

## **Violet Township Board of Trustees**

**August 1, 2007**

### **Public Hearing: Case Number 02-ZC- 2007 - Proposed Violet Township Zoning Amendment – Planned Commercial and Mixed Use District (PCD)**

Mr. Dunlap made the motion to open the Public Hearing for the proposed Violet Township Zoning Amendment for Case Number 02-ZC-2007. Mr. Myers seconded the motion. Roll call vote: Mr. Dunlap, yes; Mr. Myers, yes; Mr. Weltlich, yes. Motion carried.

Ms. Sarko presented Case Number 02-ZC-2007 as a proposed amendment to the Violet Township Zoning Resolution. This amendment will add the Planned Commercial and Mixed Use District including district uses and regulations, and will provide for and organize the Planned Commercial and Mixed Use District as a Planned Unit Development under the provisions of Ohio Revised Code Section 519.012 (B).

Ms. Sarko explained that the Planned Commercial and Mixed-Use district or PCD will provide some of the following:

- an opportunity for a mix of open space, commercial and light industrial uses
- more extensive review of design characteristics to ensure that the development is properly integrated into its surroundings and is compatible with adjacent development
- enhances the economy of the Township by making available a variety of employment opportunities and providers and services
- encourages unified development projects that exhibit creative planning and design in ways that cannot be achieved through a standard zoning district

She said each Planned Commercial and Mixed Use District is considered a separate and unique zoning district wherein a zoning plan and associated text describing the allowable uses and specific development standards is adopted simultaneously with the application requesting amendment of the zoning map to the PCD designation. The Zoning Plan as approved by the Township shall constitute the zoning regulations for and shall apply only to the property included within that particular PCD.

Ms. Sarko further explained that the process for rezoning land to a PCD is a two-step process. The applicant is encouraged to engage in informal planning meetings with the Zoning Commission, RPC and Township staff prior to submitting an application for rezoning.

An application for rezoning would include a Zoning Plan, which details among other items:

- A list and description of the precise uses proposed for the development
- General development character of the property including overall lot sizes, building size limitations, height and lot coverage restrictions, minimum perimeter setbacks, other general development features such as landscaping and screening.
- General architectural design criteria and criteria for signage and exterior lighting
- Proposed traffic patterns, parking areas and walks
- Relationship of proposed development to existing and probable uses of surrounding areas

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Ms. Sarko explained that the proposed amendment also provides some guidelines for reviewing authorities to consider in approving an application for a PCD. Some of these are:

- If the proposed development is consistent in all aspects with the purpose, criteria intent, and standards of the Zoning Resolution
- If it keeps with the existing land use character and physical development potential of the area
- If it is compatible in use and appearance with surrounding land uses
- If the development can be made accessible through existing or future roadways without creating unreasonable traffic congestion in the immediate vicinity
- If it is located and designed in such a way to minimize unreasonable adverse impact on residential areas of the township
- Benefits, improved arrangement and design of the property justify rezoning of the property to the PCD

After the rezoning occurs, the effect of approval of a zoning plan is five years.

She said the Development Plan is the second step in the PCD process and that no use can be established or changed and no structure can be constructed or altered until a Development Plan is submitted. If the five-year time period lapses and the Township Trustees have not extended the time limit of the plan, then a new zoning plan must be filed and the procedure for the new zoning plan would follow the same procedure as the rezoning of the tract. The Township, upon expiration of the zoning plan, may initiate an amendment to rezone the property to its original zoning classification.

The Development Plan is reviewed by both the Zoning Commission and the Township Trustees during a hearing. As with a rezoning application, the Zoning Commission makes a recommendation of approval, modification or denial of the development plan. The development plan shall be approved by the Trustees if it is in accordance and consistent with the approved development plan relating to that part of the tract. The Development Plan must be in accordance with the approved zoning plan. The approval of the Development Plan is two years.

