

MINUTES
CITY OF WOOSTER PLANNING COMMISSION
November 3, 2022

I. MEETING CALLED TO ORDER AND ROLL CALL

Chuck Armbruster, Chairman, called the meeting to order. Commission members Kyle Adams, Sheree Brownson, Chuck Armbruster, Grant Mason, Shawn Starlin, Mike Steiner, and Mark Weaver were present at the meeting. Vincent Marion, Planning and Zoning Manager, represented the City of Wooster.

II. APPROVAL OF THE MINUTES

Mike Steiner made a motion to approve the minutes of the October 6, 2022, meeting of the Planning Commission. Grant Mason seconded the motion. The motion carried unanimously 7-0.

III. APPLICATIONS

PC-22-23.

The City of Wooster requested an approval recommendation from the Planning Commission to City Council for Text Amendments to Chapter 1109 (Principal Use Regulations) of the Planning and Zoning code to allow Multi-Family Residential in an R-5 zoning district.

Mr. Marion stated that the R-5 (Manufactured Home Park) zoning district, technically within the zoning code, is a discontinued district, permitting only the maintenance and replacement of existing manufactured/mobile homes. However, there is acreage available for development within the R-5 locations. Mr. Marion stated that the amendment you have before you allows for multi-family development within the R-5 district. Mr. Marion continued that the development standards will follow regulations as if being developed within an R-4 zoning district. Mr. Marion stated that the current R-5 district on Mechanicsburg is adjacent to R-4 zoning, and the R-5 on Melrose is adjacent to commercial zoning. Multi-family development is appropriate for these areas.

Mr. Marion stated that the permitted uses within the R-5 designated districts would be changed. Mr. Marion explained that within the R-5 zoning classification, multi-family would become a permitted use where it is not currently allowed.

Mr. Armbruster asked if anyone from the public would like to address the Board regarding the application.

Douglas Drushal, 225 North Market Street, stated that he represented Shelmar Mobile Home Park, one of the City's two mobile home parks. Mr. Drushal explained that Shelmar wanted to develop the remainder of the land that was zoned R-5 but could not under the current code. Mr. Drushal continued that you could replace a home if there were an empty pad. Mr. Drushal stated that the City had zoned the land out of existence and zoned for mobile homes. Mr. Drushal explained that Shelmar would like to use and develop the remaining R-5 zoned land for mobile homes. Mr. Drushal continued that the mobile/manufactured homes were a permanent housing option. Mr. Drushal stated that the application would not allow the rest of the land for mobile home development. Mr. Drushal explained that in the City's proposal, there would be no zoning change. Mr. Drushal noted that a property owner could not initiate a text amendment in the zoning code. Mr. Drushal continued that the City of Wooster recognized the current code as an unconstitutional taking of property and allowed something else to be done on the land with R-4 zoning that would allow apartments. Mr. Drushal stated that the proposal would be better for the City and the area. Mr. Drushal explained that in the early '80s, this property was not inside the city limits, and the City decided to annex the property into the City of Wooster. Mr. Drushal stated that the development would add approximately 70 to 100 more units

depending on the layout. Mr. Drushal said that Shelmar and Melrose were the only R-5 mobile home parks within the City.

Mr. Marion noted that the property on Mechanicsburg Road was approximately 40 to 50 acres.

John Scavelli, Law Director City of Wooster, stated that the text amendment allowed R-4 Multi-Family uses within the R-5 zoning districts. Mr. Scavelli explained that voting yes on the application would allow more uses of the R-5 property, not less. Mr. Scavelli continued that the only upside to the owner was that this could preserve a prospective lawsuit against the City. Mr. Scavelli stated that if this Board tonight votes yes, they most likely cannot sue the City because the state of the law currently says that it doesn't matter if it's the best use of your land as long as you have economically viable use of the land. Mr. Scavelli stated that any regulatory action upon it is not a regulatory taking. Mr. Scavelli explained that there was no land use when this was pointed out to the City. Mr. Scavelli continued that they wanted to use the land, and we decided what fits within the code because it clearly says no more manufactured or mobile homes. What can we do that would be an economically viable use of that land and stay within the code that would fit within that area? Mr. Scavelli continued that we heard Mr. Drushal arguing against his client's interests, saying I don't want an economically viable use of my land; I want to sue the City. Mr. Scavelli stated that he doesn't think this Board or the City should be okay with that. He can still go to City Council and maybe later to Planning Commission and argue that he wants to allow mobile homes there, but why would he say against more ability for his client to use their land? Mr. Scavelli explained that he urged the Planning Commission tonight to vote yes to allow R-4 uses within his client's land.

Mr. Scavelli stated that one of the City's significant concerns with manufactured mobile homes is that our building code doesn't apply to them. Mr. Scavelli explained that the City has less ability to make sure those types of structures are safe for our citizens living there. Mr. Scavelli continued that the City's proposal would allow for the development of new housing and just a different kind that the City can regulate and ensure is safe. Mr. Scavelli stated that the incident happened with the Larwill Trailer Park part of the problem was that the City could not regulate those units. Mr. Scavelli explained that the Shelmar Trailer Park is running very well now; however if it gets sold to a new owner, who knows where it will be in 2 to 5 years. Mr. Scavelli said that we have minimal ability and no ability as far as the building structures go to maintain those buildings. Mr. Scavelli noted that there were 203 spaces for manufactured homes, and there are currently 81 vacant spaces, so they are not filled to compacity and talking about expansion. Mr. Scavelli stated that the client could develop safe structures that the City can regulate, which will create more housing for the betterment of the City.

