

CITY COUNCIL AGENDA

January 22, 2019

7:30p.m.

The meeting convenes 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

1. Liquor Control – C1
Marc Glassman Inc.
DBA Marcs Wooster
1799 Portage Road
Wooster, Ohio 44691

V. COMMITTEE REPORTS; PUBLIC HEARINGS

1. Public Hearing – Zoning Map Amendment: West Milltown Road

VI. UNFINISHED BUSINESS - NONE

VII. NEW BUSINESS

1. First Reading – ORDINANCE NO. 2019-01
AN ORDINANCE AMENDING PART ELEVEN, ZONING, OF THE CODIFIED ORDINANCES OF THE CITY OF WOOSTER, OHIO, TO RE-ZONE LAND TO R-4 (MULTI-FAMILY RESIDENTIAL), FOR PROPERTY LOCATED ON THE WEST MILLTOWN ROAD (Sanders)
2. First Reading – ORDINANCE NO. 2019-02
AN ORDINANCE AMENDING THE ANNUAL APPROPRIATION ORDINANCE AND DECLARING AN EMERGENCY (Ansel)
3. First Reading – ORDINANCE NO. 2019-03
AN ORDINANCE AMENDING CHAPTER 541, PROPERTY OFFENSES, OF THE CODIFIED ORDINANCES OF THE CITY OF WOOSTER, OHIO AND DECLARING AN EMERGENCY (Sanders)

VIII. MISCELLANEOUS

IX. ADJOURNMENT

**NOTICE TO LEGISLATIVE
AUTHORITY**

OHIO DIVISION OF LIQUOR CONTROL
6606 TUSSING ROAD, P.O. BOX 4005
REYNOLDSBURG, OHIO 43068-9005
(614)644-2360 FAX(614)644-3166

TO

| | | | | |
|------------------------------|-----|-------------|---|--|
| 55184350400 PERMIT NUMBER | | NEW TYPE | MARC GLASSMAN INC DBA MARCS WOOSTER 1799 PORTAGE RD WOOSTER OH 44691 | |
| ISSUE DATE | | | | |
| 01 10 2019 FILING DATE | | | | |
| C1 PERMIT CLASSES | | | | |
| 85 TAX DISTRICT | 165 | B | C18546 RECEIPT NO. | |

FROM 01/14/2019

| | | | | |
|----------------|--|------|-------------|--|
| PERMIT NUMBER | | TYPE | | |
| ISSUE DATE | | | | |
| FILING DATE | | | | |
| PERMIT CLASSES | | | | |
| TAX DISTRICT | | | RECEIPT NO. | |



MAILED 01/14/2019

RESPONSES MUST BE POSTMARKED NO LATER THAN. 02/14/2019

IMPORTANT NOTICE

PLEASE COMPLETE AND RETURN THIS FORM TO THE DIVISION OF LIQUOR CONTROL
WHETHER OR NOT THERE IS A REQUEST FOR A HEARING.

REFER TO THIS NUMBER IN ALL INQUIRIES **B NEW 5518435-0400**

(TRANSACTION & NUMBER)

(MUST MARK ONE OF THE FOLLOWING)

WE REQUEST A HEARING ON THE ADVISABILITY OF ISSUING THE PERMIT AND REQUEST THAT
THE HEARING BE HELD IN OUR COUNTY SEAT. IN COLUMBUS.

WE DO NOT REQUEST A HEARING.

DID YOU MARK A BOX? IF NOT, THIS WILL BE CONSIDERED A LATE RESPONSE.

PLEASE SIGN BELOW AND MARK THE APPROPRIATE BOX INDICATING YOUR TITLE:

(Signature)

(Title)- Clerk of County Commissioner

(Date)

Clerk of City Council

Township Fiscal Officer

CLERK OF WOOSTER CITY COUNCIL
538 N MARKET ST
PO BOX 1128
WOOSTER OHIO 44691

ORDINANCE NO. 2019-01

AN ORDINANCE AMENDING PART ELEVEN, PLANNING AND ZONING, OF THE CODIFIED ORDINANCES OF THE CITY OF WOOSTER, OHIO, TO RE-ZONE LAND TO R-4 (MULTI-FAMILY RESIDENTIAL), FOR PROPERTY LOCATED ON WEST MILLTOWN ROAD

WHEREAS, an application has been duly filed by Kristen Hopkins of CT Consultants, with the Planning Commission of the City of Wooster requesting the re-zoning of 32.4 acres of land with PPN 67-02964.000 and PPN 67-02967.000, currently owned by The Donald & Alice Noble Foundation Inc. and Gerald F. & Julia A. Craycraft from a C-1 (Office/Institutional) to R-4 (Multi-Family Residential); and

WHEREAS, at its December 19, 2018, meeting, and after a public hearing in accordance with law, the Planning Commission voted unanimously to recommend to the City Council that the proposed re-zoning of the property from a C-1 (Office/Institutional) to R-4 (Multi-Family Residential) be approved; and

WHEREAS notice of a public hearing by the City Council on this re-zoning has been duly given, and a public hearing has been held, all in accordance with law; and

WHEREAS, this City Council deems that the proposed zoning designation for the land should be approved.

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

SECTION 1. That Part Eleven, Planning and Zoning Code, of the Codified Ordinances of the City of Wooster, known as the Zoning Ordinance, is amended so as to re-zone land, 32.4 acres of land with PPN 67-02964.000 and PPN 67-02967.000 from a C-1 (Office/Institutional) to R-4 (Multi-Family Residential) for property located on West Milltown Road as appears on the attached map.

SECTION 2. The Planning Division is directed to change the official zoning map to conform to the above-described amendment.

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 with 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 _____ 2nd reading _____ 3rd reading _____

Passed: _____, 2019 Vote: _____

Attest: _____
Clerk of Council President of Council

Approved: _____, 2019 _____

Introduced by: Craig Sanders

Mayor

Request for Agenda Item

Authorization for Bid

Purchase Capital Item

Non-Capital

| | |
|---|--|
| Division Planning and Zoning | Meeting Date Requested 1/22/19 |
| Project Name West Milltown Road Rezoning | Estimated Total Funds/Costs NA |
| Is Full Amount Budgeted? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If YES, three readings NOT REQUIRED | |
| If No, How is the Purchase to be Funded? | |
| Description of Request Kristin Hopkins of CT Consultants requesting approval of a Zoning Map Amendment to change the zoning of 32.4 acres on West Milltown Road with Parcel Numbers 67-02964.000 and 67-02967.000 from C-1 (Office/Institutional) to R-4 (Multi-Family Residential). The Planning Commission held a public hearing for the application on 12/19/18 and voted unanimously (4-0) to recommend approval of the rezoning application to City Council. No members from the public were present to comment at the public hearing. The application will also require a public hearing before City Council. | |
| Justification / Benefits The application is consistent with many aspects and objectives of the Comprehensive Plan and is compatible with the area. The proposal will not result in adverse effects to the area and impacts of development in the R-4 zoning district will be sufficiently addressed by the Development Plan process and will not result in a significant increase in intensity from the current C-1 zoning. In addition, the proposed R-4 zoning addresses changing conditions in the area fulfilling documented demand for multi-family residential housing in Wooster. | |
| Will this Project affect the City's Operating Costs No. | |
| What Alternatives Exist and what are the Implications of the Alternatives The property will remain zoned C-1 (Office/Institutional) | |
| Is this a Sole Source Bid or Non-Bid Situation <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, Explain The Circumstances: | |
| Is there a need for Suspension of the Rules or a Time Frame when this must be passed? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, Note Reasons | |
| NOTE: Emergency Clause Required if Legislative Effective Date is IMMEDIATE. | |
| Manager Requesting: Andrew Dutton | Date: 12/20/18 |
| Approved for Agenda <input type="checkbox"/> Yes <input type="checkbox"/> No | |

David D. Noble
Noble Foundation
121 N. Market Street, Suite 600
Wooster, Ohio 44691
330-264-8066
david.noble@noblefound.com

Rec. 12/19/18
at Meeting

December 17, 2018

City of Wooster Planning Commission
538 N. Market St.
Wooster, Ohio 44691

RE: Application by CT Consultants – PC-18-27

Dear Planning Commission,

I write in support of the above application. Clearly this is an appropriate use of this land. Residents of this proposed community will have many of the amenities of our city close by such as theaters, schools, restaurants and shopping.

