

## Violet Township Board of Trustees

April 2, 2014

Public Hearing

Mr. Myers called the public hearing to order at 8:00 p.m.

**Case Number 02-ZC-2014: an application filed by Storage One/James Johnson, 701 Windmill Drive, Pickerington, for property consisting of 7.6 + acres on the southeast corner of Milnor and Refugee Roads**

Ms. Sarko this application for rezoning was filed by James Johnson for 7.6+ acres at the southeast corner of Milnor and Refugee Road. The property is owned by Sybil Heim. Mr. Johnson proposes to rezone the property from existing commercial zoned portion of a Planned District to the C-2 Limited Commercial District in order to accommodate a self storage facility.

The Springcreek Planned District was zoned in 1996. This Planned District contains several different components; condominiums, single family lots with varying lot sizes and two separate commercial areas.

The Heim tract consists of 10 acres and is one of the commercially designated areas within the Springcreek planned district. Mr. Johnson proposes to re-zone 7.6 acres. The remainder will retain its PD designation and will be developed with the established development standards.

The site plan calls for 10 buildings with width of 30', 40' and 50'. The facility will be enclosed with a picket fence on three sides, a privacy fence on the south side. A landscape buffer will be provided along Refugee Road and Milnor Road frontages.

Self Service Storage facilities are conditionally permitted uses in the C-2 District. Several variances are required for the proposed development, these variances include the maximum permitted area for self-service storage facility, the setback between the eastern most storage building and the proposed commercial building on the Heim tract; relief from loading space requirements, and the height of the proposed buildings - they will be 15.5' in height, the code requires a maximum height of 15'. Applications for a Conditional Use Permit and variances have been filed. The Board of Zoning Appeals is currently holding a public hearing for the Conditional Use Permit and the variance applications. The public hearing conducted in March was continued. The notice for the public hearing for the Board of Zoning Appeals continuance will be mailed to all property owners previously notified as well as those who signed in for the BZA meeting and signed the petition submitted to the BZA that evening. Notices will also be published in the Lancaster Eagle Gazette, This Week and on the Township web page.

Fairfield County Regional Planning Commission considered this application during its February 6 meeting. RPC staff report states: "RPC staff recommends approval of the proposed rezoning. The Violet Township Land Use Plan identifies this parcel being developed with commercial type uses. RPC staff recommends that the applicant work with the township to address issues relating to landscaping and parking. Since this parcel is part of the Springcreek Preliminary Plan, the development will have to follow the Major Subdivision requirements for a final plat".

The Township Zoning Commission conducted a public hearing on this application during its February 18, 2014 meeting. The Zoning Commission recommended approval of the application.

Mr. James Johnson (owner of Storage One Self Storage) 1494 Stringtown Road, Lancaster, Ohio was present. Mr. Johnson explained they have four facilities right now and they feel there is a need for a facility like this in our area. In their opinion they feel it is the best use for the land and they can keep the traffic down.

Jeff Vandervoort (Mr. Johnson's attorney), 7644 Laurelwood Drive, Canal Winchester, Ohio was present. Mr. Vandervoort introduced James Johnson, owner and President of Storage One; Jamie Gates Johnson, Manager of Storage One and in charge of human resources, customer relations and marketing and community

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involvement and Jim Johnson, Manager responsible for construction and maintenance. Mr. Vandervoort repeated what Ms. Sarko had previously read on how the applicant got to where they are. Mr. Vandervoort also presented some exhibits to the board showing the site plan for the Springcreek Planned Residential District. One thing Mr. Vandervoort wanted the board to hear and remember of anything he said was that the property they are discussing is already zoned commercial and has been since 1996 when the Planned District of Springcreek was first approved. The property in question has been designated on the site plan since 1996 for commercial use. He also presented the 2004 version of the Violet Township Land Use Plan. This plan indicates the property is mixed use commercial. They are not talking about changing zoning from residential to commercial. They are talking about a zoning amendment from one type of commercial use to another type of commercial use. Mr. Vandervoort explained that the property is currently zoned for neighborhood commercial uses. These are all retail stores that are listed in the planned district. His point was that if they were not there tonight in front of the board these are all uses that could be developed on this property. The character before they got here tonight is commercial and they are trying to use a different type of commercial use and not change from residential to commercial. Mr. Vandervoort showed pictures of the Windmill property showing similarities of what the proposed property would look like.

Mr. Johnson explained that the trees they would use would be nice size trees that will buffer the lights off of Refugee Road.

