator at 330.263.5250.



**CITY OF WOOSTER ENTERPRISE ZONE PROGRAM (115C)
IN PARTNERSHIP WITH THE WAYNE COUNTY COMMISSIONERS
AND THE OHIO DEVELOPMENT SERVICES AGENCY**

- APPLICATION -

PROPOSED AGREEMENT for Enterprise Zone Tax Incentives between the City of Wooster, located in the County of Wayne and Daisy Brand LLC.

1a. Name of business, home or main office address, contact person, and telephone number (attach additional pages if multiple enterprise participants).

Daisy Brand LLC

Enterprise Name

Mr. Stu Grubbs

Contact Person

12750 Merit Drive, Suite 600, Dallas, Texas 75251

Address

972.385.5025

Telephone number

1b. Project site:

Mr. Brian Barth

Contact Person

3600 Geyers Chapel Rd, Wooster, Ohio 44691

(Parcel 74-0003.001

Address

330.202.4376

Telephone number

2a. Nature of business (manufacturing, distribution, wholesale or other).

Manufacturing – Food Processing (Daisy Products)

2b. List primary 6-digit NAICS #: 311511, Fluid Milk Manufacturing.

Business may list other relevant SIC numbers.

2c. If a consolidation, what are the components of the consolidation?

(must itemize the location, assets, and employment positions to be transferred)

Not Applicable.

2d. Form of business of enterprise (corporation, partnership, proprietorship, etc).

Limited Liability Company

3. Name of principal owner(s) or officers of the business (attach list if necessary).

Daisy Brand Partnership

4. Is business seasonal in nature? Yes ___ No X

5a. State the enterprise's current employment level at the proposed project site:
(Itemized for full and part-time and permanent and temporary employees)

Full-Time: 58 Permanent.

5b. Will the project involve the relocation of employment positions or assets from one Ohio location to another? Note that relocation projects are restricted in non-distress based Ohio Enterprise Zones. A waiver from the Director of the Ohio Department of Development is available for special limited circumstances. The business and local jurisdiction should contact ODOD early in the discussions. Yes ___ No X

5c. If yes, state the locations from which employment positions or assets will be relocated and the location to where the employment positions or assets will be located:

Not Applicable

5d. State the enterprise's current employment level in Ohio:
(Itemized for full and part-time and permanent and temporary employees):

Full-Time: 58 Permanent.

5e. State the enterprise's current employment level for each facility to be affected by the relocation of employment positions or assets:

Not Applicable

5f. What is the projected impact of the relocation, detailing the number and type of employees and/or assets to be relocated?

Not Applicable

6a. Has the Enterprise previously entered into an Enterprise Zone Agreement with the local legislative authorities at any site where the employment or assets will be relocated as a result of this proposal? Yes ___ No X

6b. If yes, list the local legislative authorities, date, and term of the incentives for each Enterprise Zone Agreement:

Not Applicable

7. Does the Enterprise owe:

a. Any delinquent taxes to the State of Ohio or a political subdivision of the state?

Yes ___ No X

b. Any moneys to the State or a state agency for the administration or enforcement of any environmental laws of the State?

Yes ___ No X

c. Any other moneys to the State, a state agency or a political subdivision of the State that are past due, whether the amounts owed are being contested in a court of law or not.

Yes ___ No X

d. If yes to any of the above, please provide details of each instance including but not limited to the location, amounts and/or case identification numbers (add additional sheets if necessary).

Not Applicable

8. Project Description (attach additional pages if necessary):

Daisy Brand LLC, a national food manufacturer of sour cream and cottage cheese, seeks to construct an addition to its current facility at 3600 Geyers Chapel Road in order to expand its operations. Specifically, the project will allow the firm to add a cottage cheese production line in Wooster, where it already produces sour cream. This will entail a \$142,000,000 investment, including \$97,000,000 for machinery and equipment costs and \$45,000,000 in building costs.

9. Project will begin as early as June 1, 2017 and be completed by December 31, 2020 provided a tax exemption is provided.

10a. Estimate the number of new employees the business intends to hire at the facility that is the project site: (Itemized for full and part-time and permanent and temporary employees):

Creation of 112 Full-Time Permanent Positions, 31 of which are also committed under an earlier Enterprise Zone agreement. Additionally, 58 existing full-time positions will be retained.

10b. State the time frame of this projected hiring: Three (3) years

10c. State proposed schedule for hiring:

(Itemize by full and part-time and permanent and temporary employees)

Year 1: 0; Year 2: 56; Year 3: 56;

11a. Estimate the amount of annual payroll such new employees will add: \$ 5,879,000

(New annual payroll must be itemized by full and part-time and permanent and temporary new employees.)

Full-Time: \$5,879,000 for 112 New Employees (including \$1,100,000 in payroll previously committed under an earlier Enterprise Zone Agreement.

11b. Indicate separately the amount of existing annual payroll relating to any job retention claim resulting from the project:

\$3,400,000.00

12. Market value of the existing facility as determined for local property taxation.

\$10,724,320.00

13a. Business's total current investment in the facility as of the proposal's submission.

