

Zoning Commission

1 **Rezoning Application #ZON-18-04**

June 19, 2018

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3
4 **Rezoning Application #ZON-18-04, Toy Box of Columbus LLC**

5 Requesting to rezone 4.72 +/- acres from a Farm Residential (FR-1) District to a Planned
6 Commercial and Office (PC) District. The subject property is currently owned by Robert E
7 Broadley and Mary Lou Gott and is located at 388 East Orange Road, having permanent
8 parcel number 318-321-01-002-000.

9
10 Chairman Duell called the meeting to order at 7:30 p.m. for Rezoning Application #ZON-18-04, Toy Box
11 of Columbus, LLC

12
13 Roll: Mark Duell, Christine Trebellas, Katie Stenman-absent, Dennis McNulty, Barrett Ault

14
15 Township Officials Present: Michael McCarthy Legal Counsel
16 Michele Boni Planning and Zoning Director

17
18 Ms. Boni: Ms. Stenman did indicate that she would not be attending the meeting this evening.

19
20 **MOTION TO COME BACK FROM RECESS FOR APPLICATION #ZON-18-04**

21
22 Ms. Trebellas made a motion to return from recess for Rezoning Application #ZON-18-04, Toy Box of
23 Columbus, LLC; seconded by Mr. McNulty.

24
25 Vote on Motion: Mr. Duell-yes, Ms. Trebellas-yes, Mr. McNulty-yes, Ms. Ault-yes
26 Motion carried.

27
28 Mr. Duell: We are here to continue the first meeting for Toy Box. Last time we heard from the applicant,
29 public, the Commission; we did not get to the review from Mr. McCarthy, so that's where we will start.

30
31 **APPLICANT PRESENTATION/COMMISSION QUESTIONS & COMMENTS**

32
33 Mr. McCarthy: The owner's authority statement indicated authority to file, not authority to agree to
34 modifications to the original application, so get that added because comments and stipulations have to be
35 agreed to by the owner or their representative. Typically the Commission does not like to see the words
36 "proposed", "example" or "illustrative" and ask for those to be removed. We're defining a zoning district
37 and need rules, not just suggestions. Same with "should"; make that "shall". In the permitted uses
38 response to 14.03, retail trade is included as a permitted use and on the parking requirements, the 128 is
39 basically 1 for every 400 square feet that you included. If this were to go to a commercial use, each of
40 those 40 units would have 5 spaces plus 1 for each 400 square feet, so it make a big difference on parking.

41
42 Mr. Duell: With regard to that, we have a reference to retail activities as defined in the Neighborhood
43 Commercial C2 Section. Rather than a reference to Section C2, I'd rather have those listed, especially
44 given that Orange Township Zoning Code may be amended to remove that section or sections like it
45 because otherwise it's not clear as to what those permitted activities would be.

46
47 Jack Reynolds, attorney with Smith and Hale, 39 W. Broad Street, Columbus 43215: Actually it lists out
48 those uses instead of referencing the classification.

Zoning Commission

50 Mr. McCarthy: It also gives the Zoning Staff enforcement in one place to look rather than looking thru
51 the whole book. Outside of that, there was no concern regarding retail use? Hearing none. 14.03 h), this
52 is the language that's intended to include units that are not otherwise addressed in the Code; it is not
53 intended to be the backdoor to the application, so I suggest that language be deleted and changed to a not
54 permitted because you don't know what you're approving.

55
56 Mr. Duell: Unless there's something specific you want.

57
58 Mr. McCarthy: If there's something specific, just input it; if there's not, what's in there is in there, what's
59 not won't be.

60
61 Ms. Trebellas: And I think listing out the retail activities that are permitted.

62
63 Mr. McCarthy: What if the nature of retail was limited as being ancillary or incidental to an office use?

64
65 Mr. Duell: I'd rather see what they had in mind rather than making that a limitation up front because as
66 of right now, I don't know what they have in mind.

67
68 Mr. Reynolds: If we had some other idea, we'd list it there specifically?

69
70 Mr. Duell: Otherwise excluded.

71
72 Mr. McCarthy: In lieu of retail, specify the types.

73
74 Mr. Duell: We don't want any surprises; I don't think the neighbors are going to want any surprises.