There should not be any question that there is a need for this kind of housing in Wooster. We have been developing all kinds of new jobs in Wooster without developing the requisite housing. I know of a number of people who have had difficulty finding housing in Wooster. Therefore, I know that this need exists from personal experience.

I thank you for your attention to this matter.

Very truly yours,



David D. Noble

PLANNING COMMISSION ENGINEERING COMMENT SHEET

Application Number

PC-18-27

Application Type

Zoning Amendment - Map

Property Location

(PN:67-02964.000) W MILLTOWN RD

Project Description

Harsax Management is seeking a rezoning to the R-4 Multi-family district to build a residential development comprised of a mix of single-family attached dwellings and multi-family dwellings at approximately 8 units per acre. Harsax Management Company has a proven track record of developing and managing high quality residential projects, that provide a maintenance-free living environment that meets the needs of both empty nesters and young professionals.

Engineering Division Comments December 10, 2018

Engineering is okay with the proposal and agrees with the change.



- F. 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;
- G. The proposed amendment is not likely to result in significant adverse impacts upon the natural environment, including air, water, noise, storm water management, wildlife, and vegetation, or such impacts will be substantially mitigated;
- H. The proposed amendment will not constitute an instance where special treatment is given to a particular property or property owner that would not be applicable to a similar property, under the same circumstances;
- I. The proposed amendment is not likely to result in significant adverse impacts upon other property in the vicinity of the subject tract; and
- J. 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-18-27 to change the zoning of 32.4 acres on West Milltown Road with Parcel Numbers 67-02964.000 and 67-02967.000 from C-1 (Office/Institutional) to R-4 (Multi-Family Residential), as submitted.

Staff's recommendation is based on the appropriateness of the proposed zoning classification for the property in relation to the subject review criteria and does not include the consideration of any specific use or plan for the site. It is staff's assessment that:

- The application is consistent with many aspects and objectives of the Comprehensive Plan.
- The proposed R-4 zoning addresses changing conditions in the area fulfilling documented demand for multi-family residential housing in Wooster.
- The proposed zoning is compatible with the area and would not result in adverse effects.
- Impacts of development in the R-4 zoning district would be sufficiently addressed by the Development Plan process and would not represent a significant increase in intensity from the current C-1 zoning district.



COMPREHENSIVE PLAN (2014)

Chapter 3 - Land Use, Demographics and Housing

Section 3.1 includes a general land use analysis examining existing zoning within the city and projected demand. Detailed land use analysis studies are typically a separate project and are not conducted within a comprehensive plan. The general land use analysis concluded that the city was comprised of enough land to accommodate residential and non-residential development for the next ten years. However, in recent years, demand for residential land has increased in the Wooster area, exceeding available developable land.

Section 3.2 of the plan, Public Input, states that there is a desire to “Promoting a variety of housing options” and indicates that “there is a desire to attract and promote high-quality vibrant developments that will attract and serve a variety of age groups”. The proposed R-4 zoning classification has the ability to promote such developments and serve various age groups.

In Section 3.4, Land Use Objective LU.4 is to “Improve Rental Housing” and Objective LU.5 is to “Expand Housing Opportunities”. The proposed zoning would be capable of both improving rental housing and offering additional housing opportunities.

The Future Land Use map, Figure 3.11, of the Comprehensive Plan categorizes future land use for properties within the City of Wooster Corporation limits. The map indicates the property as “Commercial”. The property has not seen interest in office development since it was annexed into the City in 1999. In addition, the proposed rezoning of the property to General Commercial was denied by City Council in 2016.

MARKET STUDY (2015)

In 2015, the Downtown Wooster Master Plan was completed. A market study accompanied the plan which conducted a detailed analysis of the Wooster multi-family residential, retail and office market area. Though the study was conducted along with the Downtown Wooster Master Plan, its results were applicable to the entire Wooster market area.

The study concluded that there was demand for up to 120 multi-family residential rental units in the next 5 years. Furthermore, the study also specified that demand was highest for upscale and moderately priced apartments with on-site amenities. It is staff’s opinion that the demand for such rental units has increased since 2015 due to the strong job market in the Wooster area and the lack of construction of any market rate multi-family residential developments.

REVIEW CRITERIA

Recommendations and decisions on zoning map amendment applications shall be based on consideration of the following review criteria. Not all criteria may be applicable in each case, and each case shall be determined on its own facts.

- A. The proposed amendment is consistent with the comprehensive plan, other adopted City plans, and the stated purposes of this code;
- B. The proposed amendment is necessary or desirable because of changing conditions, new planning concepts, or other social or economic conditions;
- C. The proposed amendment will promote the public health, safety, and general welfare;
- D. 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;
- E. The proposed amendment follows lot lines or the centerlines of streets, railroads, or other rights-of-way;



| C-1 & R-4 PRINCIPALLY PERMITTED USES | | |
|---|-----|-----|
| Use Type | C-1 | R-4 |
| Medical Marijuana Dispensaries | X | X |
| Microbrewery, Microdistillery, or Microwinery | X | X |
| Mixed Use Building (with Residential Uses) | X | X |
| Mobile Home, Commercial Truck, & Recreational Vehicle Sales, Leasing, Service, or Storage | X | X |
| Parking Garages | X | X |
| Parking Lots (Principal Use) | C | X |
| Personal Service Establishments | C | X |
| Recreation Facilities | X | X |
| Restaurants | X | X |
| Retail Commercial Uses | X | X |
| Service Commercial Uses | C | X |
| Theaters | X | X |
| Vehicle Washing Establishment | X | X |
| Veterinarian Offices/Animal Hospital | X | X |
| Industrial Uses | | |
| Bulk Storage of Liquids or Grain | X | X |
| Contractor Offices | X | X |
| Crematorium | X | X |
| Data Center | X | X |
| Machinery & Heavy Equipment Sales, Leasing, and Storage | X | X |
| Manufacturing and Production (Heavy or Outdoors) | X | X |
| Manufacturing and Production (Indoors) | X | X |
| Medical Marijuana Testing & Processing | X | X |
| Outdoor Storage and Bulk Sales | X | X |
| Printing and Publishing | X | X |
| Radio and Television Stations | X | X |

| C-1 & R-4 PRINCIPALLY PERMITTED USES | | |
|--|-------------------------------|-----|
| Use Type | C-1 | R-4 |
| Recycling Collection/Processing Facilities | X | X |
| Research and Development Facilities | X | X |
| Self-Storage Facilities | X | X |
| Soil and Mineral Extraction Activities | X | X |
| Warehouses | X | X |
| Wholesale Sales & Distribution Centers (Indoors) | X | X |
| Wholesale Sales & Distribution Centers (Outdoors) | X | X |
| Public and Institutional Uses | | |
| Active Recreational Uses | P | P |
| Cemeteries | X | X |
| Colleges and Higher Educational Institutions | C | X |
| Community Recreation Facility | X | C |
| Cultural Facilities and Structures | C | C |
| Educational Institutions (K-12) | C | C |
| Essential Services | Exempt per Section 1101.05(b) | |
| Government Facilities | C | C |
| Government Offices | P | C |
| Hospitals | X | X |
| Nursery Schools or Day Care Centers (Children or Adults) | C | C |
| Passive Parks, Open Space, & Natural Areas | P | P |
| Places of Worship | C | C |
| Utility Facilities & Buildings | C | C |
| Wireless Telecommunication Facilities | See Section 1109.03(f)(10) | |