Mr. Vandervoort hit some of the highlights of the project such as: a security gate with individual access codes; access hours will be 6:00 a.m. to 10:00 p.m. daily; it will not be a 24 hour access property; average traffic flow in Pickerington is currently 14.8 per day from a study done over the past few years; no outdoor parking or storage permitted; no work may be conducted in the units; lighting will include building and pole lights to allow security and visibility to customers; professional fencing will be used to buffer residential properties; office will be manned 7 days a week with consistent monitoring of activity on the property; current property tax bill is \$2684.00 a year and estimated property tax bill as improved would be \$56,905.00.

Mr. Vandervoort emphasized the character, reputation and credibility of the applicants, Storage One and the Johnson family.

Mr. Vandervoort said this project would be a good project to the surrounding neighbors in terms of minimal noise and minimal traffic in comparison to other commercial type uses.

Mr. Vandervoort said that because he realized the issue of property value would come up he wanted to mention a similar facility that is called the 204 Self Storage that is currently operating on SR204. Jamie Gates of 3525 Pickerington Road, Carroll, Ohio was presented. Ms. Gates spoke on the real estate values and explained that at the Board of Zoning Appeals meeting many of the residents were concerned about their property values. Ms. Gates said she was asked to come back with some reports on this and what she found after speaking with different realtors was that vacant land is actually more difficult to add value than what is already there. They also said the property value of the properties that are in Springcreek were already configured when that was built because the property was commercial prior to those houses and condos being built. So that property value was already being put into that so the only thing it could do was bring it up because it was no longer next to a vacant land.

Ms. Gates explained they came up with an average of 14.8 cars per day. This information came from an institution of Transportation Engineers established in 1930 that does national traffic counts and they used their counts based on square footage and for a self storage (on average) for a .26 cars are accounted for per 1000 square feet. At their Windmill property they have 66,000 square feet. If they used their calculations they would have 17 cars per day and they only have 14 so they are actually below average by 3 cars on a daily basis. They took the International Transportation Engineers numbers and plugged in what it would mean for the facility they are proposing

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and by that with the .26 which would be their first phase (3 buildings) equaling 30,000 square feet with 169 units on average 7.8 cars per day.

Mr. Vandervoort once again stated the proposal is consistent with or implements the Violet Township Comprehensive Land Use Plan to recommend the use for the area and is also consistent with the use of several of the surrounding properties.

Mr. Vandervoort also pointed out there was a flyer petition that was going around that had some inconsistencies. He cleared up those inconsistencies with the correct facts as 3 out of the 4 facts that were listed were incorrect.

Mr. Weltlich said that the applicant had made several statements of how they are going to operate and he asked Ms. Sarko how we would codify this should it be approved. Ms. Sarko said it could be a condition of the Conditional Use Permit and/or variances which is granted by the Board of Zoning Appeals. Mr. Weltlich asked if we as a Board of Trustees could request them to request those conditions. Mr. Griggs agreed they could.

Mr. Dunlap inquired about the picket fence on three sides and then on the side next to the residents will be (6 foot solid pines) Mr. Dunlap asked if there are plans of any type of plantings on the residential side of that fence so that it softens that starkness. Mr. Johnson said they could work with the property owners to see if it is doable. Mr. Johnson said they could reverse them to solve this problem. Mr. Dunlap also asked what hours the office would be open. Ms. Gates said it would be open 7 days a week; Monday through Friday 9:00 a.m. to 6:00 p.m.; Saturday 8:00 a.m. to 4:00 p.m. and Sunday 9:00 a.m. to 3:00 p.m.

Mr. Weltlich asked if Mr. Butcher had reviewed our Access Management Plan from their perspective. Mr. Butcher said he had not but he would. Mr. Weltlich said the Fire Department had an issue. Mr. Johnson said this issue had been addressed and resolved with Lieutenant Belcher.

Chairman Myers asked any proponents of the project to speak first. Rocco Sabatino of 8918 Chevington Chase Drive was present. Mr. Sabatino stressed how important it was for everyone to get the true facts. Mr. Sabatino said the true fact is this is the least intrusive thing you could put on that corner and in his opinion this will not impact anyone's property in a negative way. Mr. Sabatino added that the Johnsons are going to increase the Township tax base.

Mary Herron, 11919 Sandpiper Lane was present and a proponent for the project. Ms. Herron lives in the Springcreek Condos. Ms. Herron feels the proposed use of this land is an excellent idea and this is a good use of land for that corner.

Peggy Portier of 9841 Refugee Road was present. Ms. Portier lives about a mile from the proposed property. Her interest is that she does live on Refugee and she is involved in a few committees for active transportation and her comment for the appeals was about sidewalks. Ms. Portier wants to make sure there are pedestrian facilities no matter what develops on that corner. Personally, Ms. Portier has no problem with the planned use.