With regards to modifications, she explained that a modification or change to the zoning plan is considered to be a zoning amendment and shall be processed the same as a rezoning. A modification to a development plan which does not involve modification to the districts development standards would involve filing a new development plan utilizing the procedures outlined for development plan approval.

Ms Sarko said there are guidelines for development. They include references to access, setbacks, buildings, building size, tract coverage, lighting, signage, landscaping, parking and loading areas, open space, flood plains, utilities, and includes text regarding fire and explosion hazards, air pollution, glare and heat, dust and erosion, odors, noise and vibrations.

She summarized the permitted uses in a Planned Commercial and Mixed Use District and said that Commercial and office establishments would be permitted along with Community service facilities such as libraries offices or educational facilities; Health care facilities of all types including hospitals, medical facilities, nursing homes, hospices, and convalescence homes; Scientific, medical, dental, optical, and research laboratories; Kindergarten or childcare facilities; Public or private golf courses, country clubs, hunt clubs, sportsmen's clubs and similar recreational uses.

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She summarized other uses which would be permitted and said that light industrial uses such as: wholesale business, storage and warehouse uses (excepting self-service storage facilities) and provided no outdoor storage occurs and all activities occur within a solidly enclosed structure; assembly and fabrication activities within a solidly enclosed building (excepting smelting, re-melting, casting, forging, or extruding of metals, handling and processing of food stuffs)

Ms. Sarko explained there were also prohibited uses in the proposed PCD and those consisted of: uses not specifically authorized by the terms of the zoning plan; outdoor storage of inoperable motor vehicles; mobile homes, manufactured homes, or mobile offices shall not be placed or occupied in this district (except as permitted in the approved zoning plan); Sales trailers of any type; Sexually oriented businesses ;trash, debris, junk vehicles, vehicle parts, garbage, refuse, or junk; Residential uses of any kind as JEDD's cannot include residential uses

She reported that Fairfield County Regional Planning Commission considered this proposed amendment during its June 5, 2007 meeting. RPC recommended approval of the amendment. RPC's comments were addressed by the Zoning Commission.

The Zoning Commission conducted a public hearing for the proposed amendment on June 19, 2007. The Commission recommended approval of the proposed amendment with 4 modifications. The four modifications addressed RPC's comments and include:

1. clarification of self-service storage facility
2. Residential – was changed to residential uses of any kind
3. process for approval
4. phasing of a development

Mr. Weltlich changed the agenda to afford the opportunity of the Trustees to first have the opportunity to address any questions instead of the public as it stated in the agenda.

Mr. Myers asked if there was any acreage limit. Ms. Sarko stated there was no minimum or maximum limit on acreage.

Mr. Dunlap wanted to verify that you have to identify the precise usage at the time that they ask for the hearing so this will be identified and the planned commercial district or PD will lock those usages into place. Ms. Sarko stated this was correct. He also asked if they had to identify their landscaping and screening at that time. Ms. Sarko stated they did.

Mr. Weltlich asked what the motivation was for this amendment. Ms. Sarko explained that the Township needed a planned commercial district. It allows the township more oversight or control over what occurs on the land.

Referring to page 4 of the proposed amendment, Mr. Weltlich said it says no outdoor storage is allowed and yet we have Ohio Mulch. Ms. Sarko stated this was an existing zoning classification and if Ohio Mulch would rezone their land to a PCD they would not be permitted to have outdoor storage.

Mr. Brosious added that the purpose of the planned commercial mixed-use district was a mix of compatible commercial and light industrial.

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Referring to page 4 paragraph 2(B) of the proposed amendment, Mr. Weltlich said there is noise in every commercial operation. He asked that the word "excessive" be put in front of the word "noise."

Referring to page 5 and 6(H) of the proposed amendment, Mr. Weltlich thought it was too vague. Ms. Sarko said it was important because it provides the Zoning Commission the opportunity to request additional information from an applicant. They can request it at the public hearing.

Mr. Weltlich referred to page 7. He suggested considering adding a statement that says "compatibility with the Land Use Plan."

Mr. Weltlich referred to page 11 and wanted to add the words "the change shall be approved as submitted."