Tables 1115-2 and 1115-4 include development standards for the subject zoning districts:

| COMPILATION OF TABLES 1115-2 AND 1115-4 | | |
|---|---------------|----------------|
| | C-1 | R-4 |
| Minimum Lot Area | 7,500 sq. ft. | 87,120 sq. ft. |
| Minimum Lot Width at the Building Line | 60 ft. | 125ft. |
| Minimum Front Yard Building Setback | 10 ft. | 40 ft. |
| Minimum Side and Rear Yard Building Setback - Nonresidential District | 8 ft. | 20 ft. |
| Minimum Side Yard Building Setback - Multi-Family Residential District | 10 ft. | 20 ft. |
| Minimum Rear Yard Building Setback - Multi-Family Residential District | 25 ft. | 20 ft. |
| Minimum Side Yard Building Setback - Single-Family Residential District | 10 ft. | 50 ft. |
| Minimum Rear Yard Building Setback - Single-Family Residential District | 25 ft. | 50 ft. |
| Maximum Lot Coverage by Buildings | 40% | 40% |
| Maximum Building Height | 45 ft. | 60 ft. |
| * To simplify the table, notes have been removed. See Tables 1115-3 and 1115-4 for all notes. | | |



In late 2016, an application was made by Cris Jones of Meijer Stores Limited Partnership to change to the zoning of the properties from C-1 to C-5 (General Commercial). Since that time, the General Commercial zoning district designation in the City of Wooster has changed from C-5 to C-3.

The Planning Commission forwarded the application to City Council with a recommendation of denial as the Commission's vote of three to three did not gain the necessary five affirmative votes for approval. After much discussion and debate, City Council then unanimously denied the application to rezoning the properties to C-5.

ZONING DISTRICT INTENT

The C-1 District is established as follows, per Section 1107.05(e)(4)(A.):

The C-1 Office/Institutional District is established to create an environment conducive to well-located and designed office building sites and to accommodate primarily office uses. This district may also provide a land use buffer zone to some residential districts, thus providing protection from more intense business uses or major thoroughfares.

The R-4 District is established as follows, per Section 1107.05(c)(6)(B.):

The R-4 Multi-Family Residential District is established to provide, preserve and protect locations for high density apartment development in areas with appropriate levels of service.

PERMITTED USES AND STANDARDS

Table 1109-1 includes a list of all Permitted (P), Permitted with Standards (PS), Conditional (C) and Prohibited (X or not included in the table) principal uses in the subject zoning districts:

| C-1 & R-4 PRINCIPALLY PERMITTED USES | | |
|--|---------------------------|-----|
| Use Type | C-1 | R-4 |
| Agricultural Uses | | |
| Agriculture (Raising of Crops) | P | P |
| Agriculture (Livestock) | X | X |
| Community Gardens | PS | PS |
| Greenhouses and Nurseries | X | X |
| Residential Uses | | |
| Cluster Residential Development | X | X |
| Convent, Monastery, or Other Housing for Places of Worship | X | X |
| Dormitories | X | X |
| Dwellings, Multi-Family | X | P |
| Dwellings, Single-Family Attached | X | P |
| Dwellings, Single-Family Detached | X | X |
| Dwellings, Two-Family | X | P |
| Dwellings, Two-Family Conversion from a Single-Family Dwelling | X | PS |
| Fraternities and Sororities | X | X |
| Group Homes or Residential Facilities | See Section 1109.03(c)(6) | |
| Manufactured Home | X | X |
| Mobile Home | X | X |
| Skilled Nursing or Personal Care Facilities | C | C |
| Transitional Housing | X | C |

| C-1 & R-4 PRINCIPALLY PERMITTED USES | | |
|--|-----|-----|
| Use Type | C-1 | R-4 |
| Commercial and Offices Uses | | |
| Adult Uses | X | X |
| Agriculture/Farm Supplies & Sales | X | X |
| Animal Day Care/Animal Grooming | X | X |
| Assembly Halls, Membership Clubs, and Conference Centers | C | X |
| Automated Teller Machine (Stand-Alone) | X | X |
| Automotive Fuel Sales | X | X |
| Automotive Repair (Heavy) | X | X |
| Automotive Sales and Leasing | X | X |
| Automotive Service Station & Parts Sales | X | X |
| Bars and Taverns | X | X |
| Bed and Breakfast Establishments | C | X |
| Business and Professional Offices | P | X |
| Business Service Establishments | C | X |
| Campgrounds | X | X |
| Financial Institutions | C | X |
| Funeral Homes and Mortuaries | P | X |
| Hotels or Motels | X | X |
| Kennels/Animal Boarding | X | X |
| Live/Work Units | C | X |
| Medical or Dental Clinics/Offices & 24-Hour Urgent Care | P | X |



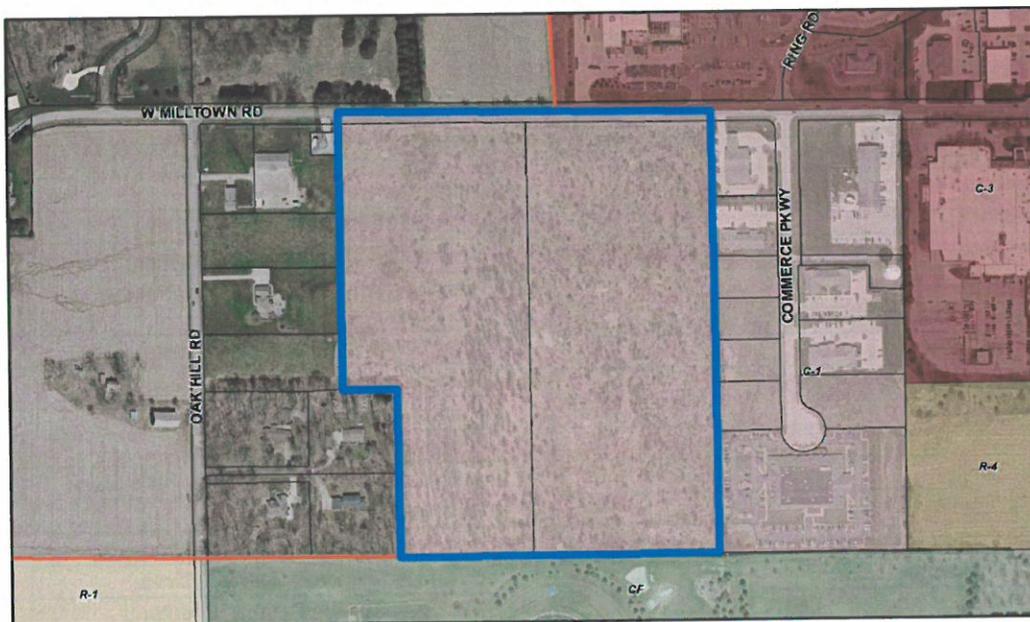
Application PC-18-27
West Milltown Road Zoning Map Amendment

Property Owners: The Donald & Alice Noble Foundation Inc. and Gerald F & Julia A Craycraft S/T
Applicant: Kristin Hopkins of CT Consultants
Location: West Milltown Road with Parcel Numbers 67-02964.000 and 67-02967.000
Current Zoning: C-1 (Office/Institutional)
Proposed Zoning: R-4 (Multi-Family Residential)
Request: Approval recommendation from the Planning Commission to City Council for a Zoning Map Amendment to change the zoning from C-1 (Office/Institutional) to R-4 (Multi-Family Residential)

LOCATION AND SURROUNDING USES

The site consists of two properties comprising 32.4 acres on the south side of West Milltown Road. Adjacent properties include the following uses and zoning:

- North – Retail (C-3, General Commercial), Agriculture and Vacant (Outside City)
- South – Wooster High School (CF, Community Facilities)
- East – Office and Vacant (C-1)
- West – Wireless Telecommunication Facility, Church and Single Family Residential (Outside City)



PROPOSED APPLICATION/BACKGROUND

The current site consists of two undeveloped properties on the south side of West Milltown Road. Both properties are currently zoned C-1. The applicant has proposed the rezoning of both properties to R-4 for residential development. A Development Plan for the site has not been submitted at this time and is not required for the proposed Zoning Map Amendment application.



