

Zoning Commission

Zoning Application #ZON-19-07

January 15, 2020

LEGAL NOTICE

Notice is hereby given that the Orange Township Zoning Commission will hold a public hearing on Wednesday, January 15, 2020 at 7:00 p.m. to consider the following application:

Zoning Application #ZON-19-07, Nova Lands, LLC. Requesting to rezone three (3) parcels totaling 6.34 +/- acres from a Planned Commercial and Office (PCD) District and Neighborhood Commercial (C-2) District to a Planned Commercial and Office (PCD) District. The area being amended is located at 6605, 6601 and _____ Columbus Pike having parcel numbers 318-220-04-024-000, 318-220-04-023-000, 318-220-04-020-000.

After the conclusion of the hearing, the matter will be submitted to the Orange Township Board of Township Trustees for its action.

The hearing will be held at the Orange Township Hall, 1680 East Orange Road, Lewis Center, Ohio 43035.

The text and maps of the proposed amendments will be available for examination for a period of at least 10 days prior to the hearing at the Orange Township Zoning Office, 1680 East Orange Road, Lewis Center, Ohio 43035. Zoning Office hours are Monday through Friday, 8 a.m. to 4:30 p.m., except legal holidays.

Michele Boni, Planning and Zoning Director is the person responsible for giving notice of the hearing by publication.

*Mark Duell, Chairperson
Michele Boni, Orange Township Zoning*

Publish one time on or before Sunday, January 5, 2019 in the Delaware Gazette.

Roll: Mark Duell, Adam Pychewicz, Dennis McNulty, Barrett Ault, Dustin Doherty

Township Officials Present: Michael McCarthy Legal Counsel
Michele Boni Planning and Zoning Director

Mr. Duell: We are here for a new application, ZON-19-07, Nova Lands, LLC.

Ms. Boni read the Legal Notice for Zoning.

APPLICANT PRESENTATION/COMMISSION QUESTIONS & COMMENTS

The owner’s representatives are myself, Andrew Wecker, and Tony Eyerman, and the applicant is not here tonight.

Mr. Duell: The application is not in a condition to be reviewed, and I strongly recommend that we just table this and come back with a new submittal that is proper. I don’t want to be in a position of filling in blanks that should have been filled in by the applicant, and we don’t really want to entertain a discussion; it’s hard to have prepared for this one as to everything that was there. The list would just be too long. It’s not the way we want to do things.

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47 Mr. Wecker: This buyer acquired this property this past fall; I was not buyer's counsel, although my firm
48 has worked with the former owner for some time and for what he wanted for outdoor display, especially
49 with the PCD that's in place for 6605 right now, he could proceed with a good deal of what he'd like to
50 do but the more he thought about what this means to his business, his business is in Holmes County
51 which is where he makes a lot of what is sold here, this is going to be a prime location for JBM
52 Structures, especially with the PCD Zoning that's in the middle parcel, even if he could get started, and I
53 think he plans to get started because the spring season is an important part of this business, but he wanted
54 to do things right, and I wanted to at least start the process for him but I do understand what you're
55 saying, and I respect that. Time-wise, I think my client would like to do as much as he could under the
56 existing PCD Zoning; I think he's got a decent amount of latitude but in the long term would like to get
57 this zoning up to snuff in 2020.

58
59 Mr. Duell: It can certainly happen in 2020; it's just not going to happen with this. This is basically a non-
60 starter. You're on board with Mr. Eyerman and he knows what he's doing with our Code, so I would
61 strongly recommend to go back, get it to where it needs to be, and come back to us fresh with a proposal
62 because I don't know what we're even looking at here as far as any rules, regulations, standards. There's
63 nothing, and like I said, I really don't want to be in a position of filling in a sizeable number of blanks.

64
65 Tony Eyerman, would the Commission want to adjourn at this point and would we be able to take 10 or
66 15 minutes and share....

67
68 Mr. Duell: I'm okay with taking 10 or 15 minutes but I wouldn't go too far. We're here if you want to
69 give everyone a brief overview of what's going on, what he's proposing, but I wouldn't get into the
70 details too much because we haven't had a chance to prepare for it or comment on it. I would say take
71 nothing as binding from anything.

