

Zoning Commission

Rezoning Application #ZON-18-04

September 4, 2018

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

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

Chairman Duell called the meeting to order at 7:00 p.m. for Rezoning Application #ZON-18-04, Toy Box of Columbus, LLC

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

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

Ms. Boni: Ms. Stenman indicated she was not able to attend.

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

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

Vote on Motion: Mr. Duell-yes, Ms. Trebellas-yes, Mr. McNulty-yes, Ms. Ault-yes

Mr. Duell: Where we left this off last time was we were just about ready to vote. There was one open issue though which was an agreement between the applicant and the neighboring Condo Owners' Association regarding the maintenance of the tree line that is the buffer between the two properties that was going to be handled privately between the parties. There is an indication that the parties have resolved that to the satisfaction of both of you; is that correct?

APPLICANT PRESENTATION/COMMISSION QUESTIONS & COMMENTS

Jack Reynolds, 37 W. Broad Street, Columbus, Ohio 43215, attorney with Smith and Hale representing Toy Box, and we have representatives from the Condo Association here and we do have a signed agreement where we have addressed all of the issues to both parties' mutual acceptance.

Erin Myers, 180 Whistling Way Drive, Lewis Center, I am not the President of the Board but the secretary; our President is out right now, but she met with Ryan and came up with one very nice agreement between both communities.

Mr. Duell: Were there any other comments from members of the public about the project?

PUBLIC COMMENT

None

Mr. Duell: We have a motion with a number of stipulations in it. Have you had a chance to review it?

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51 Mr. Reynolds: Yes.

52

53 Mr. Duell: And all of those stipulations are ok with the applicant?

54

55 Mr. Reynolds: We will work thru them and get them prepared as part of the document that goes to the
56 Trustees.

57

58 Mr. McCarthy: Jack, just for the record, they are acceptable to the applicant?

59

60 Mr. Reynolds: Yes. The only question I had is in #1 where it says additionally the notice should
61 authorize a zoning change to a can we just say to PCD? Unless we were allowed to simply aerate the
62 letter “a” into the documents, we would have to go back to the owners....

63

64 Mr. McCarthy: Yes, you could just do that rather than say a PCD. There’s reasons as you know for that.

65

66 Mr. Reynolds: And we’ll make sure they understand what we’re doing to their....

67

68 Mr. McCarthy: Yes, with authority I would suggest that’s a better course and we can ratify that with the
69 Trustees.

70

71 Mr. Reynolds: And we do agree with all the stipulations.

72

73 Mr. Duell: Any other comments from the Zoning Commission?

74

75 Mr. McCarthy: I just want to make sure everyone is on board and the stipulations are complete and
76 accurate in the motion.

77

78 Mr. Duell: We did have them to review today, so they are fine with me.

79

80 **CONDITIONAL RECOMMENDATION OF APPROVAL OF ZONING APPLICATION #ZON-**
81 **18-04 OF TOY BOX OF COLUMBUS, LLC, WITH STIPULATIONS.**

82

83 Motion by Mr.Nulty to conditionally recommend to the Board of Township Trustees the
84 APPROVAL of Zoning Application #ZON-18-04 of Toy Box of Columbus, LLC, filed with the consent
85 of Robert E. Broadley and Mary Lou Gott, the property owners, and requesting the rezoning of 4.72 +/-
86 acres from Farm Residential (FR-1) District to a Planned Commercial and Office District (PC), the
87 version of the application to be approved consisting of those materials submitted by the applicant in a
88 hard copy binder titled *Toy Box of Columbus, LLC Flex Space Condos*, the pages of which are stamped
89 RECEIVED with ORANGE TWP. ZONING above and AUG 07 2018 superimposed over RECEIVED
90 by Orange Township Zoning (“Development Plan”), all as modified by the following Stipulations, each
91 of which has been agreed to by the applicant, both for itself and on behalf of the property owners:

92

93 1. Submit to the Zoning Office an authorization by the owners granting authority to Toy Box of
94 Columbus, LLC and its named representative(s) to file this rezoning application and agree, on behalf
95 of the owners, to changes made following the filing.