Rodger Stinson, 8212 Bright Heron Lane was present. Mr. Stinson lives in Springcreek Condos. Changing this property to a C-2 development is what he has wanted to see happen and overall as a community he feels this would be the least intrusive to this community.

Mark Vanderhoff, 11872 Springcreek Drive was present. Mr. Vanderhoff said this was about focusing on the proposal and wanted to address some of the inconsistencies/comments made on the flyer that went out. They wanted to assure this council that this was not done with any mal intent. They made the best attempt as citizens to organize their thoughts. The honest intent was do we agree or disagree to adding this kind of use to our community. Mr. Vanderhoff stated he wished the

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Johnson's would have reached out and engaged the community a little more. For the most part they felt like they were left out of the conversation. Mr. Vanderhoff wanted to make sure he understood correctly about the fact that there is 7.68 acres that is currently zoned planned residential development and the remaining acreage of the 10.44 is zoned commercial and that has been C-2. Ms. Sarko explained that the 10.44 acres was designated for commercial use in the Springcreek Planned Distirct. It currently allows C-1 uses. They are only rezoning 7.6 acres (to C-2).. The portion closest to Springcreek Drive will retain its PD designation but will still be commercial and they have to develop that portion in accordance with the Planned District development requirements. The (10.44 acre tract) It is a commercial tract within the PD. Mr. Vanderhoff said the areas of concern are the entry and exit point of this facility which are terribly close to homes.

Spencer Nevin, 11802 Springcreek Drive expressed concerns about the implications associated with introducing a certain volume of commercial traffic. There are three bus stops within 300' of that location. He does not feel this proposed change holds up to Violet Township's Mission Statement.

Michael (Micky) DiPiero (a realtor), 11744 Bridgewater Drive found there is not a study that would fit this situation and feels the scale of this facility will impact many people and he is very concerned about the traffic.

Brett Frangus, 11524 Springcreek Drive was present. Mr. Frangus said this facility will not be used by the community on a daily basis. He feels this is not something that is important to have in our community.

Jeffrey Lipp, 11420 Chanticleer Drive was present. As a law enforcement officer for 12 years he can say this is the worst possible business to be put in a nice community like Springcreek. He wants to be able to utilize what goes into this area.

Cristie Eigel, 11855 Springcreek Drive said she wanted to echo what all of her neighbors had said already. Ms. Eigel is concerned about the safety issue as she has a small child.

Jeffrey Stewart, 11471 Chanticleer Terrace said that 3 months after he built and moved into his home he was annexed into the City of Pickerington and had to pay taxes and all was by total surprise. He felt as if he were deceived as when he bought the home he was told he was in Violet Township. Mr. Stewart feels like he is being deceived again as they are now coming in again and trying to change the zoning.

Suzanne Morgan, 11827 Springcreek Drive was present. Ms. Morgan does not think this will be attractive and she is not convinced that this will not devalue their properties.

Diane Stewart, 11471 Chanticleer Terrace was present. Ms. Stewart feels a 6' vinyl fence will be ugly and they are not even allowed to have a 2' fence where they live.

Matt Gansby, 11855 Springcreek Drive said he is concerned for the safety of the children in the area.

Carole Albrecht, Bridgewater Drive s concerned with the aesthetics.

Dawn Vanderhoff, 11872 Springcreek Drive said keeping her autistic son safe is a full-time job for her and she is concerned about the safety of all the children.

Ms. Sarko noted that on the site plan for the entire 10 acre tract there is a proposed commercial building which faces Springcreek Drive. It will be a multi-tenant building. Ms. Sarko is not advocating this application either way she just wanted to show everyone t that the whole site is not just the Self Service Facility. This is not part of the rezoning.

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Josh Needham, 11818 Springcreek Drive was present. Mr. Needham asked if this commercial building would go in regardless of what happens. Ms. Sarko said it was part of Mr. Johnson's development plan. Mr. Needham asked if Mr. Johnson's plan did not go through was it safe to assume that the commercial building would not go in. Ms. Sarko said Mr. Johnson would have to answer that question but it could in the future. Mr. Needham wanted to know when the commercial building would go up. Mr. Needham is very concerned about the safety of the children.

Brett Pickering, 11562 Chanticleer Drive was present. Mr. Pickering asked if there was any guarantee that this won't become a 24 hour facility after day two of operation. Ms. Sarko said the Board of Zoning Appeals had talked about that and could incorporate conditions regarding this issue.

Mr. Myers thanked everyone for coming to the meeting and how much he appreciated everyone for being cordial with each other.

