

Violet Township Board of Trustees

February 7, 2007

Public Hearings

Mr. Dunlap made a motion to open the Public Hearing for Case No. 11-ZC-2006. Seconded by Mr. Myers. Roll call vote: Mr. Dunlap, yes; Mr. Myers, yes; Mr. Weltlich, yes. Motion passed.

Case Number 11-ZC-2006 5 acres on South Side of Basil Western Road from R-1 to M-2

Ms. Sarko explained this was an application filed by Charles Wilde, 7233 Edenborough Ct., Lancaster, Ohio for property consisting of 5 acres on the south side of Basil Western Road west of Amanda Northern Road owned by Ralph Davis 7440 Amanda Northern Rd., Canal Winchester. This application proposes to amend the Violet Township Zoning Code by amending the Township Zoning Map to rezone the 5 acres on the south side of Basil Western Road from the R-1 Single family Residential District to the M-2 Limited Manufacturing District.

The subject area is bounded on the west side of vacant parcel owned by Ruth Straus, which is zoned C-2. The land on the south, east and north sides of the property are zoned R-1, Single Family Residential. This property is designated in 2005 Land Use Plan as "Business and Industrial".

Fairfield County Regional Planning Commission recommended approval of this application during their November 7, 2006 meeting. The Violet Township Zoning Commission recommended approval of the application during its November 21, 2006 meeting.

Ms. Sarko stated that any construction must comply with development standards established by the Violet Township Zoning Resolution. She explained that because the property is adjacent to an R-1 District, landscaping and screening must be installed in order to comply with Violet Township Zoning Resolution. She noted the property is not in the CEDA district.

Mr. Wilde was present to address the board. He lives at 7233 Edenborough Court, Lancaster. He stated he owns the business which is currently located in downtown Canal Winchester. Due to the expansion of this business, he said they are at a point where they need to pursue other locations. He showed the Board a preliminary plan of the proposed layout of the facility. He said they currently have 16 employees, 3 of which were added in December. He said his business consists of security monitoring for intrusion, and fire. He said the expansion will include commercial electrical service. He explained that the contract for sale of the property currently states that unless the zoning goes through they cannot purchase the property. He said they have to have the M-2 zoning in order to move forward with the purchase of the property and the contract expiration is the beginning of March. He said the bank is ready, the land has been appraised the LLC documents would be ready tomorrow. He said they are looking to build this year.

Mr. Dunlap asked if components would be constructed at the site. Mr. Wilde explained that it would be light assembly. Everything would be done inside and there is really no manufacturing involved.

Mr. Myers wanted to make sure they were aware of the regulations as far as traffic and parking. Mr. Wilde stated they were fully prepared to meet all the zoning requirements. Referring to the proposed site plan he said the proposed building would be 10,500 square feet. He said the height was adjusted to meet zoning requirements. He said landscaping is ok with him.

Mr. Dunlap asked if they had any type of landscaping plans along the east border from the woods out to Basil Western Road. The buffering has to be 15 feet wide.

Mr. Dunlap asked if he had contacted the County Engineer in regards to where the access to the road would be. Mr. Wilde stated he had and understands that the township only allows one access to the road and the County wants it as close to the

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Amanda Northern side of the property because of the hill crest that hinders sight distance to the west.

Ms. Sarko added that the County Engineers office approves the curb cuts on Basil Western Road as it is a County Road.

Mr. Weltlich asked about water and sewer. Mr. Wilde stated they have contacted the county and they were told there is water and sewer across the street.

Mr. Weltlich stated that in the near future we will be adopting Access Management Policy and if the Township approved this application before adoption asked how would that work. Mr. Yaple stated that he would be under the County Access Management Plan because it is on a county highway.

Mr. Weltlich asked if Mr. Wilde had been approached about a JEDD. Mr. Yaple explained that he had discussed the issue with Mr. Wilde. Mr. Wilde explained that he was not certain about a JEDD at this juncture. Mr. Weltlich strongly encouraged Mr. Wilde to entertain becoming part of a JEDD.