\$166,500,000 since 2008

13b. State the businesses' value of on-site inventory required to be listed in the personal property tax return of the enterprise in the return for the tax year (stated in average \$ value per most recent 12 month period) in which the agreement is entered into (baseline inventory):

\$Not Applicable

14. An estimate of the amount to be invested by the enterprise to establish, expand, renovate or occupy a facility:

	Minimum	Maximum
A. Acquisition of Buildings/Land:	\$ <u>0</u>	\$ <u>0</u>
B. Additions/New Construction:	\$ <u>35,000,000</u>	\$ <u>55,000,000</u>
C. Improvements to existing buildings:	\$ <u>0</u>	\$ <u>0</u>
D. Machinery & Equipment:	\$ <u>87,000,000</u>	\$ <u>107,000,000</u>
E. Furniture, Fixtures, Etc.	\$ <u>0</u>	\$ <u>0</u>
F. Inventory:	\$ <u>0</u>	\$ <u>0</u>
Total New Project Investment:	\$ <u>122,000,000</u>	\$ <u>162,000,000</u>

15a. Business requests the following tax exemption incentives: Seventy-five percent (75) % for ten (10) years covering real and/or personal property including inventory as described above (be specific regarding type of assets, rate, and term). Daisy Brand LLC proposes an approximate \$142,000,000 investment that will created at least 112 new full-time jobs while retaining 58 existing positions, and requests a real property tax abatement of 75 percent for 10 years to be initiated the first year the facility post-construction appears on the Wayne County property tax roles. In addition, the company seeks personal property exemption in the amount of 75 percent for a period of 10 years to be initiated in tandem with the real property abatement. (Currently, Ohio personal property is taxed at zero percent.)

b. Business's reasons for requesting tax incentives (be quantitatively specific as possible)

Daisy Brand LLC considered Wooster among its other existing locations for an expansion of its operations. A major factor in the firm's decision to expand to Wooster is the provision of the Enterprise Zone, which would lower the firm's tax burden as the company bears a \$142,000,000 expansion to create its Wooster plant into its largest facility.

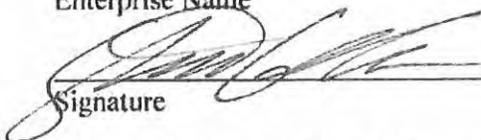
Submission of this application expressly authorizes the City of Wooster and/or Wayne County to contact the Ohio Environmental Protection Agency to confirm statements contained within this application including item #7 and to review applicable confidential records. As part of this application, the business may also be required to directly request from the Ohio Department of Taxation or complete a waiver form allowing the Ohio Department of Taxation to release specific tax records to the local jurisdictions considering the incentive request.

Applicant agrees to supply additional information upon request.

The applicant affirmatively covenants that the information contained in and submitted with this application is complete and correct and is aware of the ORC Sections 9.66(C)(1) and 2921.13(D)(1) penalties for falsification which could result in the forfeiture of all current and future economic development assistance benefit as well as a fine of not more than \$1,000 and/or a term of imprisonment of not more than six months.

Daisy Brand, LLC
Enterprise Name

2/20/2017
Date


Signature

Stu Grubbs - CFO
Typed Name and Title

* A copy of this proposal must be forwarded by the local governments to the affected Board of Education along with notice of the meeting date on which the local government will review the proposal. Notice must be given a minimum of fourteen (14) days prior to the scheduled meeting to permit the Board of Education to appear and/or comment before the legislative authorities considering the request.

** Attach to Final Enterprise Zone Agreement as Exhibit A.

Please note that copies of this proposal must be included in the finalized Enterprise Zone Agreement and be forwarded to the Ohio Department of Taxation and the Ohio Department of Development within fifteen (15) days of final approval.

ORDINANCE NO. 2017-15

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH LORAL PROPERTIES LLC FOR COMMUNITY REINVESTMENT AREA TAX INCENTIVES, AND DECLARING AN EMERGENCY

WHEREAS, Loral Properties LLC desires to rehabilitate a 4,644 ft² building at 2241 Benden Dr., Wooster, into a permanent site for Loral's offices. This facility is within the region designated by Wooster City Council as the community reinvestment area (CRA). Proposed capital investment includes approximately \$150,000.00 to \$300,000.00 for the rehabilitation, including repair costs for the roughly 4,644 -ft² in floor space, in addition to constructing a possible 2,500-ft² expansion; and

WHEREAS, the Wooster Growth Corporation, as the designated community improvement corporation for the City of Wooster, has reviewed the request for CRA tax incentives and has recommended its adoption; and the Wooster City School District board of education has also received notice; and

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WOOSTER, OHIO:

SECTION 1. That the Mayor is authorized to enter into an agreement on behalf of the City of Wooster with Loral Properties, LLC for CRA tax incentives. The terms of such agreement will include, but not be limited to, the following: (1) abatement of real estate taxes of 50%; (2) for a maximum term not to exceed ten (10) years; (3) with two (2) full-time equivalent jobs retained; and (4) such other terms as the Mayor, in his/her discretion, deems appropriate.

SECTION 2. This Council finds and declares that all formal actions concerning and relating to the adoption of this ordinance occurred in an open meeting of this Council, in compliance with law.