75
76 Mr. McCarthy: In 14.05 a) and again on Page 5 in 14.06 b)2), the sub-sections of 14.03 are addressed
77 individually which has been the Commission's preference. The problem is that in 14.05 a) and 14.06
78 b)2), it says the only permitted uses are those in 14.03 a), so get it all in a) would be the solution if you're
79 going to reference a), otherwise there's a conflict between what's in the 14.06 section and the comment
80 that's repeated twice that I think it'd be best not be exported.

81
82 Mr. Reynolds: So I shouldn't say a) and i) in that section?

83
84 Mr. McCarthy: And as to h), just indicate that's not permitted just to clarify. Page 5, 14.06b)3), Exterior
85 Materials, this is just an observation, steel is included as an acceptable exterior material and this would be
86 the first application I can think of outside of Orangepointe. Is it acceptable for the building to feature steel
87 on the outside?

88
89 Mr. Duell: We've got stone, cultured stone, hardy plank, then steel. What's the plan for the exterior?

90
91 Ryan Mierau, 7630 Alta View, Columbus 43085, owner, it's metal siding, metal roof.

92
93 Mr. McCarthy: Historically, the Township, outside of very old applications, did not want steel siding on
94 commercial structures, so whether that still holds or not is up to the Commission. I'm just raising the
95 point because this is the first structure to have a predominantly metal sided façade or exterior.

96
97 Ms. Trebellas: I have no problem with the metal roof; I have to think about the metal siding and the can
98 of worms that would open up.

99
100 Mr. Duell: Are there any limitations we can put on it?

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101 Ms. Trebellas: Maybe limit the amount or percentage like we have in the past that a certain amount of
102 building materials has to be cultured stone or whatever.
103
104 Mr. McNulty: We don't want this to look like a storage building/warehouse.
105
106 Mr. Duell: You're talking about having stone and the metal siding?
107
108 Mr. Mierau: Right.
109
110 Mr. Duell: What are the percentages going to be?
111
112 Mr. Reynolds: Look at the pictures; predominantly the sides and doors...
113
114 Ms. Trebellas: And we discussed that as well.
115
116 Mr. Reynolds: We can't make the doors go away. There is a limited amount of area outside of the doors
117 and man doors, so it's not like there's that much metal on the side of the building itself.
118
119 Mr. Duell: Can those areas be cultured stone or stone?
120
121 Ms. Trebellas: Or EIFS or hardy plank?
122
123 Ms. Ault: What you're seeing from the road is metal siding with the metal roofing.
124
125 Mr. Duell: Investigate what you can do with the siding without exploding the cost; I understand there's a
126 cost involved.
127
128 Ms. Ault: This piece is what we would see from Orange. I'd rather see hardy plank and stone and then
129 obviously the sides are going to be more metal because of the garage doors.
130
131 Ms. Trebellas: I have no problem with the metal roof; we've done that in other areas before. It's metal
132 siding in a commercial area especially since Orange Road is one of the major routes people drive down.
133 I'm sure the neighbors would rather see something else besides what looks like a metal warehouse.
134
135 Ms. Boni: The development to the east is in a residential context, the Gold Fish Swim School.
136
137 Ms. Trebellas: Required residential type materials?
138
139 Ms. Boni: Yes.
140
141 Ms. Trebellas: So we're not going out on a limb here?
142
143 Ms. Boni: No.
144
145 Ms. Trebellas: And it is abutting residential, so see what you can do to limit the metal on the sides to a
146 certain percentage or just to a certain use to like garage bays or something like that.
147
148 Greg Repast: 7630 Alta View, Columbus, what percentage are you looking for on the side?
149
150 Ms. Ault: I'd like to see no metal, so hardy plank or stone on the front. And metal obviously on the sides
151 since there are garages and doors.

Zoning Commission

152 Ms. Trebellas: The roof and if you have awnings are fine to be metal; the stone base I like. I know it's
153 expensive, you can't do all stone, but if you could do hardy or EIFS, a little nicer but also works with
154 your budget.