96

97 Additionally, the notices should authorize a zoning change to a PCD.

98

99 2. On page 3 of the Development Plan Text, modify the reply to Section 14.03 j) to read as follows:

100

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101 **Permitted under this zoning district in accordance with the above provisions.**
102

- 103 3. On page 5 of the Development Plan Text, in the reply to Section 14.06 b) 3), and on Exhibit G-1,
104 state / label the permitted exterior materials (i.e., fiber cement siding, etc.). Except as hereafter
105 provided, include no metals or alloys thereof. Correctly label all plans and exhibits submitted since
106 the date of the Development Plan.
107

108 Additionally, indicate whether the architectural embellishments to the building are real or sham,
109 especially on the back (south) elevation where currently blacked out and, if sham, indicate the detail
110 of the window treatment.
111

112 Finally, limit the permitted colors for roofs. Avoid high chroma colors.
113

114 The following may be provided as part of the reply:
115

116 Vinyl and/or aluminum are not permitted as siding materials. Aluminum and/or vinyl shall be
117 permitted only for trim details such as soffits, gutters, downspouts, shutters, overhead garage
118 doors, etc.
119

- 120 4. On page 6 of the Development Plan Text, in the fourth bullet point of the reply to Section 14.06 b) 3),
121 correct the reply to reference the Munsell Color sheets as Exhibit G-3.
122
- 123 5. On page 6 of the Development Plan Text, in the fifth bullet point of the reply to Section 14.06 b) 3),
124 add the following:
125

126 **No outside refuse areas shall be permitted.**
127

- 128 6. In the reply to Section 14.06 b) 4) on page 6 of the Development Plan Text, correct the reply to delete
129 the third sentence of the first bullet point (referencing white metal-halide lamps).
130
- 131 7. On page 16 of the Development Plan Text, in the first sentence of the sixth bullet point of the reply to
132 Section 14.07 k) change “preserve” to read “preserve and maintain”.
133
- 134 8. Add language to the Development Plan Text addressing the “proposed path” and “proposed sidewalk”
135 indicated on Exhibit C-1 and Exhibit E-1, respectively.
136
- 137 9. On Exhibit D-1, correct the indicated 55’ rear (south) parking setback to be 53’.
138
- 139 10. Substitute the corrected Exhibit D-2, including the monument sign details and specifications, into the
140 Development Plan.
141
- 142 11. Given the new legal description and survey, review all exhibits and, where conflict exists, conform
143 the exhibit to the bearings and distances of the new legal description and survey.
144

145 Further moved that the condition of this recommendation is that the applicant submit a final
146 revision of the Development Plan reflecting compliance with the above stated stipulations prior to the
147 consideration of this application by the Board of Township Trustees and if that submittal does not fully
148 comply with the same, the recommendation of the Zoning Commission is DENIAL of Zoning
149 Application #ZON-18-04 of Toy Box of Columbus, LLC.
150

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151 Seconded by: Ms. Ault.

152

153 Vote on Motion: Mr. Duell-yes, Ms. Trebellas-yes, Mr. McNulty-yes, Ms. Ault-yes.

154

APPROVAL OF MEETING MINUTES

156

157 Ms. Trebellas made a motion to approve the meeting minutes of the Orange Township Zoning
158 Commission dated February 28, 2018 for the Comprehensive Plan Update as written; seconded by Ms.
159 Ault

160

161 Vote on Motion: Mr. Duell-yes, Ms. Trebellas-yes, Mr. McNulty-yes, Ms. Ault-yes

162 Motion carried

163

164 Ms. Trebellas made a motion to approve the meeting minutes of the Orange Township Zoning
165 Commission dated June 19, 2018 for Rezoning Application #ZON-18-04, Toy Box of Columbus, LLC,
166 with the following corrections:

167

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

171

172 Seconded by Ms. Ault

173

174 Vote on Motion: Mr. Duell-yes, Ms. Trebellas-yes, Mr. McNulty-yes, Ms. Ault-yes

175 Motion carried

176

177 Ms. Trebellas made a motion to approve the meeting minutes of the Orange Township Zoning
178 Commission dated July 17, 2018 for Rezoning Application #ZON-18-04, Toy Box of Columbus, LLC, as
179 written; seconded by Ms. Ault

180

181 Vote on Motion: Mr. Duell-yes, Ms. Trebellas-yes, Mr. McNulty-yes, Ms. Ault-yes

182 Motion carried

183

184 Meeting adjourned at 8:25 p.m.

185 Minutes prepared by Cindy Davis, Zoning Secretary

186

187 On September 26, 2018, Ms. Trebellas made a motion to approve the September 4, 2018 minutes of the
188 Orange Township Zoning Commission for Rezoning Application #ZON-18-04, Toy Box of Columbus,
189 LLC, as written; seconded by Mr. McNulty.

190

191 Vote on Motion: Mr. Duell-yes, Ms. Trebellas-yes, Mr. Dove-abstain, Ms. Stenman-abstain, Mr.
192 McNulty-yes

193 Motion carried

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