SECTION 3. This Ordinance is declared to be an emergency measure necessary to the immediate preservation of the public health, peace, safety and welfare of the City, or providing for the usual daily operation of a municipal department or division, and for the further reason that prompt action is necessary in order to facilitate implementation of the renovation project by the applicant; wherefore, this Ordinance shall be in full force and effect from and immediately after its passage and approval by the Mayor; provided it receives the affirmative vote of at least three-fourths of the members of the Council; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

1st reading _____ 2nd reading _____ 3rd reading _____

Passed: _____, 2017 Vote: _____

Attest: _____
Clerk of Council President of Council

Approved: _____, 2017
Mayor _____

Introduced by: Jon Ansel

**Request for Agenda Item
Non-Capital**

Division **Meeting Date Requested**

Project Name **Approved for Agenda**

Description (be as descriptive as possible, given space limitations)

Requested is Wooster City's Authorization in allowing the Mayor to enter into a **ten-year, fifty-percent** Community Reinvestment Area real estate tax abatement agreement to assist it with the rehabilitation of 2241 Benden Drive in Wooster, Ohio, 44691 (Parcel 67-02690.008). Loral Properties is the small-business parent company of Ratliff Construction, a local firm with a storied history in working with home and commercial rehabilitation and new development in the greater Wooster area. The subject property, a one acre site and the 4,644-ft² building it encompasses once served as a restaurant, has fallen into disrepair after being left vacant for several years. Since 2005, the property has fallen in assessed market value from \$292,460 (Wayne County Auditor's assessment for taxation) to \$117,000 in 2015 before being purchased for \$75,000 in 2016. This represents a major loss in property tax revenue that the proposed project will serve to begin recovering over time while also enhancing the street.

Loral Properties is committing to an investment of \$150,000 to \$300,000 to rehabilitate the 4,644-ft² former restaurant into a quality multi-tenant office building. The firm may also construct a 2,500-ft² expansion as part of this project if appropriate to satisfy tenant needs, though this expansion is not guaranteed. The firm has committed to the retention of two full-time jobs with \$60,000 in payroll, as it will move its offices and staff from 2056 Portage Road to a new permanent home at the project site. Demolition to existing studs, new wiring and plumbing, a new roof, and new walls and windows, will provide a complete and quality rehabilitation for the structure.

Considering the building's history and downward trajectory in value, along with the firm's reputation, this office invited the company to apply for the CRA program in December. The firm had initiated an application prior to acquiring the site, but has waited until after closing and planning to make the final submission. With approval of a CRA, the firm would hope to finalize plans (the CRA will allow for an increased level of investment at the site) and begin work over the next several weeks. The work proposed is expected to allow the property's valuation to rebound, resulting in an overall tax revenue increase.

Please find attached our application summary report. Thank you.

Is there a need for rules suspension or time limitation when this must be passed?

An expedited decision / a suspension of the rules is requested to allow the small business time to plan accordingly before the construction season. .

Manager Requesting

Date

Approved for Agenda

COMMUNITY REINVESTMENT AREA SUMMARY: Loral Properties LLC



Prepared by the City of Wooster Department of Community Service and Development at the Request of:
Loral Properties LLC – 2241 Benden Drive, Wooster, Oh 44691
 Application Date: 14 March 2017.

Project Summary: Loral Properties, LLC has applied for a **10-year, 50 percent** property tax abatement to assist it with rehabilitating 2241 Benden Drive (Parcel 67-02690.008), a 4,644-ft² restaurant on one acre it recently acquired. After having been left vacant for several years and suffering from disrepair, the new owner proposes a complete renovation to convert the former eatery into quality office space that will serve as the new home for Loral Properties LLC as well as other future tenants (to be determined). Work to be performed includes gutting the facility to its studs, installing a new roof, windows, HVAC, plumbing, and wiring systems, in addition to building new walls, finishing work, and landscaping.

The project *may* include a 2,500-ft² addition to the south, contingent upon final planning. In total, the project would involve an investment of up to \$300,000, with approximately \$150,000 anticipated for improvements to the existing building, and a contingent \$150,000 toward the possible addition. A minimum retention of two jobs with a combined payroll of \$60,000 is committed, though the firm aspires to bring additional jobs to the site after construction is completed.

This office invited Loral Properties, LLC to make an application to the CRA program in December of 2016, when the firm was first exploring opportunities to rehabilitate the site. If approved, the project would start in May of 2017 finish no later than September of 2018.

Loran Properties, LLC Project Map
 2241 Benden Dr., Wooster, OH, 44691 (67-02690.008).



Parcel 67-02690.008 is outlined in green. The existing structure will receive a comprehensive rehabilitation (outlined in red) with the potential of adding approximately 2,500 square feet to the southern face of the structure. Two FTE jobs are committed.

Project Impacts: The use of the site as an office building is a permitted use within the site's C-5 General Commercial District. The project will retain a *minimum* of two full-time positions with a minimum \$60,000 in annual payroll respectively. A 50% abatement on a \$150,000 to \$300,000 investment would result in a maximum savings to the applicant of \$2,055 to \$4,109, while increasing real estate property tax revenues by the same amount. The subject property has deteriorated significantly in appearance over its multiple years of vacancy, despite its prime and visible location along Benden Drive. The Wayne County Auditor's appraised value of the property has fallen from \$292,460 in 2005 to a lot of \$117,000 in 2015 before its fair market sale of \$75,000 in 2017. The new owner has a proven track-record in quality real estate construction and renovation in the region, both residential and commercial. The future savings gained on a CRA would enable the firm to budget more funds toward the renovation with a focus on investing in "aesthetic value and lasting quality".

Attachments: Original Loral Properties LLC Application.