72
73 Mr. Wecker: Completely understood. I think a sort of direction would be helpful. I know one thing that
74 would be good to finalize is a drainage plan. I know it's not binding but maybe get a sense that existing
75 parking area right now is gravel. The Regional Planning Commission felt that the drive should be paved
76 but there might be some latitude on the parking area since it's not a high traffic area. ODOT has already
77 given us a letter that it's not going to require a traffic study. What you see there is what we would expect
78 to have as part of the business, to vary the layout of the merchandise so that is what it would look like at
79 any one point in time, but that's not necessarily fixed throughout the year, throughout the season, and
80 what we're looking at more is what sort of fencing along Route 23, signage, my client is working on the
81 electrical plan and we have referred him to the Zoning Code for that, and then in addition to fencing along
82 Route 23, the fencing for there's an outdoor display area, an outdoor storage area in the back; it seems
83 like that would be a big improvement to the property.

84
85 Mr. Duell: I know there's also a section in there about lighting; that's another one you've got to pay close
86 attention to the Code.

87
88 Mr. Wecker: I don't get the impression that he's looking for much in the way of lighting.

89
90 Mr. Duell: You have one section that just says they'll have adequate lighting; what's that.

91
92 Mr. McCarthy: Mr. Wecker, you might want to make sure your client is aware that if he elects to proceed
93 with any part of this under the existing zoning, it will be at his risk as far as where this thing ultimately
94 ends up.

95
96 Mr. Wecker: Understood.

97

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98 Mr. Duell: You talked about the gravel parking lot. It's not something the Township has entertained. It
99 appears from some of the original zoning back in 1992, the parking lot was supposed to be paved but I'm
100 not sure what happened.

101
102 Mr. McCarthy: I don't think you've ever gotten gravel, Tony.

103
104 Mr. Wecker: Tony and I have discussed this more than once and I wanted to ask but I wasn't under any
105 impression that you'd wrap your arms around it.

106
107 Mr. McCarthy: As far back as I can remember, they did not want gravel in PC or for that matter,
108 Industrial. There are a few exceptions for the single family in certain areas but that again lies with this
109 Commission, but the notes from 1992, and Michele has the plan, even then in the minutes it says that
110 they're going to be paved, so how they came to be in their current state, I have no idea or if the paving
111 expanded maybe informally, we certainly would have seen that happen as well. Either way, I just wanted
112 to make the point that if he elects to proceed, he's elected to proceed.

113
114 Mr. Eyerman: We'll work with Mr. Miller who is the applicant on this, we'll do our best to define the
115 outdoor display areas. I think everything that will be sold on site will be outside for display, it's outdoor
116 furniture, play equipment, arbors, shelters and sheds. The intent was to enhance the entire site and not
117 only the Route 23 exposure but also the area that backs into our neighbors on the east side. This has really
118 been quite an eyesore. Every once in a while someone will put a little money in it or stack the blocks in a
119 different way and it looks good for a week or two, and then it starts to look bad again, so our intentions
120 are not only to create something that's long lasting, it's appealing, it complements the neighbors on the
121 east, we've met with the neighbor on the south, Ohio Mulch, and we're working with them as well.
122 We've also had discussions with Mrs. Dempsey-Hook and Mr. Hook, the neighbors on the north side, as
123 well, not only in what we're doing but also as how we can help them improve that whole corner because
124 the Township as a whole has several cross roads that are significant, starting around Powell Road and that
125 intersection, that's pretty much going to be what it is. Home Road, with the approval of both sides on 23,
126 is pretty well locked in and this is one of the last main cross roads of the Township, and we want this to
127 look sharp. That's what we're trying to do, and we've made that very clear to Mr. Miller, so we'll work
128 hard to make sure all the different exposures and everything are an asset to the Township and still meet all
129 the Codes, setbacks, etc. We'll pull all the lighting plans and engineering feasibility studies if you'll allow
130 us the time, and we'll have a more comprehensive submission.

131
132 Ms. Boni: I would just refer to the rezoning application, the checklist, make sure you cross all those.

133
134 Mr. Duell: It's in and we'll certainly hear it when it's ready but it's not ready right now. We're not going
135 to vote it down and send him home, we'll give you the opportunity to fully present it at some point but
136 it's just not ready right now.