Mr. Weltlich asked why were the drafts of the Zoning Commission minutes for May 15, May 22, and June 19 put in instead of the final minutes. Ms. Sarko stated the Zoning Commission would be approving them on their next scheduled meeting on Monday, August 6, 2007

Rocco Sabatino, 8918 Chevington, provided some documents to the Trustees which supported his position against the proposed amendment.

Mr. Sabatino referred to the map of the current land use plan and stated the only mixed use commercial in the entire township is this area from Refugee and Milnor over to the High School. Mr. Sabatino said he believed that if the amendment were passed it would allow for heavy classes of commercial as well as light industrial development in the area of the township marked Mixed-Use Commercial and abutting Pickerington North High School and between where the proposed new middle schools and elementary schools are to be built. Mr. Sabatino asked where this came from. Ms. Sarko stated it was a recommendation from by the Violet Township Land Use Committee when adopting the Violet Township Land Use Plan. He wanted to know who initiated the language. Ms. Sarko stated it was the Zoning Commission, the Zoning Inspector and Don Brosious. Mr. Sabatino wanted to know what the terminology "premise" was. Mr. Brosius asked him to refer to ORC 519.012 (B). This will show the purposes of the planned district and those are the premises that the theory of the planned district is its improvement by design. Mr. Sabatino felt this premise was based on Mr. Brosius' interpretation of *Section 519* of the ORC.

Mr. Sabatino said the wording in the document splits the current process into two parts - a zoning plan and a development plan. He felt this would keep the residents from having the ability to know what is going on in a certain area when it is rezoned and then 30 days later forever losing their right to seek a referendum.

Mr. Weltlich wanted to make the point that they are talking about this particular amendment and not about the whole sale overlay over the townships current zoning.

Mr. Weltlich referred to page 5. He perceives it that it can set up a situation that it is the citizens versus the township, developer, Zoning Commission and Fairfield Regional Planning.

Mr. Weltlich referred to Item C on that same page (item 6) you give only the "general" development character of the property proposed to be rezoned for this district. He said there is nothing specific. Mr. Weltlich summarized that the

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thing that is referendable is general and when you go into a specific plan it is too late to referendum and then you have to go to civil court.

Art Kasalinski of 11593 Oyster Catcher Lane, Pickerington stated he felt the plan was very vague and there were too many innuendos.

Donald Plank, an attorney whose address is 145 E. Rich Street, Columbus, Ohio was a proponent of the proposed amendment. He said he represents developers and neighbors that negotiate with developers. More specifically he represents landowners that have property along the 33 corridor. He has read the text and he feels with the new text it allows the developer, the property owner to negotiate. He feels our current Zoning Code is outdated. He explained that other jurisdictions no longer use straight zoning districts.

Gary Peterman of 8871 Charington Court, Pickerington asked why Mr. Plank referred to "we" in his statement and asked if he had any connection with Mr. Brosius. Mr. Plank stated he did know Mr. Brosius and he did attend work sessions for the draft for the text.

John Biancamano, Chairman of the Violet Township Zoning Commission stated this was the product of several months of thinking and writing. There were a number of public hearings. This is not the product of any particular lawyer or constituency. The commission was trying to put together a product that would help those of us in the township dealing with these type of issues. He referred to an earlier question of why we were doing this. Last year there was a very controversial issue. The commission had a difficult time in determining what criteria they were supposed to apply. From his prospective, he needed a laundry list of criteria from the township. He said they need an orderly process and a law that tells them specifically what they are supposed to think about. In summary Mr. Biancamano felt the Township needs something like this to guide our public officials in making these decisions and if the Township does not have this approach it is going back to square one. He feels this gives the Township two bites of the apple.

Mr. Weltlich stated he would feel more comfortable if there was more regarding "safety".

Mr. Dunlap asked Mr. Brosius that Mr. Biancamano had stated that under this proposal it would give more latitude for the zoning. Currently, the only thing the Zoning Commission is allowed to consider is the "best use of the land". Mr. Brosius stated that the Township only gets one shot as it is now. Also under the current code they do not outline what to consider.