TABLE: Project Implication Matrix

Loral Properties LLC Maximum Level Investment Projected Tax Impacts

Current Value ¹ (2241 Benden Dr.)	Annual Tax Obligation ¹	Post Project Tax Value (\$300,000 Invested)	Annual Tax Obligation without Abatement ²	Annual Tax Obligation with 50% Abatement	Applicant's Annual Savings ³	Total Savings after 10 Years
\$117,000	\$4,156	\$417,000	\$12,374.42	\$8,265.42	\$4,109	\$41,090
Loran Properties, LLC	<i>Annual City Income Tax Creation⁴</i>		\$900	<i>Net Property Tax Gain with Abatement</i>		\$4,109
	<i>Cumulative Income Tax Creation</i>		\$9,000	<i>Cumulative Net Property Tax Gain</i>		\$41,090
				<i>Post-Community Reinvestment Area Gain</i>		\$8,218

1. Current Value of \$117,000 based on the Wayne County Auditor's 100 percent 2016 valuation of taxes assessed for PPN 67-02690.008 with Annual Tax Obligation based on actual reported 2016 taxes payable for 2017. Wayne County Auditor, Wayne County, Ohio. (3/15/2017) Property Records CAMA Database [Data file]. Retrieved from <http://www.waynecountyauditor.org/>. NOTE: Auditor's Fair Market Valuation may be subject to re-set based on the lower purchase price of \$75,000. At a theoretical \$75,000 valuation, the annual tax obligation to \$2,054, a difference of \$2,102. This difference should be applied to post-project annual tax obligations when considering a potential re-valuation.
2. Assumes a \$300,000 investment correlates to a \$300,000 increase in valuation. Approximately \$150,000 of the investment is contingent upon the yet-to-be-determined need to construct a 2,500-sf² addition to the south of the building. New tax figure calculated using the Wayne County Auditor's Tax Estimator Tool for tax rates within District 65 for 2017, which is contained within the City's First Ward, the Wooster City School District, and the Wayne County Schools Career Center District, with a total millage of 78.26537 (In this instance, the PPN 67 identifier does not correlate with its district).
3. Estimated maximum tax increase protection available to the applicant, assuming that the \$300,000 investment equates to a \$300,000 increase in valuation. Rehabilitation Projects will frequently receive valuation increases less than the amount invested in construction.
4. Annual City Income Tax Retention assumes 1.5 percent income tax of the committed \$60,000 of payroll from at least two retained jobs.

Note: Notification to local school districts and a recommendation by the Wooster Growth Corporation are required before an application for a Community Reinvestment Area (CRA) abatement may be considered by the Wooster City Council. Community Reinvestment Area #169-86548-01 is governed by Ohio Revised Code Sections 3735.65 through 3735.70, as administered by the Ohio Development Services Agency, and City of Wooster Ordinances No. 2004-33. For questions on this application or the City of Wooster's CRA in general, please contact the City of Wooster Development Coordinator at 330.263.5250.

*CRA Application – Loral Properties, LLC
Office Building Re-Creation
2241 Benden Drive, Wooster, Ohio 44691
Authorized Representative: Mr. Alan Ratliff*

PROPOSED AGREEMENT for Community Reinvestment Area Tax Incentives between the City of Wooster located in the County of Wayne and Loral Properties, LLC.

1. a. Name of property owner, home or main office address, contact person, and telephone number (attach additional pages if multiple enterprise participants).

<u>Loral Properties, LLC</u> Enterprise Name	<u>Mr. Alan Ratliff</u> Contact Person
<u>2056 Portage Rd. #6</u> <u>Wooster, Ohio 44691</u> Address	<u>330.466.3701</u> Telephone Number

- b. Project site:

<u>Loral Office Building</u> Location Name	<u>Mr. Alan Ratliff</u> Contact Person
<u>2241 Benden Dr.</u> <u>Wooster, Ohio 44691</u> Address	<u>330.466.3701</u> Telephone Number

2. a. Nature of commercial/industrial activity (manufacturing, warehousing, wholesale or retail stores, or other) to be conducted at the site.

Office space for future lease, etc. Part of the space will be occupied by the owners, the remainder to be leased to one or more tenants.

- b. List primary 6 digit North American Industry Classification System (NAICS) #

Business may list other relevant SIC numbers. N/A

c. If a consolidation, what are the components of the consolidation? (must itemize the location, assets, and employment positions to be transferred: Not a consolidation, but will relocate Loral Properties, LLC office (Ratliff Construction, Loral Properties)

- d. Form of business of enterprise (corporation, partnership, proprietorship, or other).

Limited Liability Company - Partnership

3. Name of principal owner(s) or officers of the business.

Alan and Laurie L. Ratliff

*CRA Application – Loral Properties, LLC
Office Building Re-Creation
2241 Benden Drive, Wooster, Ohio 44691
Authorized Representative: Mr. Alan Ratliff*

b. Business's reasons for requesting tax incentives:

The tax abatement will enable us to spend more money on the building renovation, ensuring a renovation with strong aesthetic value and lasting quality.

Submission of this application expressly authorizes City of Wooster to contact the Ohio Environmental Protection Agency to confirm statements contained within this application including item # 5 and to review applicable confidential records. As part of this application, the property owner may also be required to directly request from the Ohio Department of Taxation, or complete a waiver form allowing the Department of Taxation to release specific tax records to the local jurisdiction considering the request.