137
138 Mr. Eyerman: We request a tabling for this evening with the Zoning Commission's approval, and that
139 will allow us the time to meet with the neighbors and get more information from them, but also to finish.
140 We've done a fair amount of the engineering feasibility study but we've got to go through and address
141 some text issues.

142
143 Mr. Duell: I know the Township is not normally in favor of outside displays but that is generally what is
144 there now, so I think we can entertain it here, but like you said, you've got some work to do.

145
146 Ms. Ault: Recreation Outlets in Powell, you can go in and play on all of the swing sets. Is this one of the
147 intentions for the use of it as well or is it just for retail?

148

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149 Mr. Wecker: Retail. Certainly if you brought your kids there and they want to try it out, I don't think he's
150 going to have staff chase them off of it, but if you want to schedule a play date with your kids and you
151 don't have any intention of buying it, I don't think that's going to happen.

152

153 Ms. Ault: And that's the difference with Recreation Outlets; you can pay \$7 and take your kids and they
154 can spend all day there. So I was wondering if it was going to be that sort of business as well or if it's just
155 an outdoor showroom.

156

157 Mr. Wecker: An outdoor showroom.

158

PUBLIC COMMENT

159

160 Rick Wilson, 6445 Dubois Road, I have a question about the lighting; we're not going to be living like in
161 the Wal-Mart parking lot or anything, are we?

162

163 Mr. Duell: No.

164

165 Mr. Pychewicz: Do you mean as far as light pollution?

166

167 Mr. Wilson: Yes.

168

169 Mr. Pychewicz: It sounds like you guys don't really have any lights, at least that's what I gather from that.

170

171 Mr. Wecker: He's not planning on many lights for after hours.

172

173 Mr. Eyerman: Probably just for security.

174

175 Mr. Duell: But again, this is one of the reasons we really can't hear this thing tonight, there's not really a
176 light plan. You have questions like that, but there's nothing there. It's really not ready yet, so if you've
177 got concerns, I might even say take it up with them after the meeting because you'll get further.

178

179 Mr. Eyerman: I have business cards too.

180

181 Beverly Wilson, 6445 Dubois Road, Lewis Center, my concerns are safety and light filtering in with any
182 of those properties. Those properties remind me of properties on the east side of 23 down at Orange Road.
183 There's not a single one of those properties, Aldi, GFS, etc., that has access to 23. Why? Because it's
184 dangerous. I have watched so many near accidents on 23 going south because a truck and trailer has
185 stopped to go into Ohio Mulch. When the truck pulls in to wait for a spot to safely cross, the trailer is
186 sticking out on 23. 23 is 75 mph in Michigan and it's limited access. Those people coming down here
187 don't realize the danger to them and I'm very concerned that I'm going to go buy my kid a swing set, see
188 you later honey, and he comes home dead. And I know you're the Zoning Commission, so can you tell
189 me where I need to go with my concerns because this is not right. I drive down that road all the time and
190 how do I know that in front of the car in front of me, there's not a trailer stuck in the roadway and then
191 they peel off, and there I am.

192

193 Mr. McCarthy: 23 is under ODOT's purview, so if you have concerns of that sort, you would probably
194 raise it with District 6 in Delaware, and they're in the phone book.

195

196 Ms. Wilson: But as the Zoning Commission, don't you have a responsibility before you rezone
197 something? So it was spas; those things are huge and you're probably going to have it delivered, but then
198 I've got that question as well. How about incoming and outgoing deliveries; how are they going to be able
199

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200 to access the property safely with large trucks? At least a truck does rise a little higher so you can
201 probably see it in front of the car in front of you. but the question is access to those properties whereas
202 table and chairs sets; you're probably going to want to take that home with you as opposed to a spa you're
203 going to have delivered and installed, so I would say this is going to bring a lot more traffic to that area
204 that we're not prepared to handle.

205
206 Mr. McCarthy: Mr. Eyerman, I know there are sometimes that ODOT and the County Engineer interact
207 on items such as this.