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

December 20, 2018

Dear Kristin Hopkins,

At the 12-19-2018 meeting of the City of Wooster Planning Commission, a motion was made to recommend approval of application PC-18-27, Kristin Hopkins of CT Consultants requesting an approval recommendation from the Planning Commission to City Council for a Zoning Map Amendment to change the zoning of 32.4 acres on West Milltown Road with Parcel Numbers 67-02964.000 and 67-02967.000 from C-1 (Office/Institutional) to R-4 (Multi-Family Residential), to City Council.

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

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

PLANNING COMMISSION APPLICATION INFORMATION SHEET

Application Number

PC-18-27

Scheduled Meeting Date

12-19-2018

Application Type

Zoning Amendment - Map

Property Location

PN: 67-02964.000 and 67-02967.000 on W Milltown Rd

Property Information

Acreage: 17.098 and 15.288

Zoning (Current): C-1

Property Owner

The Donald & Alice Noble Foundation Inc. and Gerald F & Julia A Craycraft S/T

Applicant

Kristin Hopkins

Applicant's Project Description

Harsax Management is seeking a rezoning to the R-4 Multi-family district to build a residential development comprised of a mix of single-family attached dwellings and multi-family dwellings at approximately 8 units per acre. Harsax Management Company has a proven track record of developing and managing high quality residential projects, that provide a maintenance-free living environment that meets the needs of both empty nesters and young professionals.

Applicant's Reason(s) for Proposed Amendment Relating to the Comprehensive Plan

Wooster is experiencing a housing shortage and the Comprehensive Plan advocates for new high-quality multi-family development, including high-quality vibrant developments that will attract and serve a variety of age groups. The type of housing that Harsax Management builds will meet this goal; it is an upscale housing type that is missing in many communities (often referred to as the "missing middle housing". The site on W Milltown Road is also very close to community facilities and existing retail/shopping and restaurants. The envisioned housing development on this site will help achieve the City's goals for (1) having a "greater variety of housing... that create[s] a continuum of housing options", which leads to a "more sustainable [housing] market," and (2) having "downsized options for residents in locations that are close to goods and services and entertainment options."

Agenda Text

Kristin Hopkins of CT Consultants requesting an approval recommendation from the Planning Commission to City Council for a Zoning Map Amendment to change the zoning of 32.4 acres on West Milltown Road with Parcel Numbers 67-02964.000 and 67-02967.000 from C-1 (Office/Institutional) to R-4 (Multi-Family Residential).



CITY OF WOOSTER

Planning and Zoning Division

538 North Market Street Wooster, OH 44691

Phone: 330-263-5235 Fax: 330-263-5274

December 4, 2018

DAILY RECORD

PLEASE PUBLISH December 9, 2018

The City of Wooster Planning Commission will hold their Regular Meeting at 5:30 pm on Wednesday, December 19th, 2018. The meeting will be held at City Hall, 1st floor Council Chambers, 538 North Market Street, Wooster, Ohio. At the meeting, the Commission will hold a public hearing for the following application:

PC-18-27. Kristin Hopkins of CT Consultants requesting an approval recommendation from the Planning Commission to City Council for a Zoning Map Amendment to change the zoning of 32.4 acres on West Milltown Road with Parcel Numbers 67-02964.000 and 67-02967.000 from C-1 (Office/Institutional) to R-4 (Multi-Family Residential).

All interested parties are welcome to attend and will be given the opportunity to address the Commission during the public hearing portion of the meeting and submit evidence and written comments with respect to the applications. Special auxiliary aids for disabled persons are available upon request with at least five days notice prior to the meeting. For further information, to submit written comments prior to the meeting, or to request special auxiliary aids please contact Andrew Dutton, Planning and Zoning Manager, at adutton@woosteroh.com, (330) 263-5238 or 538 North Market Street, Wooster, Ohio.



CITY OF WOOSTER

Planning and Zoning Division

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

December 4, 2018

DAILY RECORD

PLEASE PUBLISH December 9, 2018

The City of Wooster Planning Commission will hold their Regular Meeting at 5:30 pm on Wednesday, December 19th, 2018. The meeting will be held at City Hall, 1st floor Council Chambers, 538 North Market Street, Wooster, Ohio. At the meeting, the Commission will hold a public hearing for the following application:

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All interested parties are welcome to attend and will be given the opportunity to address the Commission during the public hearing portion of the meeting and submit evidence and written comments with respect to the applications. Special auxiliary aids for disabled persons are available upon request with at least five days notice prior to the meeting. For further information, to submit written comments prior to the meeting, or to request special auxiliary aids please contact Andrew Dutton, Planning and Zoning Manager, at adutton@woosteroh.com, (330) 263-5238 or 538 North Market Street, Wooster, Ohio.