155
156 Mr. Duell: And the back should be screened, trees, mound, just take a look at it.
157

158 Mr. McCarthy: As to the exhibits, for example the Munsell, if there is an exhibit reference, make
159 reference in terms of a regulatory requirement. Permitted colors should be permitted colors as per the
160 Munsell especially since you have that palette of metal siding colors right immediately before it, I don't
161 think it's clear that there are any limitations. Then "cooper" on Page 6 in 14.06 b)4), should be copper.
162

163 Mr. Reynolds: I called out "see Munsell color sheets in Exhibit G4". Do you want it more specific than
164 that?

165
166 Mr. McCarthy: Just say "or permitted colors". That's what I felt was missing, particularly with the
167 siding palette being right before it, I think it was unclear of what permitted colors are or are not. Then
168 make sure the siding colors that you propose to use are compatible with the Munsell.
169

170 Ms. Trebellas: Or your metal roof is compatible with the Munsell; we've had an issue with orange doors.
171

172 Mr. McCarthy: On Page 6, 14.06 b)4), it's one of the "shoulds" make that "shall" regarding conforming
173 to Code. Page 7, 14.06 b)6), indicates there will be a single curb cut. Has the Fire Department been
174 contacted about that? Typically they want 2 ways in and out even if it's just limited to emergency access.
175

176 David Denniston, Advanced Civil Design, 422 Beecher Road, Columbus, Ohio, we met with the Fire
177 Department and have a verbal OK on the plan. They won't give us the formal approval until we give
178 them the final plan.
179

180 Mr. McCarthy: And that included the single entrance?
181

182 Mr. Denniston: Single access and around the building.
183

184 Ms. Boni: You only received that verbally?
185

186 Mr. McCarthy: They have a letter that says they'll service the property but it is not an indication they
187 have preliminary approval. Page 8, 14.06 b)10), phasing, there's a divergence and I'm not clear what the
188 divergence was; it didn't seem to be a complete sentence.
189

190 Mr. Reynolds: The divergence is for .28 acres. If you take .28 acres and add it to 4.72, it's 5 acres total
191 lot size.
192

193 Ms. Trebellas: I thought the phase needs to be a minimum of 5 acres or the whole property, whichever is
194 smaller. If you're developing the property all at once, the smaller of the 5 acres would apply. If you're
195 asking for a divergence to develop in 2 phases, my understanding is you have to figure out the first phase
196 is going to have to be 2.5 acres and the second phase is going to have to be....
197

198 Mr. Duell: I don't think the numbers matter at that point; you just have a divergence for phases less than
199 5 acres.
200

201 Ms. Boni: I don't think you have to put the exact amount...
202

Zoning Commission

203 Mr. McCarthy: I wouldn't worry about the .28 but I also think you want a minimum it can't go below,
204 but maybe not so much this application given the nature they're putting all of it in but the other half of the
205 building. Other applications, though, if you don't put in a minimum phase size you could have some
206 problems. We'll strike that one.

207

208 Mr. Duell: I still think it needs to be corrected. I would just say the building to be built in 2 phases that's
209 less than 5 acres.

210

211 Mr. McCarthy: Next, and this was noted by Regional as well, the proposed rear setback from the adjacent
212 residential is at 84' as opposed to the 100' required by Section 21.10.

213

214 Ms. Trebellas: That's an issue for me.

215

216 Mr. Duell: We had a big discussion about that last time about whether it's at 84, 89 or something else.

217

218 Mr. Reynolds: We're going to work on that.

219

220 Mr. Duell: Those comments would still apply.

221

222 Mr. Reynolds: The problem is the Legal Description says one thing, the map provided says something
223 else, there's a 5' difference.

224

225 Mr. Duell: It still needs to be addressed. If the map doesn't meet the Legal Description, there's a
226 problem somewhere. Better to find that now than later.

227

228 Ms. Trebellas: For me it's the fact that the Code requires 100' from a residential neighborhood. They
229 need that buffer, so try to see how close you can get to that 100'. It's not as much of an issue for me on
230 the other side that is Farm Residential because that's going to be, according to our Comprehensive Plan,
231 commercial one day. But the residential is residential and it's not going anywhere.

232

233 Mr. McCarthy: The side setback is currently stated to be 16' from the right-of-way. However, there is an
234 expansion, I think its 60', to the right-of-way anticipated which is going to reduce its distance from the
235 right-of-way 1.2'. We've got the same situation with the parking setback which goes down to 14, 16' and
236 the building setback which goes to 40-something. How do you want to deal with the fact that there's
237 going to be a wider right-of-way, are you going to set these setbacks then have the right-of-way reduce
238 them? I contacted the County Engineer and talked to Tiffany Jenkins in their office. The plans are in
239 their office; they've been forwarded to the Maintenance and Parks Director for review after which they'll
240 go back. They are requesting the additional right-of-way but she did indicate that the roadway would not
241 be leaving the current right-of-way. Is that your understanding and that they're looking at the installation
242 of utilities in that strip that would have to be relocated for that improvement?