Mr. Weltlich asked if all adjoining property owners were notified. Ms. Sarko stated they were all notified and legal notices were placed in the Lancaster Eagle Gazette, the Pickerington Times Sun and on the township website.

Doug Kellogg, 8161 Basil Western Road said he was speaking on behalf of most of the residents in his area and said they are concerned about their residential area and the intrusion of commercial and industrial development. They are concerned about property values as well.

Gary Bartlett, of Bartlett Realty was present as the real estate agent for Mr. Wilde. He was confused about why this meeting would have to be continued to the next scheduled meeting. Mr. Weltlich stated that it is rare that the Trustees have ever acted upon the petition for re-zoning at the hearing. That a continuation gives the Trustees a chance to review public comments and gives staff time to research any questions raised.

Mr. Dunlap made the motion to close the public hearing for Case Number 11-ZC-2006 and render a determination at the February 21, 2007 meeting. Seconded by Mr. Myers. Roll call vote: Mr. Dunlap, yes; Mr. Myers, yes; Mr. Weltlich, yes. Motion carried.

Case Number 12-ZC-2006 Application for Rezoning for 7840 Hill Road from R-2 to C-2

Ms. Sarko explained this application was filed by Christopher Meiers for property located at 7840 Hill Road, Canal Winchester. This application proposes to amend the Violet Township Zoning Code by amending the Violet Township Zoning Map and rezone property located at 7840 Hill Road, Canal Winchester from the R-2 Single Family Residential District to the C-2 Limited Commercial District.

This property is located on the east side of Hill Road north of Kings Crossing and south of Busey Road. It is located within a cluster of five single-family residences. This property contains one single family home. It is bordered on the east by the Thornton tract, which is zoned residential, on the north and south sides are two single-family residences which are zoned C-2. The property on the west side of Hill Road is in the Village of Canal Winchester and a Meijers store is proposed for that site.

The property is located within Violet Township, Canal Winchester CEDA area. The CEDA development plan calls for office and commercial uses for that area. The Village of Canal Winchester has reviewed the application and has noted that the request is compatible with the current land use plans for the area. The Village also encourages the development of this property along with the property to the north and to the south together for traffic access management purposes as well as utility services and for the size of the property for development purposes. The Township Land Use Plan, in addition to the CEDA Land Use Plan designates the parcel as business and industrial. Fairfield Regional Planning Commission voted to accept staffs recommendation for approval during their December 5, 2006 meeting. The Township Zoning Commission recommended approval during their December 19, 2006 meeting.

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Mr. Dunlap stated that he did not think the property touches the Thornton property as Ms. Sarko stated in her comments. Ms. Sarko stated this was not correct that it touched the Weiser property. She did mean to say Weiser instead of Thornton. Mr. Dunlap noted the map included with the application is incorrect as the Pfeiffer property is located on the west side of the street and is shown on the east side of the property. Ms. Sarko noted for the record that the map submitted by the applicant is incorrect and that the property is bounded on the south side by Corns, on the north by JP Real Estate Investment and on the west by Pfeifer.

Ms. Sarko stated the properties on the north (JP Real Estate Investments) and south (Corns) have already been zoned C-2.

Mr. Weltlich referring to the letter from Canal Winchester dated December 11, 2006 where it is stated that development standards may be challenging. Ms. Sarko stated that currently it is being anticipated that the properties would be sold and developed as one parcel. Mr. Weltlich wondered how this would be monitored. Mr. Yaple added there would have to be a plot plan submitted and it will be reviewed at that time. The policing and monitoring would be done by Canal and Violet Township during the platting process.

Mr. Myers asked what the requirements were for the C-2 district as far as residential use of a commercially zoned property. Ms. Sarko explained that it would be a non-conforming use. That the existing use of a residence could continue, that it could even be sold for residential use but the property could not be used for both commercial and residential uses. Mr. Myers asked if the home could be expanded. Ms. Sarko said that it could not be expanded without a variance.