The Applicant agrees to supply additional information upon request.

The Applicant affirmatively covenants that the information contained in and submitted with this application is complete and correct and is aware of the ORC Sections 9.66(C) (1) and 2921.13(D) (1) penalties for falsification which could result in the forfeiture of all current and future economic development assistance benefits as well as a fine of not more than \$1,000 and/or a term of imprisonment of not more than six months.

LORAL PROPERTIES, LLC
Name of Property Owner

3-14-17
Date

Alan Ratliff
Signature

ALAN RATLIFF, MEMBER
Typed Name and Title

* A copy of this proposal must be forwarded by the local governments to the affected Board of Education along with notice of the meeting date on which the local government will review the proposal. Notice must be given a minimum of fourteen (14) days prior to the scheduled meeting to permit the Board of Education to appear and/or comment before the legislative authorities considering the request.

** Attach to Final Community Reinvestment Area Agreement as Exhibit A

Please note that copies of this proposal must be included in the finalized Community Reinvestment Area Agreement and be forwarded to the Ohio Department of Taxation and the Ohio Development Services Agency within fifteen (15) days of final approval.

*CRA Application – Loral Properties, LLC
Office Building Re-Creation
2241 Benden Drive, Wooster, Ohio 44691
Authorized Representative: Mr. Alan Ratliff*

4. a. State the enterprise's current employment level at the proposed project site:
0 – This site has been vacant for an extensive period of time.
- b. Will the project involve the relocation of employment positions or assets from one Ohio location to another? Yes X No .
- c. If yes, state the locations from which employment positions or assets will be relocated and the location to where the employment positions or assets will be located:
Employees located at 2056 Portage Rd. Wooster Ohio will be relocated to 2241 Benden Dr. Wooster, Ohio
- d. State the enterprise's current employment level in Ohio (itemized for full and part-time and permanent and temporary employees):
Two full-time employees
- e. State the enterprise's current employment level for each facility to be affected by the relocation of employment positions or assets:
Two full-time employees
- f. What is the projected impact of the relocation, detailing the number and type of employees and/or assets to be relocated?
Two full-time employees
5. Does the Property Owner owe:
- a. Any delinquent taxes to the State of Ohio or a political subdivision of the state?
Yes No X
- b. Any moneys to the State or a state agency for the administration or enforcement of any environmental laws of the State? Yes No X
- c. Any other moneys to the State, a state agency or a political subdivision of the State that are past due, whether the amounts owed are being contested in a court of law or not?
Yes No X
- d. If yes to any of the above, please provide details of each instance including but not limited to the location, amounts and/or case identification numbers (add additional sheets).

6. Project Description: The building will be gutted to the studs. New roof, windows and doors cut into the exterior walls, interior walls constructed, plumbing wiring, HVAC insulation, drywall, interior trim and doors, cabinetry, floor covering, and landscaping. Depending upon client needs, this proposal includes the possibility of adding an addition to the structure along its southern face of approximately 2,500 square feet (Please see site plan for reference).

7. Project will begin May, 2017, and be completed September, 2018 provided a tax exemption is provided.

8.
 - a. Estimate the number of new employees the property owner will cause to be created at the facility that is the project site (job creation projection must be itemized by the name of the employer, full and part-time and permanent and temporary):

Zero (0) new Permanent Full-Time Jobs Created. (This project is retention-only, but does aspire to create opportunities for future job creation at the site.)

 - b. State the time frame of this projected hiring: N/A yrs.

 - c. State proposed schedule for hiring (itemize by full and part-time and permanent and temporary employees):

Retention project only.

9.
 - a. Estimate the amount of annual payroll such new employees will add \$0 – Permanent Full-Time; \$0 – Permanent Part Time; \$0 – Temporary Full-Time; \$0 – Temporary Part Time (new annual payroll must be itemized by full and part-time and permanent and temporary new employees).

 - b. Indicate separately the amount of existing annual payroll relating to any job retention claim resulting from the project: \$ 60,000 total

10. An estimate of the amount to be invested by the enterprise to establish, expand, renovate or occupy a facility:

A. Acquisition of Buildings:	\$ <u>75,000.00</u>
B. Additions/New Construction:	\$ <u>150,000.00</u>
C. Improvements to existing buildings:	\$ <u>150,000.00</u>
D. Machinery & Equipment:	\$ <u>0.00</u>
E. Furniture & Fixtures:	\$ <u>50,000.00</u>
F. Inventory:	\$ <u>0.00</u>
Total New Project Investment:	\$ <u>425,000.00</u>

11.
 - a. Business requests the following tax exemption incentives: 50% for ten (10) years covering \$150,000 of real property as described above.

**Request for Agenda Item
Non-Capital**

Division **Meeting Date Requested**

Project Name **Approved for Agenda**

Description (be as descriptive as possible, given space limitations)

Requested is Wooster City Council's authorization in adopting a 2017 Update to the City of Wooster's Citizen Participation Plan, which guides citizen engagement in connection with the City's Community Development Block Grant Activities.

The Ohio Development Services Agency, which partners with the City in multiple grant programs, requires that each local government receiving federal funds maintain a Citizen Participation Plan, and update or renew that plan at least once every five years. The purpose of the plan is to outline the City's process for engaging citizens and handling complaints.