243

244 Mr. Denniston: That is essentially correct. The back of the curb is a good 6" to 1' inside the existing
245 right-of-way; there will be no pavement extending out from the existing right-of-way. The rest of it is
246 green space and I think they've got a ditch behind the curb and storm sewer that will be put in that area.

247

248 Mr. McCarthy: At this point and time, that is the plan; how do you want to deal with it? Other applica-
249 tions where there was going to be a pavement expansion, I think the Commission has always gone with
250 the new right-of-way.

251

252 Mr. Duell: If there's not going to be a pavement expansion, set it for what is.

253

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254 Mr. McCarthy: Is it an issue if it's not, that will get scratched. That would apply for the sign setback,
255 parking setback and building setback, correct?

256

257 Mr. Duell: We had some discussion on the sign last time. There was an exhibit indicated that it was clear
258 where it was going.

259

260 Mr. McCarthy: Page 14, 14.07 h), the setbacks. Since you're going to be asked to take out the word
261 proposed, just take out repose rather than fix it and delete it. 14.07 h), the statement that there will be a 6'
262 parking setback from the side and rear yard, does the Commission want to increase that in view of the fact
263 that there's going to be a 4' mound sitting on top of the 6' parking setback, and also ask the applicant,
264 given that the building is restricted to whatever is ultimately resolved there on the rear?

265

266 Mr. Duell: You have a 6' setback in the rear but the rear has a pond.

267

268 Mr. Reynolds: We're not utilizing the 6'; that's the minimum.

269

270 Mr. Duell: If you're not having any parking in the rear, just get rid of it.

271

272 Mr. McCarthy: Set a distance greater than 6'.

273

274 Mr. Duell: Or take it off.

275

276 Mr. McCarthy: I would not say don't have a rear setback. Let's assume they don't need a pond, now it's
277 going to be on the property line, so how close do you want the parking to the residential?

278

279 Ms. Trebellas: Why don't you give us what the current rear parking setback is, which is 84' from the
280 property line, to give room for your pond?

281

282 Mr. Reynolds: Is maneuvering part of the parking area?

283

284 Ms. Trebellas: No, that's the drive aisle.

285

286 Mr. Reynolds: Can I just go to 84 less the 28' drive aisle and say that is the parking setback?

287

288 Mr. McCarthy: If we do a drive aisle, we'll just measure off the line.

289

290 Mr. Duell: That's fine.

291

292 Mr. Reynolds: So there's no confusion, the drive aisle can be a parking area so no one is going to say you
293 can't park on the drive aisle.

294

295 Ms. Trebellas: The Fire Department will tell you can't park on the drive aisle because there's no way
296 they would be able to get around there.

297

298 Ms. Ault: You need to post some signs that say No Parking.

299

300 Ms. Trebellas: Not to mention the fact that if you are actually thinking about having people.....

301

302 Ms. Ault: With large vehicles coming thru, you're going to need that.

303

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304 Mr. Reynolds: There are a couple spaces that are closer than 84' in the back corner, so we'll just measure
305 it out.

306

307 Mr. McCarthy: Page 16, 14.07 p), there was no reply to the outdoor storage prohibition. If there's no
308 reply, the Code is going to apply there. Looking back at the access, does the Commission want a letter
309 from the Fire Department approving single access? The letter simply says they can service the property.

310

311 Mr. Duell: We have on record they have received verbal approval; written approval is not to be
312 forthcoming without a final plan.

313

314 Mr. Reynolds: We're not going to get a permit if they don't like it, so we'd have to come back and get an
315 amendment.

316

317 Mr. McCarthy: The trash dumpster, it's got a 4' mound; are the trees going on top of the mound?

318

319 Josh McKeever, Faris Planning & Design, 243 North Street, Columbus 443215, yes, deciduous trees will
320 flank the mound and then the mound will consist of evergreen trees.

321

322 Mr. Reynolds: And we're investigating the trees back there to see if we can't come to an accommodation
323 with the neighbors. We've listened to that and we're actively reviewing that.

324

325 Mr. McCarthy: But the result of the anticipated screening will be that it's going to be 6" taller than the
326 dumpster?