W. MILLTOWN ROAD ZONING MAP AMMENDMENT APPLICATION

3.1 Existing Land Use, City of Wooster, 2013

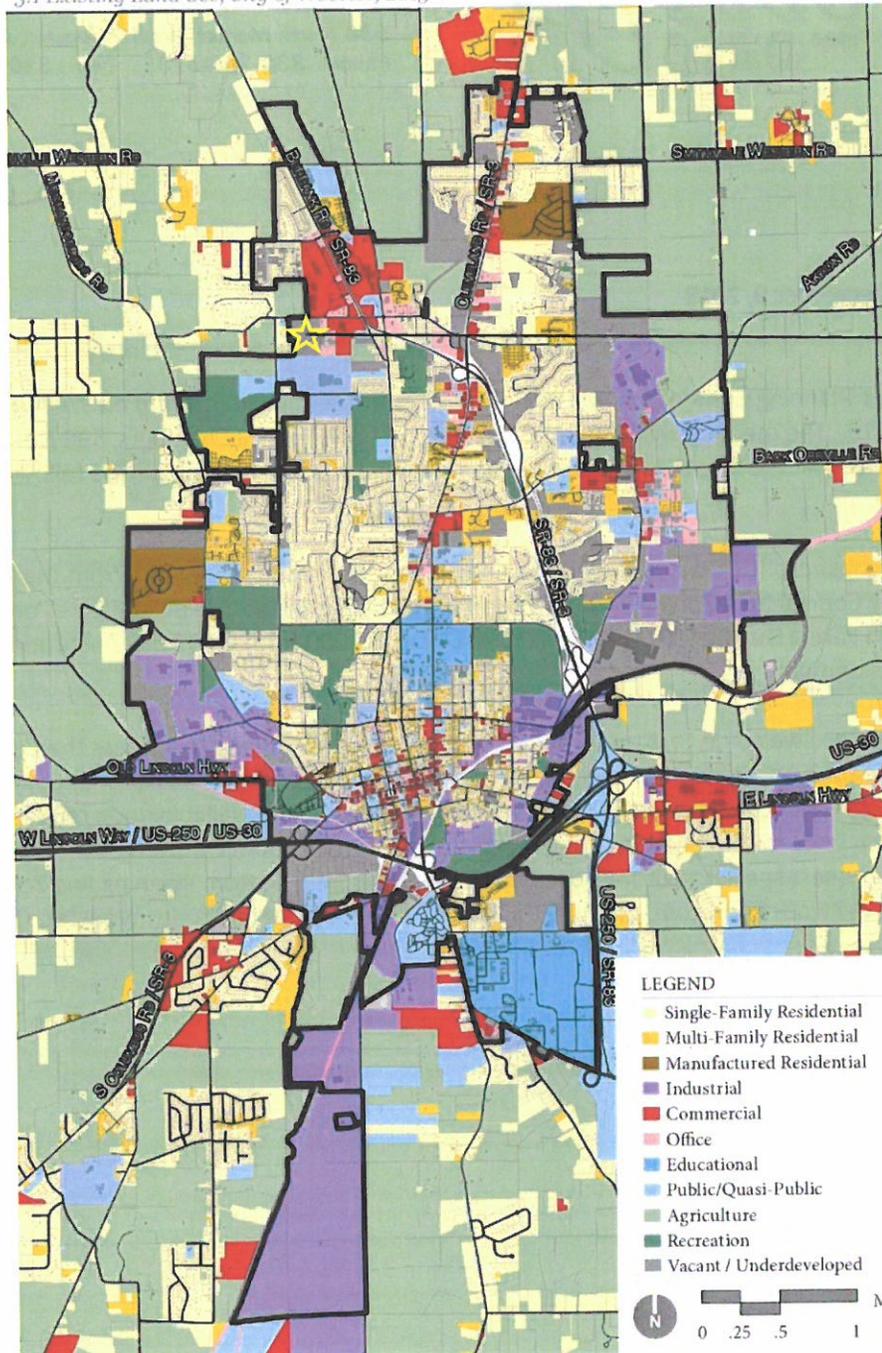


Exhibit 1
Location Map

Subject Site

Existing Land Use Map from
City of Wooster
2014 Comprehensive Plan

Applicant:
Harsax Management Co.
9565 Midwest Ave., Suite A
Garfield Heights, OH 44125
Date: Nov. 29, 2018

W. MILLTOWN ROAD ZONING MAP AMMENDMENT APPLICATION

Exhibit 2

Site Details

Data Source: Wayne County Auditor GIS

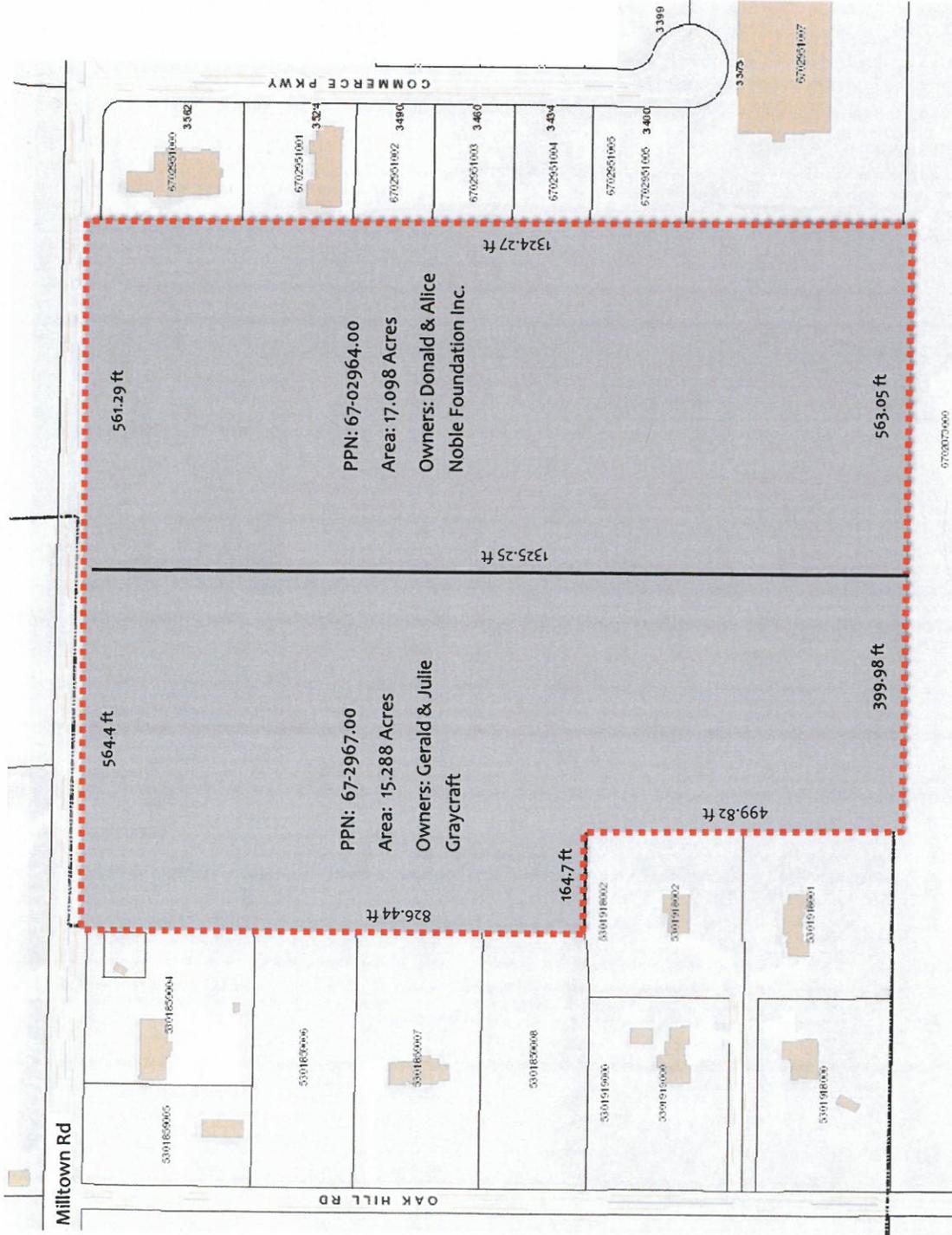
Applicant:

Harsax Management Co.
9565 Midwest Ave., Suite A
Garfield Heights, OH 44125

Prepared by:

CT Consultants
8150 Sterling Court
Mentor, OH 44060

Date: Nov. 29, 2018



W. MILLTOWN ROAD ZONING MAP AMMENDMENT APPLICATION

Exhibit 3

Existing Zoning

Zoning Districts:

- R-1 Suburban Single-Family Residential
- R-4 Multi-Family Residential
- CF Community Facilities
- C-1 Office/Institutional
- C-3 General Commercial