Mr. King said that one of the questions he was hearing consistently was about the access and not being able to go off of Refugee or Milnor Road. If that access remains C-1 or is rezoned to C-2 or whoever goes in there will they have to use that access from of Springcreek. Ms. Sarko said this is how it has always been designed and on the recorded plat you would see the curb cut.. In the development text for the Springcreek PD they specifically said there will be no access from Milnor Road and Ms. Sarko does not think the County Engineers will allow access off Refugee Road.

Mr. King referred to the current landscaping and requirements for the fence; in comparison to the current landscaping requirements for the PD commercial versus C-2 what is the difference. Ms. Sarko said they basically have the same buffering adjacent to residential districts. There is a significant amount of landscaping in what is being proposed; especially along the Refugee Road frontage and Milnor Road frontage. Mr. Johnson has, in addition to a fence, has provided large bushes along the fence along the southern property line.

Joe Stanzione, 11873 Spring Creek Drive was present. Mr. Stanzione said with the C-2 commercial that is zoned the max acreage is 1 to 3 acres. Mr. Stanzione understands they are proposing the 7.6 acres but how it is zoned if it gets zoned C-2 what will be done with the remaining land outside of the three acres. Ms. Sarko said that is part of the variance request to allow more than 3 acres.

One resident who did not give their name mentioned that they say they propose to do this and that and wondered if there was anything saying that the applicants have to do what they propose. Mr. Weltlich responded this was exactly why he asked Ms. Sarko the question "is this going to be codified". Ms. Sarko stated that what they are proposing is not a Planned Commercial District. They do have a Planned Business and Industrial District designated for the south portion of the Township that would allow C-2 uses. The Planned Commercial District designated for the northern portion of the Township does not include C-2 uses so the only option is to rezone the property to C-2. She noted they are going through a process that is the closest thing to a planned district. They have to obtain a Conditional Use Permit. The Conditional Use Permit process does allow conditions and restrictions to be placed on it by the Board of Zoning Appeals. Mr. Griggs clarified that if the Board of Zoning Appeals approves the Conditional Use it is for that development. The BZA could then put conditions upon the hours of operation, the lighting, and the landscaping and other things if they should decide to approve it. That would then become, in essence, the zoning for the property. If they did not comply with this then Ms. Sarko would issue them a zoning violation. Mr. Dunlap asked (to address the woman's question) can they also say this restricts that C-2 to that part of the Conditional Use. Mr. Griggs said not in a standard district.

Mr. Weltlich asked Mr. Griggs to explain to the audience the two processes without the legalese. Mr. Griggs said that typically when you are dealing with a rezoning to a straight district the only thing you are really looking at are those uses listed in the Zoning Code for that particular district or appropriate for this piece of property. If the board were

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to approve it then they would have to come in and storage is not a permitted use but a conditionally permitted use. The BZA doesn't consider the rezoning – that is the job of the Violet Township Zoning Commission, Fairfield Regional Planning Commission and the Violet Township Board of Trustees. If this is approved then this plan has to go through a separate process in front of the Board of Zoning Appeals and they will make the determination if that storage unit (based upon the factors that are listed in our code) appropriate. Mr. Weltlich added the Board of Trustees does not have any particular influence or say on the BZA except they appoint members when their terms are up.

Due to technical audio problems, unable to identify person speaking. An unnamed resident asked if prior to this request for the storage facility had there been consideration of zoning this to C-2 prior to this request. Ms. Sarko said they had received applications to modify the Planned District to include a gas station and perhaps a strip mall several years ago. Mr. Myers said the developer pulled out and changed his mind.

Due to technical audio problems, unable to identify person speaking. An unnamed Springcreek resident said the street is a city street so if this goes through can they voice their complaints to the City? Mr. Dunlap said the curb cut was approved as part of the original plat and approved by the County Commissioners and Regional Planning back in 1996 unless the City wants to buy that whole piece of property and deny it. If they deny the access that is called a "TAKE" and they owe the property owners full value.

Mr. Stinson asked if the Trustees approve the C-2 zoning what happens if the business fails and they decide to sell. Does the C-2 stay with this rezone if it is approved? Mr. Griggs said it would.

Mr. Myers announced the Trustees have 20 days to make a decision.

**Mr. Dunlap made a motion to close the public hearing for Case number 02-ZC-2014 and return to the Regular Trustee meeting. Mr. Weltlich seconded the motion. Roll call vote: Mr. Dunlap, yes; Mr. Weltlich, yes; Mr. Myers, yes. Motion passes 3-0 and the Public Hearing was closed at 9:34 p.m.**

Respectfully Submitted,

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Brian Sauer, Fiscal Officer

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Joniann Goldberg, Administrative Assistant

Approved by:

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Terry J. Dunlap, Sr., Trustee

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Harry W. Myers, Jr., Trustee

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Gary P. Weltlich, Trustee

Date: \_\_\_\_\_