Please find attached an updated 2017 City of Wooster Citizen Participation Plan, and a second sheet which highlights changes from the 2013 Citizen Participation Plan text. Council last passed an update to this plan in 2013 by way of Resolution 2013-67, signed on June 26, 2013. A current Citizen Participation Plan is necessary to meet the City's commitments to the State of Ohio and is also a required exhibit of most CDBG Grant Applications.

Is there a need for rules suspension or time limitation when this must be passed?

An emergency is preferred, but not required, so as to allow for earlier filing of 2017 grant applications with ODSA, as part of the usual daily operations for this municipal office of Economic Development.

Manager Requesting

Date

Approved for Agenda



CITY OF WOOSTER
538 N. Market Street
P.O. Box 1128
Wooster, Ohio 44691-7082

Jonathan S. Millea, AICP
Development Coordinator
Phone: (330) 263-5250
Fax: (330) 263-5247
Email: jmillea@woosteroh.com

City of Wooster Citizen Participation Plan

Updated March 17, 2017

The following policies shall constitute the efforts of the City of Wooster to encourage the widest possible participation of its citizens, particularly those of low or moderate income, in the planning of, access to, and evaluation of Community Development Block Grant (CDBG) activities:

- I. The City shall use the input of its elected representatives, its internal boards, and also other interested local organizations advocating for the interests of low-to-moderate income citizens and members of protected classes, to provide guidance in designing Community Development programs.
- II. The City shall provide all citizens timely and reasonable access to local meetings, information and records relating to the proposed use of funds, such access to be focused through the Community Service and Development Department.
- III. The City shall provide technical assistance to organizations representative of low and moderate income persons in developing funding proposals through the Community Service and Development Department.
- IV. The City shall provide for at least two public hearings to obtain citizen views and respond to proposals and questions at all stages of the Community Development program, including at a minimum, the development of needs, review of proposed activities and past performance. These hearings shall be held at convenient times and places after adequate notice has been given in accordance with Ohio Development Services Agency requirements, and also posted on the City of Wooster's website (www.woosteroh.com), and provisions made for the handicapped and hearing-impaired. Additionally, where appropriate, the City will coordinate with partnering organizations focused on improving the quality of life in low-to-moderate income persons in order to maximize its outreach efforts.
- V. The Development Coordinator shall receive and respond, in writing, within 15 working days where practicable, to written citizen complaints and grievances, and shall maintain records of such correspondence.
- VI. When the Development Coordinator determines that a significant number of non-English speaking residents can be reasonably expected to participate in hearings or discussions of Community Development activities, appropriate translation or interpretation will be provided to accommodate their needs.
- VII. The Department of Community Service and Development, and the Development Coordinator, will be located at City Hall at the contact information listed above.

RESOLUTION NO. 2013-64

A RESOLUTION ADOPTING AN UPDATE TO THE CITY OF WOOSTER'S CITIZEN PARTICIPATION PLAN IN CONNECTION WITH COMMUNITY DEVELOPMENT BLOCK GRANT ACTIVITIES IN THE CITY OF WOOSTER, AND DECLARING AN EMERGENCY

WHEREAS, on June 17, 2013 the State of Ohio Development Services Agency notified the City of Wooster that it is expected to adopt a Citizen Participation Plan prior to applying for future CDBG grants; and

WHEREAS, Citizen Participation Plans in connection with Community Development Block Grant Activities require renewal every five (5) years and the City of Wooster, Ohio Citizen Participation Plan is due for a renewal; and

WHEREAS, this Council deems that prompt action is necessary in order to submit the applications by the June 21, 2013 deadline.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WOOSTER, OHIO:

SECTION 1. That the attached "City of Wooster Citizen Participation Plan" be adopted as the City of Wooster's policy for carrying out community development activities which affect low or moderate income households.

SECTION 2. This Council finds and declares that all formal actions concerning and relating to the adoption of this resolution occurred in an open meeting of this Council in compliance with law.

SECTION 3 This Resolution is hereby declared to be an emergency measure necessary to the immediate preservation of the public health, peace, safety and welfare of the City, or providing for the usual daily operation of a municipal department or division, and for the further reason that prompt action is necessary in order that the application to the State of Ohio Development Services Agency for a Small Cities Community Development Block Grant may be submitted by the June 21, 2013 deadline; wherefore, this Resolution shall be in full force and effect from and immediately after its passage and approval by the Mayor; provided it receives the affirmative vote of at least three-fourths of the members of the Council; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

1st reading 6-17-13 2nd reading _____ 3rd reading 6-17-13

Passed: June 17, 2013

Vote: 7-0

Attest: Erin M. Hamilton
Clerk of Council

Michael G. Byrd
President of Council

Approved: June 26, 2013

R. J. Breese
Mayor

Introduced by: Jon Ansel

RESOLUTION NO. 2017-20

A RESOLUTION AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO ENTER INTO A COOPERATIVE AGREEMENT WITH THE OHIO DEPARTMENT OF TRANSPORTATION FOR THE RESURFACING OF PORTIONS OF BEVER STREET, OAK HILL AND SMITHVILLE-WESTERN ROADS WITHIN THE CITY OF WOOSTER, AND DECLARING AN EMERGENCY (PID 105353)

WHEREAS, Section 5501.03 (C) of the Ohio Revised Code provides that the Director of the Ohio Department of Transportation (ODOT) may coordinate the activities of the Department with other appropriate public authorities and enter into contracts with such authorities as necessary to carry out its duties, powers and functions; and

WHEREAS, the Oak Hill/ Smithville-Western Roads and Bever Street Resurfacing Project (PID 105353) is a transportation activity eligible to receive federal/state funding; and

WHEREAS, the LPA (Local Public Agency), the City of Wooster, has received funding approval for the project listed above from the Program Manager having responsibility for the federal/state funds involved, and

WHEREAS, it is the mutual desire of both ODOT and the LPA to have the LPA serve as the responsible lead agency for the administration of the project.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WOOSTER, OHIO:

SECTION 1. That the Director of Administration is authorized to enter into an agreement with ODOT for the purpose of facilitating the above-described improvements.