Mr. Weltlich wanted to confirm that Trish Raridan Preston, a member of the Zoning Commission, did not participate in any of the hearings as she was a partial owner of an adjacent property. Ms. Sarko stated that was a correct statement.

Rosemary Crum, 7275 Stemen Road asked what was proposed for the property. Ms. Sarko stated there had not been anything proposed at this time. She said that Meijers is going in across the street and it is her understanding they are rezoning property in anticipation of commercial development as a result of the Meijers development. Ms. Crum asked if the property could be used for an adult bookstore. Ms. Sarko stated it could not. Mr. Dunlap stated the restrictions for those types of businesses is very limited to where they can be, particularly with the new House Bill 23 that was just enacted and is not a permitted use in the C-2 District.

Mr. Dunlap made the motion to close the public hearing for Case Number 12-ZC-2006 and to render decision at the February 21, 2006 meeting. Seconded by Mr. Myers. Roll call vote: Mr. Dunlap, yes; Mr. Myers, yes; Mr. Weltlich, yes. Motion carried.

Case Number 09-ZC-2006 Proposed Amendments to Violet Township Zoning Resolution

Mr. Weltlich explained the proposed amendments are a result of the last public hearing we had regarding similar amendments. Ms. Sarko stated that there are no mentions of granny flats, or mother in law suites, swimming pools, conditional use permit notification requirements, no model homes and no additional setbacks.

Ms. Sarko explained the amendments:

Numbers 1, 4, 15, and 18 will specifically state that the districts shall only be used for single family homes. In the case of Section 3K1-01, that district shall only be used for two-family dwelling units. Most importantly these amendments will permit accessory buildings in association with an existing single family dwelling subject to the terms and conditions of Section 3AA4. Currently, accessory buildings are conditionally permitted, that is in addition to meeting the requirements established for accessory buildings, a Conditional Use Permit must be obtained from the Board of Zoning Appeals. A

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Conditional Use Permit would not be required for an accessory building as long as it complies with the terms of Section 3AA4

Numbers 2, 5, 16, and 19 require each lot in the R-1, R-2, R-7 and R-8 Districts to front upon and have access to an improved public road or street.

Numbers 3, 6, 17, 20 require all accessory buildings to comply with the provisions of Section 3AA4 of the Zoning Resolution. Currently there is a conflict with these Sections and Section 3AA4. One portion (adopted in 2000) of the code states that accessory buildings must be located at the rear of the principal building the other states at least 80 feet from the front property line. This will eliminate the conflict.

Section 3-D, R-4 District – High Rise Apartment Residential (Number 7) is proposed to be deleted in its entirety.

Section 3N, Automobile Service Station is proposed to be deleted in its entirety (Number 26). All references to S-3 Uses – references to this District are deleted in the remainder of the Code. However, the C-2 District will be amended to permit "stations for the retail sale of motor fuels and the incidental sale of food and beverage products that are customarily handled by neighborhood convenience stores. All automotive repair facilities whether they be engine, transmission maintenance or servicing or auto-body repair/painting must be conducted in a C-3 District or district which permits C-3 uses.

Numbers 11, 23, 25, 32, 37, 43, 47, 52, 58, and 59 are provisions for screening adjacent to residential districts and to include the PD district will be 3E2-10 instead of 3N2-11.

Numbers 9, 13, 21, 25, 30, 38, 44, 48, 53, and 56 propose to require all commercial /industrial properties to front upon and have access to an improved public road or street. Some of the districts currently have no frontage requirement, in the absence of a number for frontage, one hundred twenty-five (125) feet, which is Fairfield County's requirement for a lot split was used. With regards to the C-1 District the text currently is split into two paragraphs, it is proposed to eliminate one paragraph (3P2-04 Number 29) and combine it with 3P2-05 (Number 30).