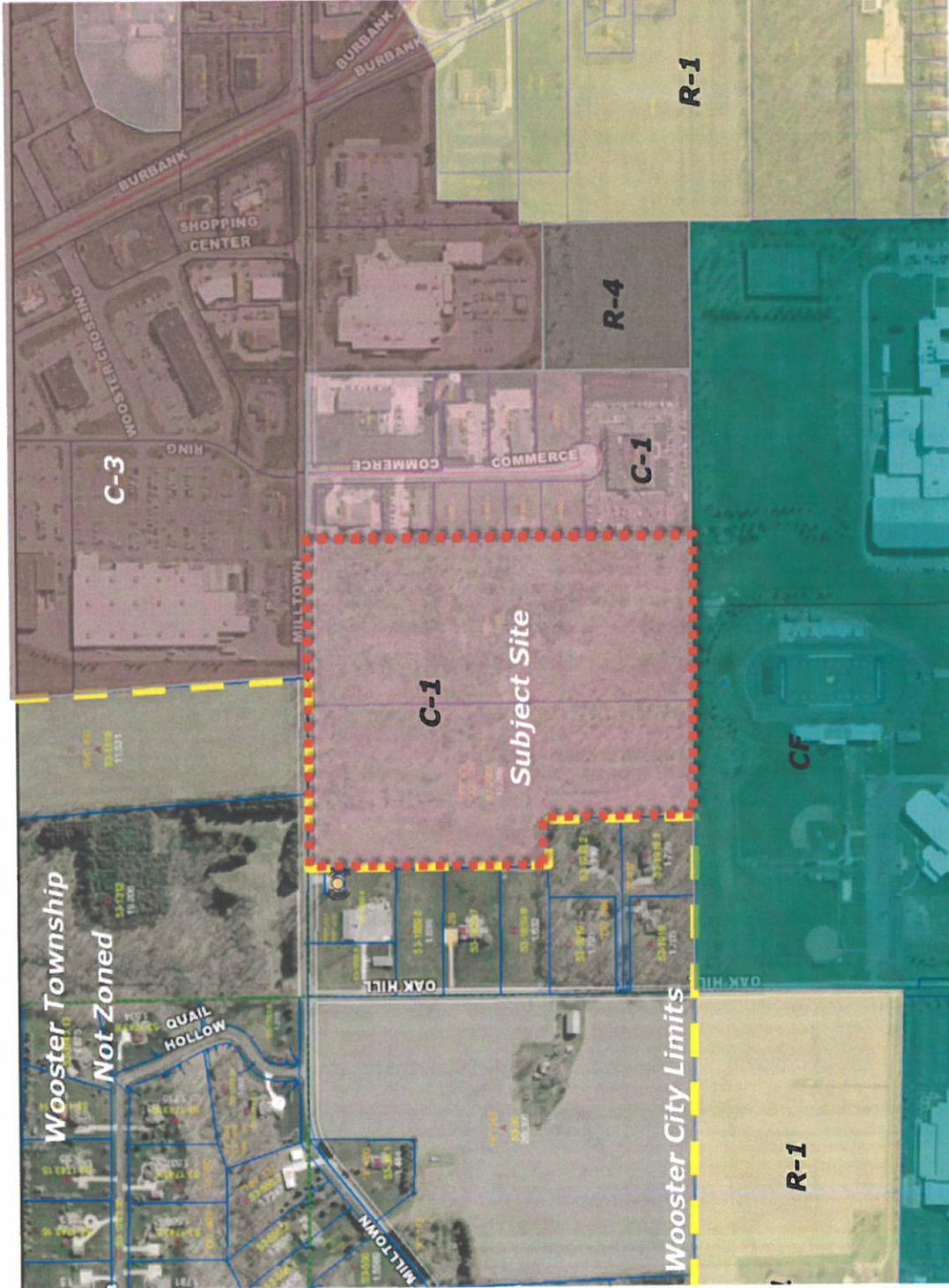
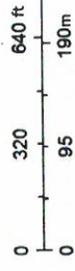
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W. MILLTOWN ROAD ZONING MAP AMMENDMENT APPLICATION

Exhibit 4

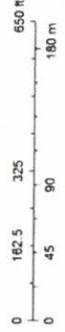
Site Conditions

| Legend | |
|---------|----------------------|
| Streets | INTERSTATE |
| | STATE |
| | US INTERSTATE |
| | Cell Towers |
| | Base Flood Elevation |
| | Wayne Twp 2' |
| | PRIVATE |
| | COUNTY |
| | TOWNSHIP |
| | MUNICIPAL |
| | RAMP |

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Developing and Managing Real Estate in Northeast Ohio Since 1954

EXAMPLES OF EXISTING RESIDENTIAL PROJECTS

The Shire, Brunswick, OH





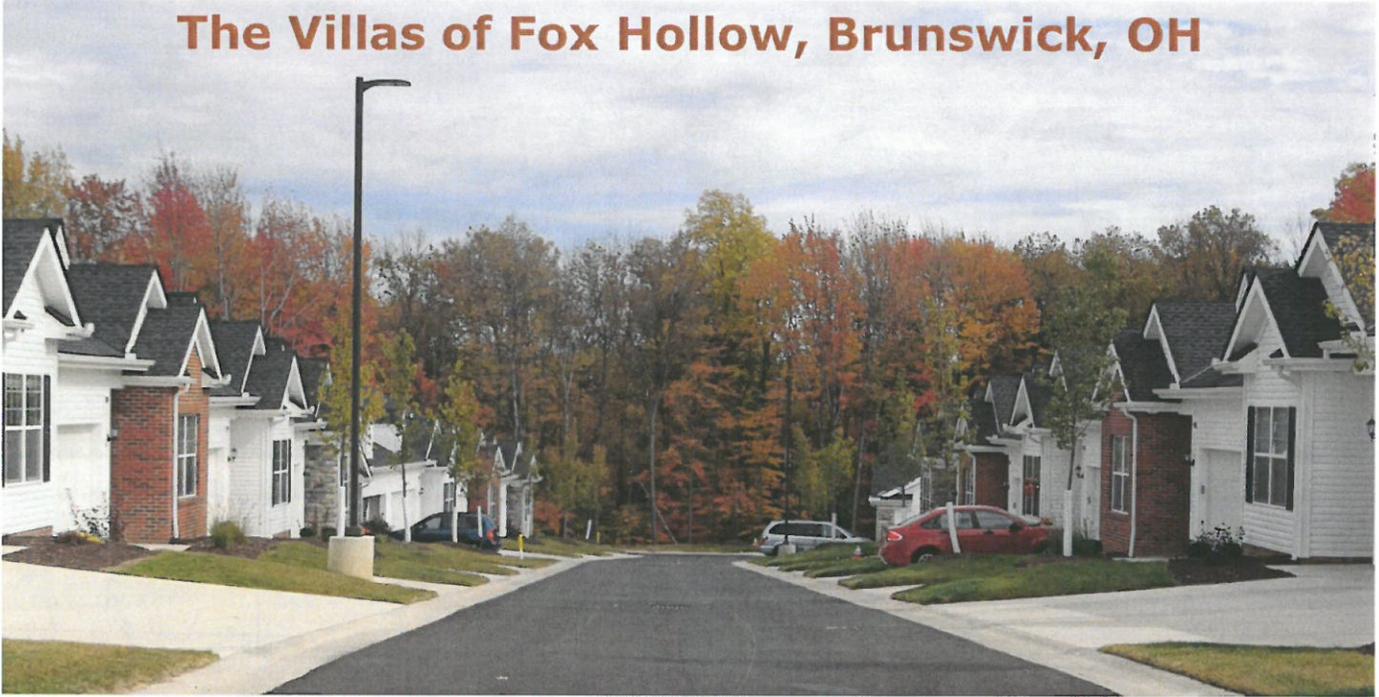
The Shire, Brunswick, OH



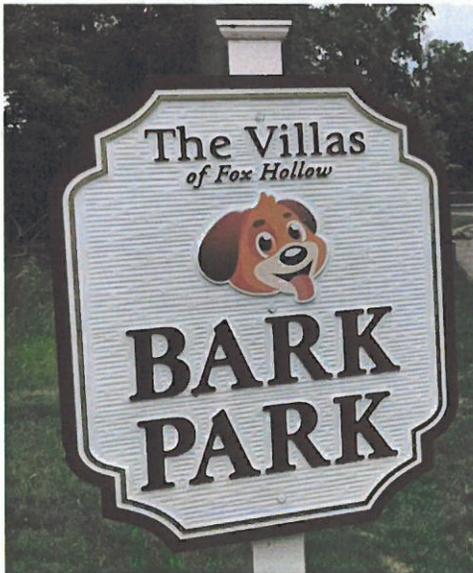
Developing and Managing Real Estate in Northeast Ohio Since 1954