327

328 Mr. Reynolds: Yes.

329

330 Ms. Trebellas: If the dumpster stays.

331

332 Mr. McCarthy: I think you indicated the basin is dry?

333

334 Mr. Reynolds: Yes.

335

336 Mr. McCarthy: If you have a dry basin, is there any requirement for a concrete path or access aisle into
337 the pond?

338

339 Mr. Denniston: No. They require, if you have a certain slope in the bottom, that you put an underdrain in
340 there to keep it dry during low flow or after a rain that helps drain it out, so there's a flat panel underdrain
341 that will drain it out.

342

343 Mr. McCarthy: Does the Commission want to require a setback for the basin from the property line given
344 that it's a dry basin? Not so much. Are there any sidewalks along the building?

345

346 Mr. Reynolds: It's all asphalt until you get to the building.

347

348 Ms. Trebellas: There's nothing in the front of the building like where that overhang and windows are?

349

350 Mr. Mierau: There will be some concrete outside the building.

351

352 Ms. Trebellas: So it's a concrete pad?

353

354 Mr. Mierau: Right.

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355 Mr. McCarthy: It is indicated there will be 62 parking spaces, technically 2 fewer than one half of 128;
356 does anyone care?

357

358 Ms. Trebellas: I have no problem with the parking.

359

360 Mr. McCarthy: This was from Regional Planning, as to the cross-easements, put in the text that these will
361 be provided with Phase 1. Again, from Regional Planning, as to when the basin is installed, will it be
362 calculated to serve the site at its full development, notwithstanding that the building is not there yet?

363

364 Mr. Reynolds: It will be full bore; all infrastructure will go in with Phase 1.

365

366 Mr. McCarthy: Add that to the application. Assuming there would be an approval, what would you
367 anticipate would be the time before the house is removed?

368

369 Mr. Reynolds: As soon as possible.

370

371 Mr. McCarthy: Again from Regional Planning, at this point there is no separate lighting for the parking
372 area. There is the underneath lighting provided but it is their concern about providing exterior parking lot
373 lighting or should the applicant consider asking a divergence?

374

375 Ms. Ault: They're not planning on having any cars in the parking lot at night, so...

376

377 Ms. Trebellas: I would be concerned if there is parking lot lighting, the spill onto the surrounding
378 properties, because there's not a lot of space.

379

380 Mr. Duell: Is it your intention not to have any lighting in the parking lot?

381

382 Mr. Reynolds: No. He's comfortable with lighting on the building itself to provide adequate light.

383

384 Ms. Ault: The wall mounted?

385

386 Mr. Reynolds: Yes.

387

388 Mr. McCarthy: And those are just 100 watt bulbs. On the LED, the Township has been requesting the
389 color temperature of exterior LED lights be between 2700-3000 Kelvin. That is all I have;

390

391 Ms. Ault: Do these units have mailboxes?

392

393 Mr. Repast: No.

394

395 Ms. Trebellas: How does that work if you're a business there?

396

397 Mr. Repast: They use a PO Box at the post office right across the street.

398

399 Ms. Boni: There's not even one mailbox for the whole complex?

400

401 Mr. Repast: In our facility of 60 units, a total of 6 businesses requested mailboxes out at the street, so the
402 Post Master asked us to put them out on the street. That's what we did at our community; I don't know
403 what you guys would require.

404

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405 Ms. Trebellas: If I'm a business running out of this condo and I have FedEx, Amazon whatever coming
406 to visit....

407
408 Mr. Repast: They'll come to your door.
409

410 Ms. Trebellas: FedEx will come to your door; Amazon is postal service, right?

411
412 Ms. Ault: They'll leave it at the door but the Post Office won't, so you'll need a PO Box.
413

414 Mr. Duell: Can we investigate a cluster mailbox if required by the Post Office or check with the Post
415 Office to see what they require there?

416
417 Mr. McNulty: They've been requiring cluster mailboxes for all the new developments here.
418

419 Mr. McCarthy: And if they actually require it, put it on the plan.
420

421 Ms. Ault: I just don't want 40 mailboxes lined up along Orange Road all of a sudden.
422

423 Ms. Trebellas: Run it by the Post Office and let us know what they said. If you could get something in
424 writing, that would be great.

425
426 Ms. Ault: Are you still looking into an option if someone doesn't want a garage door, they wanted
427 windows put in?