Numbers 10, 14, 22, 24, 31, 36, 41, 46, 51, and 57 is language pertaining to parking requirements. Nothing is being changed but are proposing to make the language district to district read the same.

Number 12, Section 3H1-01 will amend the purpose of the REC-1 district. The purpose will clearly state "Facilities used exclusively for outdoor recreational activities..." This amendment will clarify that such land is for outdoor uses only not indoor recreational uses.

Number 28, Section 3P203 – is proposed be amended to state that the C-1 District shall never be established closer to the 360 feet to a previously established residential district. The code currently contains the same language that is specified in the R-2 District.

It is proposed to delete and/or renumber Sections 3P1-05, 3Q1-05, 3R1-04, 3S1-05, 3T1-05, 3U1-04 (amendments 27, 35, 40, 45, 50, and 55). Currently the Zoning Resolution allows a Zoning Inspector, in commercial/manufacturing district, to allow less stringent development standards in the particular district, if they determine, and advise the Zoning Commission that the proposed use for inclusion in the district will meet the requirements of the particular district. In other words, the code is written to allow a Zoning Inspector to grant area variances. A Zoning Inspector does not have the authority to grant variances from the Zoning Code, only the BZA is permitted to do that.

With regards to Section 3R1-05 references Conditional Uses where there are no conditionally permitted uses in the C-3 District.

Number 60 is proposed to delete the reference to a Conditional Use Permit for accessory buildings and will require Zoning Permits for accessory buildings. These

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amendments will also eliminate references to other Sections of the Zoning Resolution which do not exist (3AA4-06 – 3AA4-08).

Number 61 will also delete references to the zoning code which also do not exist 3AA4-06 – 3AA4-08.

Number 62 is proposed to be added to require accessory buildings or structures in conjunction with, and on the same lot as an existing principal structure. Therefore, accessory buildings cannot be constructed without a principal structure.

Number 63 will eliminate "Retail Sales and Services as Accessory Uses" because in commercial districts, where not prohibited, retail sales and service would be a permitted use. In a residential district that would be considered a home occupation and be otherwise regulated.

Regional Planning voted to approve staffs recommendation during their September 5, 2006 meeting. The Township Zoning Commission held a public hearing beginning September, 2006 and concluding on December 19, 2006 when they recommended approval of the zoning amendments which are before the Trustees this evening.

Mr. Dunlap questioned Number 28 - Section 3V2-03 that it states - shall be amended to read as follows that a C-1 district shall never be established closer than 360 feet to a previously established residential district so we can never do a C-1. He asked why the C-1 District wasn't being deleted from the code and asked if it could be stricken from the amendments. It was noted the C-1 is neighborhood commercial.

Mr. Weltlich asked if they could unanimously strike number 28 at the next scheduled meeting. Ms. Sarko preferred to delete Number 28 from the package of amendments.

Mr. Dunlap made a motion to modify Case Number 09-ZC-2006 to eliminate Number 28 - Section 3P2-03. Seconded by Mr. Myers. Roll call vote: Mr. Dunlap, yes; Mr. Myers, yes; Mr. Weltlich, yes. Motion A2007-0207 is approved.

Mr. Dunlap moved to close Case Number 09-ZC-2006 and make a determination on the proposed amendments at the February 21, 2006 meeting. Seconded by Mr. Myers. Roll call vote: Mr. Dunlap, yes; Mr. Myers, yes; Mr. Weltlich, yes. Motion carried.

Mr. Dunlap moved to close the public hearing and return to the regular session of the Trustees. Seconded by Mr. Weltlich. Roll call vote: Mr. Dunlap, yes; Mr. Weltlich, yes; Mr. Myers, yes. Motion carried.

Respectfully submitted,

Jim Van Kannel, Fiscal Officer

Joniann Goldberg, Zoning Secretary

Approved By:

Gary P. Weltlich, Chairman

Date

Harry W. Myers, Jr., Vice-Chairman

Terry J. Dunlap, Sr., Trustee