208
209 Mr. Eyerman: They do and probably the simplest answer I have at this point is that it's grandfathered in,
210 and somewhere along the line there was a need or desire so there's another access off Lewis Center Road
211 through an easement through the Dempsey-Hook property, and I suspect, not knowing the history of the
212 site, that was needed for a secondary access probably for the trucks. As Ms. Wilson said, there are
213 vehicles going into Ohio Mulch too, but from a legal standpoint, it's the only legal access, and there is an
214 easement, but it's the primary access to that site, so we'll do whatever we can, we'll work with ODOT to
215 make it as safe as we can, but that's the best answer I have right now.

216
217 Ms. Wilson: The road you're talking about, is that the road behind the property between the houses?
218

219 Mr. Eyerman: Yes, that comes off Lewis Center.
220

221 Ms. Wilson: And when it comes out to Lewis Center Road....
222

223 Ms. Ault: It would be a right turn only, I'm sure because it's so close to the intersection.
224

225 Ms. Wilson: Yes, because everyone always obeys the law and does not turn left.
226

227 Ms. Boni: Is it proposed as a right turn only? I was just curious.
228

229 Mr. Eyerman: I don't know.
230

231 Ms. Ault: I was just kind of making a blanket statement.
232

233 Mr. Eyerman: We have been working with the owners to the north. If we're able to make any headway
234 there, we will, but they are separate owners and we have very little legal persuasion on what they can do
235 with their property, but we are having conversations with them to see how we can help.
236

237 Mr. McCarthy: And that would be under the County Engineer's purview.
238

239 Mr. Eyerman: Yes, Lewis Center Road.
240

241 Mr. McCarthy: You might also want to contact the County Engineer's Office.
242

243 Ms. Wilson: ODOT and County Engineer's Office; hopefully we can get somewhere and no one gets hurt
244 because you're not even safe in the right lane because that person that does see it, may pull over right in
245 front of you. There's no safety for anyone right there. We live right there, we hear all the crashes and
246 ambulances constantly.
247

248 Mr. Duell: How long do you think it might take you? There's really nothing you're going to get from us,
249 so it's whenever you can have it ready.
250

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251 Mr. Eyerman: Does the Commission prefer Tuesdays?
252

253 Mr. Duell: We can do other days if we have to, but Tuesdays are already in the published calendar, so
254 everyone keeps them pretty much clear, so those are almost always good days as long as there's not
255 another application being heard.
256

257 Mr. Wecker: So the 11th and 18th of February?
258

259 Ms. Boni: We have something on the 11th already.
260

261 Mr. McCarthy: And the submittal needs to occur a week before.
262

263 Mr. Eyerman: If the 25th is available, we'd have to have things in a week ahead of time.
264

265 Ms. Boni: It is right now.
266

267 Mr. Duell: So if you can have it in by the 18th, we can do it on the 25th.
268

269 Mr. Wecker: Let's plan for the 25th and we'll have you something in ahead of that.
270

271 Ms. Boni: And if it is far enough in advance, Tony and Andy, we can meet before and go over some
272 things.
273

MOTION TO TABLE ZONING APPLICATION #ZON-19-07

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275
276 Mr. Pychewicz made a motion to table Zoning Application #ZON-19-07, Nova Lands, LLC, until
277 Tuesday, February 25, 2020, at 7:00 p.m. at Orange Township Hall; seconded by Ms. Ault.
278

279 Vote on Motion: Mr. Duell-yes, Mr. Pychewicz-yes, Mr. McNulty-yes, Ms. Ault-yes, Mr. Doherty-yes
280 Motion carried
281

282 Meeting adjourned at 7:30 p.m.
283

284 Minutes prepared by Cindy Davis, Zoning Secretary
285

286 On March 3, 2020, Mr. Pychewicz made a motion to approve the January 15, 2020 minutes of the Orange
287 Township Zoning Commission for Zoning Application #ZON-19-07, Nova Lands, LLC, with the
288 following corrections:
289

- 290 • Line 243 – “an” should read “and”
- 291 • Line 288 – “Thursday” should read “Tuesday”
292

293 Seconded by Mr. Doherty
294

295 Vote on Motion: Mr. Duell-yes, Mr. Pychewicz-yes, Mr. Doherty-yes
296 Motion carried
297