428
429 Mr. Reynolds: Yes.
430

431 Ms. Ault: So if purchasing a window option is an option, we need to have that shown as well. Is it not an
432 issue that there aren't any handicap parking spaces at the back of the parking lot? Don't the spaces have
433 to be within a certain range of each unit to be ADA accessible?

434
435 Ms. Trebellas: They are supposed to be a certain distance from the entrance; here, every unit has it's own
436 entrance, so I'm not sure....
437

438 Mr. McNulty: You might not be required if you're calling these condos. It seems it wouldn't be required
439 unless you're calling this a commercial entity. What do you have in Toledo? You have some businesses
440 up there, right?

441
442 Mr. Repast: Yes, and we ran our requirement thru the handicap requirement and it was determined it was
443 as much a personal facility as much as a business facility.
444

445 Mr. McNulty: What kind of businesses are they?
446

447 Mr. Repast: We have a variety of businesses from an accountant who does more financial planning....
448

449 Mr. McNulty: So not the type of businesses where you typically have walk in traffic?
450

451
452 Mr. Repast: Very, very limited walk up traffic; it's not that type of facility.
453

454 Mr. McNulty: And that's what you anticipate this to be?
455

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456 Mr. Repast: Identical. You will be shocked at how little traffic this generates as far as vehicles go.
457 You're not even going to know it's back there unless you're directed back there.

458

459 Mr. Duell: If anyone from the community would like to bring up anything that was not brought up last
460 time.

461

PUBLIC COMMENT

462

463 Sharon Sever, 395 Summer Treeway, Lewis Center, the residents are concerned that if the concept is not
464 successful, the owners can only finish half, and these are "what if's", and is potentially forced to sell out,
465 what would happen to the property? What type of business would be allowed to go in and how would
466 you handle a situation like that?

467

468
469 Ms. Boni: If it's not in conformance with this zoning that would be approved, they would have to come
470 back and have to rezone, and go thru this whole process again and everyone would be notified again.

471

472 Ms. Sever: We have been working with the Toy Box folks, communicating back and forth so that they
473 understand our requests. We haven't heard back yet but I assume we eventually will.

474

475 Mr. Reynolds: You will.

476

477 Ms. Sever: It just feels like the concept is so big for this parcel based on things you have indicated here.

478

479 Ms. Boni: We're going to be asking for a revised submittal before the next hearing, so if you want to
480 contact me, I'll be glad to share that with you.

481

482 Mr. Reynolds: But we'll be talking to them before we file.

483

484 Mark Hensley, 8332 Copper Top. This is my first time at the meeting, so forgive me if I restate some
485 comments that may have been made previously. I have done what I can to learn this issue, and I just
486 wanted to come from the standpoint of the homeowners' point of view. I support our HOA and see the
487 diligence and detail you have exercised in trying to get a handle on this. I think the metal siding and roof
488 offends the sensibility of the materials present of the condos that are built there and it would offend
489 neighbors. I understand there being a business interest and not wanting to blow the budget, but you have
490 people here who have spent their life earnings in terms of having a home and they built their homes
491 specifically to look out their windows and see trees, watch birds and deer. To have an 84' difference
492 between the residential area, or 100, sounds good, but if you have to live with a dumpster and clanking at
493 2:00 in the morning or the traffic we already have obtained and live with many businesses around here,
494 it's not unreasonable to ask your consideration with regard to there being trees, far more than what has
495 been proposed. I'm not exactly flush to the proposed building; I live in a community but I care in terms
496 of my neighbors. I appreciate the fact they have worked hard to get to where they are and doing what
497 they're doing, so I think the proposed building as it stands and to the degree it's agreed to that it's up to
498 spec based on the homes in The Ravines, and I don't think it's complimentary in regards to being a good
499 neighbor from the standpoint of having to live with it. I think trees are very valuable and there can't be
500 enough of them. There are sacrifices that everyone has had to make; in fact, sacrifices are a big reason
501 why these men and women here today, now and thru the years made so they could be here. I don't think
502 it's too much to ask in terms of a sacrifice being made that this thing is right size, that there is an
503 abundance of trees, that the tranquility and peace people bought into is sustained and maintained. No one
504 that I know of wants to have any metal siding or any metal roof anywhere near; they don't even want to
505 see it, much less hear it. The pitter patter or rain on a metal roof, they don't want to hear that, so I'm
506 asking that you consider the home owners and their investment. While this is certainly an opportunity