EXAMPLES OF EXISTING RESIDENTIAL PROJECTS

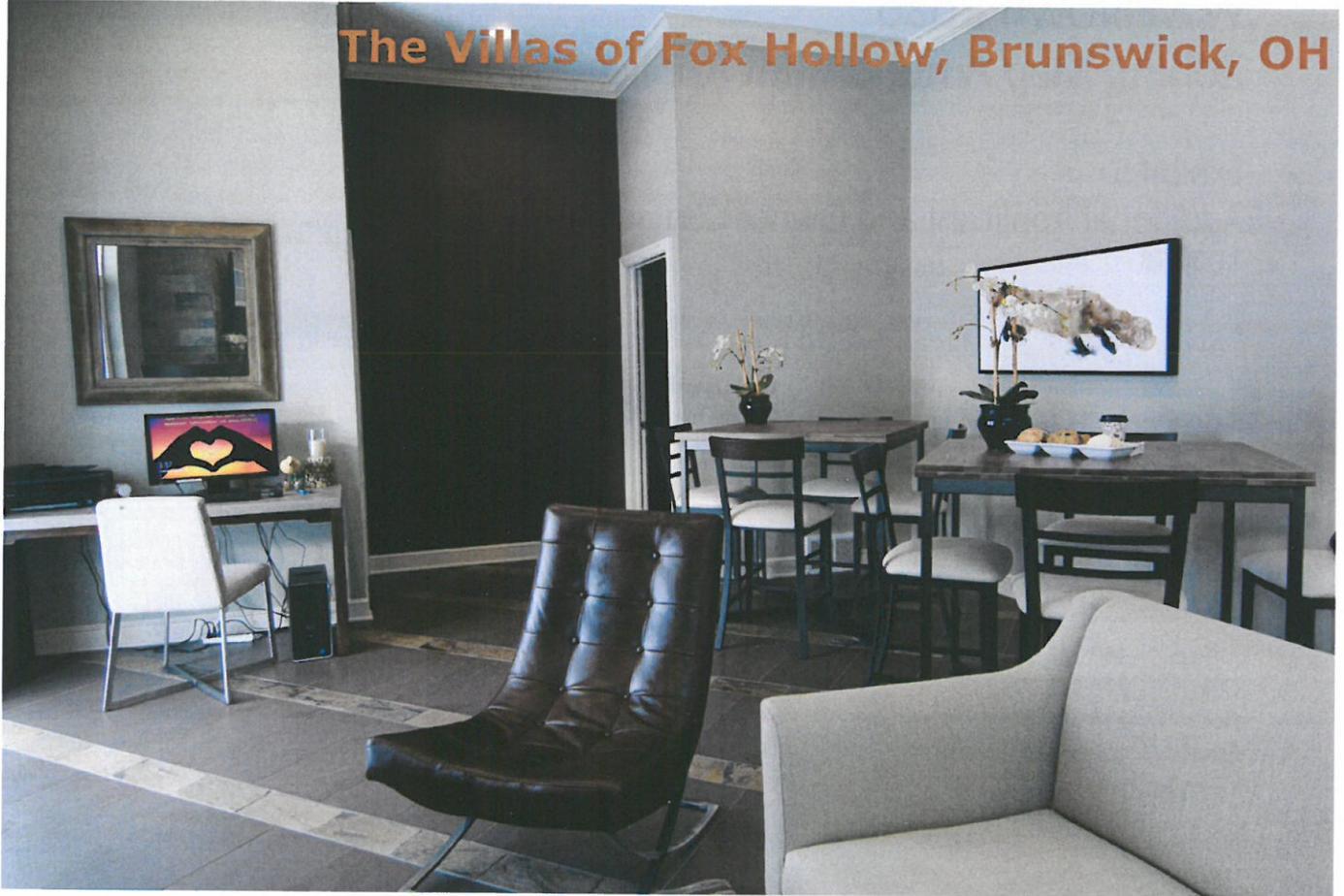
The Villas of Fox Hollow, Brunswick, OH



The Villas of Fox Hollow, Brunswick, OH



The Villas of Fox Hollow, Brunswick, OH



W Milltown Road Zoning Map Amendment Application

Exhibit 5

Additional Applicant and Owner Contact Info

11/30/18

Applicant: Harsax Management Company

Contact Information

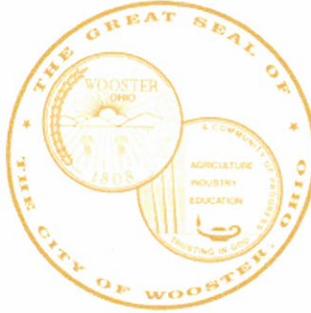
Mr. David Cooper, Vice President
9565 Midwest Avenue, Suite A
Garfield Heights, OH 44125

Office: 440 243 5500
Cell: 216 952 0292
Fax: 216 365 3785
Email: dcharsax@aol.com
Website: www.harsax.com

Second Parcel Owner: PPN 67-02967.000

Contact Information

| | |
|-------------------|--------------------------------------|
| Property Owner: | Gerald F & Julie A Craycraft |
| Property Address: | W Milltown RD, Wooster OH 44691 |
| Owner's Address: | 3475 Oak Hill Rd Wooster Oh 44691 |



WOOSTER CITY COUNCIL
538 N. Market Street * P.O. Box 1128
Wooster, Ohio 44691-7082
Phone 330-263-5200 * www.woosteroh.com

January 2, 2019

Dear Resident:

The Wooster City Council will hold a public hearing on a request by Kristin Hopkins of CT Consultants requesting approval for a Zoning Map amendment to change the zoning of 32.4 acres on West Milltown Road with Parcel Numbers 67-02964.000 and 67-02967.000 from C-1 (Office/Institutional) to R-4 (Multi-Family Residential).

The hearing will be held on Tuesday, January 22, 2019 at 7:30 p.m., at City Hall, in Council Chambers at 538 North Market Street, Wooster, Ohio. All interested parties are welcome to attend and will be given the opportunity to be heard by City Council and submit evidence and written comments concerning the proposed amendment.

Special auxiliary aids for handicapped persons are available upon request with appropriate notice. For further information, to submit written comments before the meeting or to request special auxiliary aids, contact the Clerk of Council at (330) 263-5242 or at ldepaulo@woosteroh.com.

Lynne DePaulo
Clerk of Council

| Owner Name | Address | City |
|---|-------------------------------------|------------------------|
| AMIET RALPH D TRUSTEE | 3397 OAK HILL RD | WOOSTER OH 44691 |
| BOARD OF EDUCATION WOOSTER CITY SCHOOLS | 144 N MARKET ST | WOOSTER OH 44691 |
| CHESTERLAND ESTATES PLL | 1516 TIMKEN RD | WOOSTER OH 44691 |
| COMMERCE PARKWAY | 1400 HUNT CLUB DR | WOOSTER OH 44691 |
| COMMERCIAL AND SAVINGS | 91 N CLAY ST | MILLERSBURG OH 44654 |
| KEYSTONE TRANSLOAD | 1281 STETLEP RD | MIFFLINTOWN PA 17059 |
| LOWES HOME CENTERS INC | 1000 LOWES BLVD ATTN TAX DEPT 1 ETA | MOORESVILLE NC 28117 |
| PAUMIER LOUIS M & MONICA | 3369 OAK HILL RD | WOOSTER OH 44691 |
| SHIRER LARRY THOMAS & INEZ F S/T | 3363 OAK HILL RD | WOOSTER OH 44691 |
| TWICHELL DEWITT H | 1525 CLAY ST APT 6 | SAN FRANCISCO CA 94109 |
| WMIA LLC | 3524 COMMERCE PKWY | WOOSTER OH 44691 |