Gary Peterman of 8871 Charington Court, Pickerington stated he respected the good intentions in doing this but thinks they went overboard. He feels the citizens loose their right to the referendum.

Mr. Dunlap asked Mr. Sabatino how he would recommend the wording be changed to say that the development plan cannot change the zoning plan? Mr. Sabatino stated that and other things.

Forrest Westfall, 8311 Kingfisher Lane stated that one detail that has been overlooked is that the residents only have 30 days to submit a referendum. He feels this timeframe needs extended. Mr. Dunlap stated this is something he needs to address to Senator Shaffer and Representative Stebleton. It is state law and the Township Trustees cannot change that. Mr. Weltlich reiterated the

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fact that this is why we try to iron out all the issues at these public hearings so that there is no need for referendum at the end of the process.

Gary Peterman of 8871 Charington Lane asked if whatever they agree to here is subject to referendum. Mr. Weltlich stated it was.

Roger Stinson of 8212 Night Herron Lane asked what the timetable was and do they plan to have information sessions for the residents to better understand what was said. Mr. Weltlich stated he was speaking for himself in that they have a public hearing to identify issues that are not in agreement among the citizens, among the Trustees, among the legal council so they can begin to work the process to resolve the issues before they adopt. Mr. Weltlich's timetable is we continue to have these discussions until a comfort zone is reached that is win-win for everyone.

Rocco Sabatino stated it would be better to hear straight from the citizens then to be filtered from the lawyers or the Zoning Commission.

Mr. Dunlap would like to keep the residents in the loop and if Mr. Sabatino is willing to continue looking at this to continue to see if there is a way to give the zoning board/citizens more control without giving up peoples rights.

Mr. Weltlich asked that they appoint staff to sit down with representatives of the community and work through the language. He asked that Mr. Yapple and Ms. Sarko facilitate these meetings. He also asked that one of the Zoning Board members and three, four or five residents to accompany Mr. Sabatino sit in this group to collectively identify the things that cannot be resolved.

John Biancamano, Chair of the Violet Township Zoning Commission recommended that for this process to work they need to have specific proposals from any group that would like to see something changed. He would request that anyone who has anyone who has an issue with this proposed amendment submit a written statement on the issue and place specific language they would like to see.

Mr. Brosius stated they could recess the hearing to a time date and place certain and reconvene at that point. If you adjourn the hearing and close it, you are required to make a decision within twenty days. He reiterated the Trustees options:

- 1) recess and continue the hearing to specific date and time;
- 2) adjourn the hearing and close testimony - within 20 days, a decision is required to be made;
- 3) or, vote it down

Mr. Weltlich recommends that we do not vote yes or no but to give it a chance to make it work.

**Mr. Myers made a motion to continue the public hearing to the first meeting in October, which is October 3, 2007 at 8:00 p.m. Seconded by Mr. Weltlich. Roll call vote: Mr. Myers, yes; Mr. Weltlich, yes; Mr. Dunlap, yes. Motion carried.**

Mr. Weltlich suggested putting this information on the website and contact Ms. Sarko if they are interested in attending the meetings. Mr. Dunlap suggested those residents that are present at this meeting and who were interested in being involved in these discussions attend.

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**Mr. Dunlap made the motion to recess the public hearing portion of the meeting and reconvene to the Regular Trustees meeting at 10:20 p.m. Mr. Myers seconded the motion. Roll call vote: Mr. Dunlap, yes; Mr. Myers, yes; Mr. Weltlich, yes. Motion carried.**

Respectfully submitted,

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Jim Van Kannel, Fiscal Officer

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Joniann Goldberg, Zoning Secretary

Approved By:

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Gary P. Weltlich, Chairman

\_\_\_\_\_  
Date

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Harry W. Myers, Jr., Vice-Chairman

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Terry J. Dunlap, Sr., Trustee