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507 and we want to be reasonable, and I think we have been reasonable, these people just want to have some
508 peace, quiet and serenity, and they don't want a whole bunch of racket in building. From my standpoint,
509 we've heard a lot of racket in building, and you're talking about 2 phases, and that's a lot of racket in
510 building. These things have to be done, and we recognize that, but look at it from the standpoint from
511 people who have made a sacrifice that are here and they're not going to move because they left it on the
512 field. We're being asked to accept something below standard as far as aesthetics. We want trees, not that
513 building and that mound. I'm just asking that you think about what it looks like and how close it is.
514 There shouldn't be any argument in my opinion that 84' or 100' from a residential area doesn't make
515 sense. Maybe it makes business sense, but you're asking us to live with that. I ask the Board to consider
516 those things. I think the great American home and dream that we have worked on deserves the consider-
517 ation of having a treed area and if something has to be done, it's up to spec.

518
519 Ms. Ault: I heard something about paying a lot premium for the homes that probably back up to those
520 woods and unfortunately, the developers should not be advertising a lot premium for trees that are on
521 someone else's property. I'm not saying I'm for or against it either way, but in a broader picture from a
522 real estate standpoint, this current lot is residential, someone could purchase the lot, move in, tear down
523 all the trees and build a huge house that meets the standards but you don't like either, so either way,
524 you're going to lose some aspects of the trees and the tree line. And I appreciate the trees 100%, I live
525 around here because of it, so I understand where you're coming from, but it is unfortunate that if you did
526 pay a \$10,000 lot premium for a tree line that you have no control over and I know that that may be
527 disappointed in the aspect of the home that you purchased, and I'm sorry for that from a real estate
528 standpoint, but that's just some considerations as well as we're making our decisions and thinking on how
529 this lot is going to be used, whether it's us or he decides I'm going to keep the lot and build a house on it,
530 put in a pool and tear out all the trees, and he has the right to do that. Just a broad sense of the whole
531 thing that is also the truth of the matter.

532
533 Mr. Hensley: Trust me, we've discussed that. What I'm appealing for is to do the right thing in decency;
534 just because one can do something, doesn't mean they ought to on both sides of the bridge. We
535 understand, at least I speak for myself, the practicality of what you're saying but I'm also saying to all of
536 you is that there is such a thing as decency. If you've been lied to and someone in real estate tells you
537 you're paying a lot premium, there should be some decency from the standpoint of people being taken
538 advantage of if that's the case, I'm not saying that's what they did, but there should be taken into
539 consideration because the hope and aspiration is for the homeowner, wherever they're located, to be able
540 to see the trees and to be a part of that. So I'm trying to appeal that you have trees, you like trees, and you
541 appreciate it and so do we, and so to the extent where something can be done reasonable instead of
542 hacking them all down and there being nothing whatsoever. Please consider that.

543
544 Candy Somorsky, 8144 Scenic Pass Way, Lewis Center, I think this is a question for the Zoning Board.
545 Do you have any control about what goes into any of these units? My concern would be something like
546 someone's going to sell comic books but that's a ruse so marijuana, drugs, someone's going to set up a
547 therapeutic massage thing but it's not really a therapeutic massage thing. I know you're going to have a
548 Board of Directors closely monitor that but how closely can you monitor if you're not right there? We
549 have a Board of Directors; we all live in the neighborhood so someone can go to the Board and say I think
550 Joe Smith is in violation. You say it's going to be from dawn to dusk and you mentioned man cave.
551 Wonder if somebody wants to have a Super Bowl party at their man cave and invite all their friends, and
552 the football game starts at 9:00? That's in violation. How are you going to enforce it and can the Zoning
553 Board have a say in some of the stuff that goes in there or do we have to monitor it ourselves and call the
554 police if we see something weird?

555

Zoning Commission

556 Ms. Boni: For the permitted uses, we are asking them to provide much more detail than we usually do;
557 we're all concerned with uses here. If you see illegal use, you can contact our Zoning Department and
558 we'll forward it on to the Sheriff's Office. We work with them on a lot of cases.

559
560 Ms. Somorsky: But it's really hard to know.

561
562 Ms. Boni: We do enforce our Zoning Code and have been really diligent about that recently, and if we do
563 get a complaint, we'll do our best to correct that.