SECTION 2. This Council finds and declares that all formal actions concerning and relating to the adoption of this resolution occurred in an open meeting of this Council or its committees, in compliance with law.

SECTION 3. This Resolution shall take effect and be in full force from and after the earliest date allowed by law.

1st reading _____ 2nd reading _____ 3rd reading _____

Passed: _____, 2017

Vote: _____

Attest: _____
Clerk of Council

President of Council

Approved: _____, 2017

Mayor

Introduced by: Jon E. Ulbright

**Request for Agenda Item
Authorization for Bid or Purchase of Capital Item**

Division Engineering	Meeting Date Requested April 3, 2017
Project Name Resurfacing Portions of Oak Hill Road, Smithville-Western Road and North Bever Street PID 105353	Approved for Agenda
Estimated Total Cost \$880,000 ODOT Grant = \$418,000 (47.5%), Local Funds = \$312,000 (35.5%) (Capital Funds), Wayne County = \$150,000 (17.0%).	
Is Full Amount Budgeted <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
If No, How Is The Purchase To Be Funded? Funding for this project will be included in the 2018 Appropriation Budget. Wayne County shall pay their share in three installments starting in January 2019 with subsequent payments in January 2020 and January 2021.	
Description Of Purchase This is a request to authorize the Mayor to enter into a cooperative agreement with the Ohio Department of Transportation (ODOT) for the resurfacing of Oak Hill Road from Wayne Avenue to Oldman Road, Smithville-Western from Cleveland Road east to the corporation line and North Bever Street from Liberty Street to Bowman Street. All of the construction engineering, contract management and inspection will be performed in-house by the engineering division staff.	
Justification/Benefits The Ohio Department of Transportation has committed to funding 47.5% of the construction costs for this project in FY 2018.	
Will This Project Effect the City's Operating Costs This project should have little or no effect on the City's operating costs.	
What Alternatives Exist and What Are The Implications of The Alternatives We could do nothing, and turn down the grant funds. We could proceed with the project using other interest accruing financing methods.	
Is This A Sole Source Bid or Non-Bid Situation <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
If Yes, Explain The Circumstances This is a request to simply accept the funds already awarded for this project, and is a requirement of the funding process.	
Are You Requesting Suspension Of The Rules <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
If Yes, Note Reasons ODOT plan approval process can not begin until the LPA agreement is signed.	
Division Manager Roger Kobilarcsik	Date March 27, 2017

ORDINANCE NO. 2017-16

AN ORDINANCE AUTHORIZING THE MAYOR TO ALLOW FOR AN ENCROACHMENT UPON THE PUBLIC STANDARD HIGHWAY EASEMENT AS PART OF THE WOOSTER LOOP PHASE 1 PROJECT, AND DECLARING AN EMERGENCY

WHEREAS, existing features identified and labeled as "do not disturb" or "save" on the construction plans for the Wooster Loop 1 Project will be permitted by the City of Wooster to remain within the standard highway easement rights of way. Trees located within this right of way may be trimmed and maintained by the City of Wooster as may be needed for utility maintenance and public safety purposes; and

WHEREAS, the proposed multi-use path is ten feet wide, and the proposed encroachment would leave sufficient room for the passage of pedestrians and cyclists.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WOOSTER, OHIO:

SECTION 1. That the Mayor is authorized to grant an easement for an encroachment of trees within the proposed standard highway easement right-of-way throughout the project limits for those items identified as "do not disturb" or "save".

SECTION 2. This Council finds and declares that all formal actions concerning and relating to the adoption of this Ordinance occurred in an open meeting of this Council or its committees, in compliance with law.

SECTION 3. This Ordinance is declared to be an emergency measure necessary to the immediate preservation of the public health, peace, safety and welfare of the City, or providing for the usual daily operation of a municipal department or division, and for the further reason that time is of the essence in enabling the property owner to fully establish the boundaries of the easement; wherefore, this Ordinance shall be in full force and effect from and immediately after its passage and approval by the Mayor; provided it receives the affirmative vote of at least three-fourths of the members of Council; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