PC-18-27 Property Owners List 12-4-18

#2

Request for Agenda Item

Authorization for Bid

Purchase Capital Item

Non-Capital

| | |
|--|--|
| Division PPM | Meeting Date Requested 1/22/19 |
| Project Name The Chalet Renovation Project | Estimated Total Funds/Costs \$ 200,000.00 |
| Is Full Amount Budgeted? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If YES, three readings NOT REQUIRED | |
| If No, How is the Purchase to be Funded? This Project would need to funded by appropriating \$200,000.00 from the unappropriated balance in the General Fund. | |
| Description of Request This Project was funded in FY18, but it didn't get started. And it was inadvertently not rolled into the FY19 Budget during the finance conversion upgrade. Budget.Renovations to The Chalet at Freedlander Park main floor would include: a new HVAC system, electrical upgrades and lighting, a new kitchen/serving area, renovated men's and women's restrooms, fireplace upgrades, new office and storage area, new flooring, wall tile and painting, and updated outdoor entry. The project would also include new tables and chairs. The existing fireplace would get new gas logs installed to keep the area safe while maintaining The Chalet ambiance. The current occupancy is 135 people. | |
| Justification / Benefits The current space is currently not being used. If it is renovated, it would be an excellent facility for the citizens of Wooster to hold wedding receptions, family reunions, class reunions, birthday parties and various other events. A rental fee would be established to cover the cost of the cleaning, maintenance and utilities of the facility. | |
| Will this Project affect the City's Operating Costs With a proper rental fee, it would slightly increase the overall operating budget. | |
| What Alternatives Exist and what are the Implications of the Alternatives | |
| Is this a Sole Source Bid or Non-Bid Situation <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, Explain The Circumstances: | |
| Is there a need for Suspension of the Rules or a Time Frame when this must be passed? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If Yes, Note Reasons The PPM staff would be able to start ASAP. | |
| NOTE: Emergency Clause Required if Legislative Effective Date is IMMEDIATE. | |
| Manager Requesting: Curt Denning | Date: 1/14/19 |

ORDINANCE NO. 2019-03

AN ORDINANCE AMENDING CHAPTER 541,
PROPERTY OFFENSES, OF THE CODIFIED
ORDINANCES OF THE CITY OF WOOSTER, OHIO
AND DECLARING AN EMERGENCY

WHEREAS, the City of Wooster desires to prohibit the use of its various city logos and/or seals in order to protect the public from individuals or groups purporting to be endorsed by the City of Wooster; and

WHEREAS, the City of Wooster does not endorse commercial enterprises.

WHEREAS, disallowing the unauthorized use of city logos and/or seals will benefit the residents of the City of Wooster.

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

SECTION 1. That Chapter 541 of the Codified Ordinances, entitled, PROPERTY OFFENSES shall be amended to include Section 541.03 UNAUTHORIZED USE OF CITY OF WOOSTER LOGOS AND SEALS, to read as follows:

541.03 UNAUTHORIZED USE OF CITY OF WOOSTER LOGOS AND SEALS

- (a) The current city seal and logos are those contained in the City of Wooster Logo Manual, a copy of which shall be maintained by the Clerk of Council, and which is incorporated by reference and made part of this ordinance.
- (b) The city seal and logos are for exclusive use by the city, city commissions, and officials and employees, in the course and scope of their official duties.
- (c) No person shall use or allow to be used the official seal, logos, or facsimile, or reproduction of said seal, or make or use any design which is an imitation of said seal or of the design thereof, or which may be mistaken for the seal and/or logos of this city or the design thereof, for criminal and/or commercial purposes, or for any purpose other than for city purposes or for the purposes of any officer, board or department thereof so as to foster the belief that the logo is used for the purposes of the City of Wooster or at the leave of the City of Wooster, without the express prior written consent of the Mayor.
- (d) A violation of any provision of this chapter or a failure to comply with any mandatory requirements of this chapter is subject to prosecution as a minor misdemeanor. Criminal penalties for violations of the provisions of this chapter may result in up to a minor misdemeanor citation for each day in violation.

MEMO FROM THE LAW DEPARTMENT

TO: City Council

CC: Bob Breneman, Mayor, Joel Montgomery, Director of Administration

FROM: Director of Law, John Scavelli

DATE: January 15, 2019

RE: Unauthorized use of City of Wooster seals and logos

It has come to the attention of the city administration that a private business has used a City of Wooster logo in its advertising. While this particular business is not believed to have done so for improper purposes, the City of Wooster has not endorsed this business. Allowing the use of City logos in this way creates possible confusion in the public.

The City of Wooster is unlikely to be able to register a trademark for its seals and logos. 15 U.S.C.A. § 1052, *In re City of Houston*, 731 F.3d 1326, 1335 (Fed.Cir.2013). The City may pass an ordinance to prevent the use of its logos for an improper purpose. *Id.* This is what this proposed ordinance seeks to accomplish.

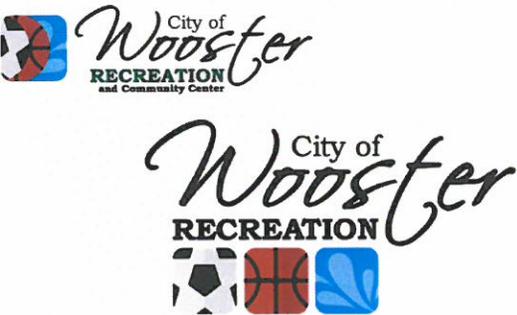
This ordinance specifically seeks to enjoin the use of City logos and seals from being used deceptively. An individual will only be in violation of the ordinance if they are using the logos in a manner that suggests a relationship with the City of Wooster that does not exist. An example of this is a sponsorship or endorsement. The City is not able to enjoin use that would be considered expressive. *Renna v. Cty. of Union*, N.J., 88 F.Supp.3d 310, 326 (D.N.J.2014). This ordinance does not, and cannot prevent an unauthorized use that is part of an expressive message and not a source identifier. *Id.*

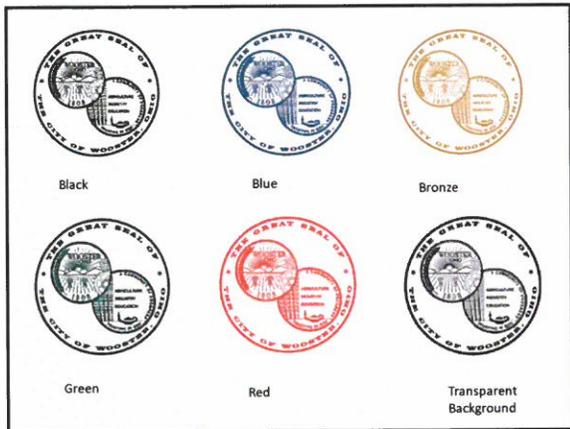
Please do not hesitate to contact me if you have any questions.

City of Wooster
Logos & Seals

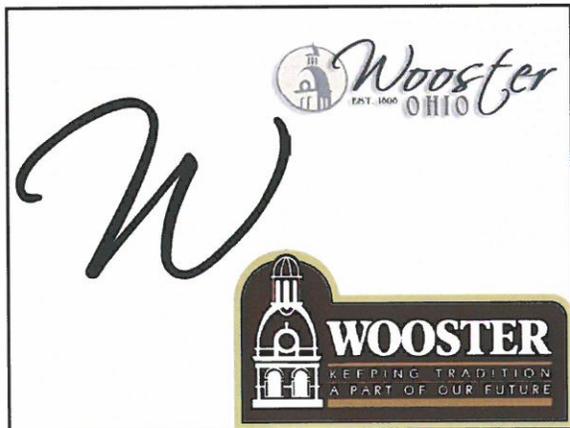


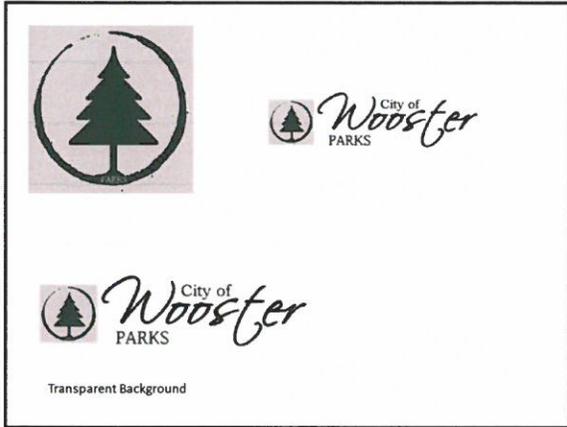


















PREPARED FOR
City of Houston
CivicCenter and Gateway

LETTERGRAPHICS
2102 W. 19th Street, Suite 100
Houston, TX 77058
713.865.1111
www.lettergraphics.com

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APPROVED
DATE _____
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