564
565 Ms. Somorsky: So if we as a neighborhood see a bunch of activity going on at night, do we call the
566 police?

567
568 Ms. Boni: I would.

569
570 Mr. Repast: Much like you guys are all vested in your neighborhood, in Toledo, every one of us,
571 including me as the developer, are vested in our units, and we patrol our units as closely as I bet you
572 patrol your neighborhood. There is no monkey business that goes on.

573
574 Ms. Somorsky: You have to trust that your Board of Directors will do the same thing you do.

575
576 Mr. Repast: When you're paying what you're paying for these units, just like when you're paying what
577 you're paying for your homes, you're not about to sit back and be idle if there's some type of monkey
578 business going on. We patrol better than you'll ever know because we don't want that riff raff in there.

579
580 Ms. Somorsky: You may not know if someone walks in there with a stack of comic books, what else
581 might be in that stack.

582
583 Mr. Repast: You could have a child molester living in one of your units and you wouldn't know it;
584 what's the difference? The people in our complex look out for everyone else. If there's a car in that
585 parking lot that doesn't belong to one of our condo owners, they are immediately knocking on the door. I
586 get phone calls all the time. I live about 2 miles from the project just like Ryan lives about 3 miles away.

587
588 Ms. Somowski: But potentially, you can have somebody live.....

589
590 Mr. Duell: You're kind of going off on to hypotheticals here. They have restrictions as a Condo
591 Association just like your Condo Association, so that is what our expectation is.

592
593 Sally Farrell, 492 Whistling Way Drive. Last Wednesday morning I was looking out my window when
594 this car pulled in and there was a gentleman taking pictures of the color of the paint of our homes; they
595 wanted to see the color of our siding, the color of our roofs, the stone frontage that's on each of our
596 condos, to see if they could compliment what they're going to do to their units. I don't want to take sides,
597 I know there's a lot of tax money at question here, but I think there are a few people who feel that we've
598 resigned that we live in an industrial type of area. I look out my window and see a 200' Del-Co Water
599 tower, power lines, condos, Aldi's. These folks to me have shown that they're willing to compromise and
600 make this as painless for us as possible, and I commend them and I also commend our Board that are
601 representing both sides, and I hope you take all that into account and I think everybody's trying their best
602 and you have a hard decision to make. Thank you for letting us voice our opinions.

603
604 Mr. Duell: We're not going to do a stipulations meeting; we're just going to review them and then send
605 them to you.

606

Zoning Commission

607 Ms. Trebellas: Stipulations are basically all the points that the Commission noted that needed to be
608 addressed that the applicant needs to incorporate or try to accommodate as best as possible in their next
609 submission.

610
611 Ms. Sever: What is the next step from that point in time?
612

613 Ms. Boni: Once they receive the stipulations, the applicant will provide a revised submittal, and we ask
614 for that at least a week in advance of the next hearing, so that will give everyone time to look at it,
615 including you all, and the Commission.

616
617 Ms. Somowski: So you don't have another public hearing?
618

619 Mr. Duell: Yes we do, we're not done yet.
620

MOTION TO RECESS APPLICATION #ZON-18-04

621
622
623 Mr. McNulty made a motion to recess Rezoning Application #ZON-18-04, Toy Box of Columbus, LLC,
624 until Tuesday, July 17, 2018 at 7:00 p.m. at the Orange Township Hall; seconded by Ms. Trebellas.

625
626 Vote on Motion: Mr. Duell-yes, Ms. Trebellas-yes, Mr. McNulty-yes, Ms. Ault-yes
627 Motion carried
628

629 Meeting adjourned at 8:45 p.m.

630 Minutes prepared by Cindy Davis, Zoning Secretary
631

632 At their September 4, 2018 meeting, Ms. Trebellas made a motion to approve the meeting minutes of the
633 Orange Township Zoning Commission dated June 19, 2018 for Rezoning Application #ZON-18-04, Toy
634 Box of Columbus, LLC, with the following corrections:

- 635
- 636 • On Line 119 – comment made by Mr. Duell should read: Can those areas be cultured stone or
637 stone?
 - 638 • Correct spelling throughout the minutes – “efface” should be “EIFS”
639

640 Seconded by Ms. Ault
641

642 Vote on Motion: Mr. Duell-yes, Ms. Trebellas-yes, Mr. McNulty-yes, Ms. Ault-yes
643 Motion carried
644