Joel Montgomery, Director of Administration City of Wooster, stated that the proposal that the City put together that was discussed as an administration team to allow R-4 was not to avoid a lawsuit. Mr. Montgomery explained that when the team was presented with the fact that there wasn't anything that could be built on that particular piece of property based on the way the code was written, Mr. Montgomery responded that we needed to do something to fix that so that it could be used for development. Mr. Montgomery continued that it made sense due to the surrounding zoning that an R-4 (Multi-Family) zoning district would make sense to the City. Mr. Montgomery stated that before the codes were adopted, there was much public input about limiting the expansion of manufactured/mobile home parks. Mr. Montgomery explained that when Larwill happened, there were issues with the property not being taken care of and people living there in very unhealthy conditions. Mr. Montgomery continued that the City tried to alleviate those situations. Mr. Montgomery stated that at the state level, we ran into issues that we could not address because of our codes and had no authority. Mr. Montgomery explained that the state did not have enforcement to take care of the issues. Mr. Montgomery continued that the codes were for the City to plan

so that nothing like that would happen in the future. Mr. Montgomery explained that changing the zoning would help meet the City's housing needs. Mr. Montgomery continued that should City Council decide to approve the recommendation the way the process works, this would come back to the Planning Commission. Mr. Montgomery stated that this would allow for protective uses for building or selling the property.

Mr. Marion stated that when the City learned of the situation, we looked into options to address the limited uses. R-4 zoning is to the north and east of the property. There are also Community Facilities and Industrial zoning districts surrounding the property. Mr. Marion explained that the City also drove through the park, and found vacancies where new manufactured homes could be placed. We know there is a market need for apartment housing in the City of Wooster.

Mr. Armbruster closed the public hearing.

Sheree Brownson made a motion for the recommendation of application PC-22-23 as presented to the City Council. Grant Mason seconded the motion. The motion carried unanimously, 7-0.

PC-22-26.

Scott Morgan requested approval for a Preliminary Development Plan for the construction of 320 apartments, clubhouse, and parking on West Milltown Road with permanent parcel numbers 53-01518.000 and 53-01312.000 in an R-4 (Multi-Family Residential) zoning district.

The applicant tabled the application.

PC-22-27.

J. Drushal requested approval of a Preliminary Development Plan for the construction of six attached single-family dwellings for a total of 12 dwelling units, renovation of an existing structure, and parking at 1007 Rebecca Street, parcel 65-01492.000 in an R-T (Traditional Residential) zoning district.

Debra Catlett, Executive Director of Wayne Metropolitan Housing Authority, 345 North Market Street, stated that the twelve units of permanent supportive housing were designed to help a person change their identity. Ms. Catlett explained that the campus setting provides wraparound services with direct services from One Eighty. Ms. Catlett continues that the facility will provide services from the Getting Ahead Program from Community Action, the Forward Programs from Goodwill, and ANAZAO will provide prevention and intervention for a modern continuum of care. Ms. Catlett stated that residents would learn to take care of themselves and find employment to move out and live independently through the program.

Doug Drushal, 225 North Market Street, stated that Wayne Metropolitan Housing purchased the property and the proposal of twelve dwelling units by constructing six attached single-family structures with renovations to the existing building for offices. Mr. Drushal explained that the plans consist of parking and green space.

Mr. Marion noted that three variances were pending for the application at the Board of Building and Zoning Appeals. Two use variances and one for the parking setback variance. Mr. Marion stated that my recommendation is based upon the existing structure as it sits off of Rebecca Street and the vacant land to the south which has been combined into one single lot. Mr. Marion explained that the City recognizes the need to address an underserved population within the community along with the wraparound services being proposed.

Mike Steiner made a motion to approve application PC-22-27 with the following conditions:

1. Parking and drive dimensions detail.
2. Elevations
3. Dumpster enclosure detail and setback from the property line.
4. Lighting Plan.
5. Complete the landscaping plan.
6. Sign details.
7. Approval of two use variances (Multi-family and Personal Service) and one area variance (parking setback).
Additional comments include the following conditions,
8. Site development must comply with all provisions of the City's Site Development and Improvement Manual for Storm Water management, current edition.
9. Developer must use the current City of Wooster Engineering Standards.
10. Developer to obtain all necessary Engineering Permits and Stormwater guarantees
11. Please ensure the property meets fire department ladder truck dimension requirements and fire lane requirements.

Kyle Adams seconded the motion. The motion carried unanimously, 7-0.

IV. ADJOURNMENT

Shawn Starlin made a motion to adjourn. Mark Weaver seconded the motion. The motion passed unanimously, 7-0.

Chuck Armbruster, Chairman

Carla Jessie, Administrative Assistant