1st reading _____ 2nd reading _____ 3rd reading _____

Passed: _____, 2017 Vote: _____

Attest: _____
Clerk of Council President of Council

Approved: _____, 2017
Mayor

Introduced by: Jon E. Ulbright

**Request for Agenda Item
Authorization for Bid or Purchase Capital Item**

Division Engineering	Meeting Date Requested April 3, 2017
Project Name Wooster Loop Phase 1 Project	Approved for Agenda
Estimated Total Funds/Cost \$0.00	
Is Full Amount Budgeted? <input type="checkbox"/> Yes <input type="checkbox"/> No	
If No, How Is The Purchase To Be Funded?	
<p>Description Of Request This is a request to allow an encroachment upon the public standard highway easement being obtained for the Wooster Loop Phase 1 Project. The encroachment will allow trees and other existing features marked as "do not disturb" or "save" on the construction plans to remain within the standard highway easement. The alternative is to have any trees or existing features removed as part of the project. This is an ODOT requirement due to federal/state funds being used on this project.</p>	
<p>Justification / Benefits Trying to save as many trees as possible within the projects corridor as well as limiting expenses for compensation.</p>	
<p>Will This Project Effect the City's Operating Costs This request should have no effect on the City's operating budget.</p>	
<p>What Alternatives Exist and What Are The Implications of The Alternatives We cannot allow the encroachment, provide the property owners with just compensation and have the items removed from the easement.</p>	
<p>Is This A Sole Source Bid or Non-Bid Situation <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A</p> <p style="text-align: center;">If Yes, Explain The Circumstances</p>	
<p>Are You Requesting Suspension Of The Rules <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p style="text-align: center;">If Yes, Note Reasons While suspension of the rules is not necessary, earlier passage would allow the opportunity keep the project on schedule.</p>	
Division Manager Roger Kobilarcsik	Date March 28, 2017

ORDINANCE NO. 2017-18

AN ORDINANCE AMENDING CHAPTER 331, OPERATION
GENERALLY, OF THE CODIFIED ORDINANCES OF THE CITY
OF WOOSTER, OHIO BY AMENDING A PROHIBITION
AGAINST ENGINE BRAKING

WHEREAS, the practice of engine braking creates excessive and unusual noise, and is disruptive to the public peace; and

WHEREAS, this City Council believes it necessary to amend the City of Wooster's codified language with respect to its prohibition against the practice of engine braking.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF
WOOSTER, OHIO:

SECTION 1. That Chapter 331, Operation Generally, of the Codified Ordinances of the City of Wooster, Ohio is amended at Section 331.36, SQUEALING TIRES, "PEELING", CRACKING EXHAUST NOISES, to read as follows:

331.36 SQUEALING TIRES, "PEELING", CRACKING EXHAUST NOISES; ENGINE
BRAKING

(a) No person shall unnecessarily race the motor of any vehicle and no person shall operate any motor vehicle, except in an emergency, in such a manner that the vehicle is so rapidly accelerated or started from a stopped position that the exhaust system emits a loud, cracking or chattering noise unusual to its normal operation, or whereby the tires of such vehicle squeal or leave tire marks on the roadway, commonly called "peeling".

(b) No person shall apply an engine brake or engine retarder (a practice commonly known as "jake braking") when operating a motor vehicle upon a street or highway within the municipality.

SECTION 2. This Council finds and declares that all formal actions concerning and relating to the adoption of this ordinance occurred in an open meeting of this Council, in compliance with law.

SECTION 3. This Ordinance shall take effect and be in full force from and after the earliest date allowed by law.

1st reading _____ 2nd reading _____ 3rd reading _____

Passed: _____, 2017

Vote: _____

Attest: _____

Clerk of Council

President of Council

Approved: _____, 2017

Mayor

Introduced by: Barbara Knapic

331.36 SQUEALING TIRES, "PEELING," CRACKING EXHAUST NOISES;
ENGINE BRAKING.

(a) No person shall unnecessarily race the motor of any vehicle and no person shall operate any motor vehicle, except in an emergency, in such a manner that the vehicle is so rapidly accelerated or started from a stopped position that the exhaust system emits a loud, cracking or chattering noise unusual to its normal operation, or whereby the tires of such vehicle squeal or leave tire marks on the roadway, commonly called "peeling".

(b) No person shall apply an engine brake or engine retarder (a practice commonly known as "jake braking") when operating a motor vehicle upon a street or highway within the Municipality in such a manner as to cause excessive or unusual noise, or otherwise disturb or destroy the public peace.

(Ord. 1999-45. Passed 9-20-99.)

(c) Whoever violates any provision of this section is guilty of a minor misdemeanor on a first offense; on a second offense within one year after the first offense, the person is guilty of a misdemeanor of the fourth degree; on each subsequent offense within one year after the first offense, the person is guilty of a misdemeanor of the third degree.

PROPOSED CHANGE:

331.36 SQUEALING TIRES, "PEELING," CRACKING EXHAUST NOISES;
ENGINE BRAKING.

(a) No person shall unnecessarily race the motor of any vehicle and no person shall operate any motor vehicle, except in an emergency, in such a manner that the vehicle is so rapidly accelerated or started from a stopped position that the exhaust system emits a loud, cracking or chattering noise unusual to its normal operation, or whereby the tires of such vehicle squeal or leave tire marks on the roadway, commonly called "peeling".

(b) No person shall apply an engine brake or engine retarder (a practice commonly known as "jake braking") when operating a motor vehicle upon a street or highway within the Municipality.

(Ord. 1999-45. Passed 9-20-99.)

(c) Whoever violates any provision of this section is guilty of a minor misdemeanor on a first offense; on a second offense within one year after the first offense, the person is guilty of a misdemeanor of the fourth degree; on each subsequent offense within one year after the first offense, the person is guilty of a misdemeanor of the third degree.