Mr. Palsgrove called the meeting to order at 7:30 p.m. and roll was called.

Members present: Mr. Decker, Mr. Bussom, Mrs. Hogan, Mr. Rowell, and Mr. Palsgrove. Also present was Kelly Sarko, Zoning Inspector and Jennifer Huber, Legal Counsel.

Mr. Palsgrove stated he is the Vice Chair of the Commission. He stated he is recusing himself from the Commission for this public hearing because he is one of the applicants on the application currently under consideration. Mr. Palsgrove appointed Monica Hogan to be the acting Chair for the meeting.

Mrs. Hogan explained the purpose of this special meeting was the continuance of Case 07-ZC-2017, an application to modify an existing Planned Business and Industrial District (PBID) filed by Makdrew Development Company LLC/ Jeffrey Baker, 8230 Benadum Road and Steve and Nancy Palsgrove, 8200 Benadum Road for 8.902 acres on the north side of Benadum Road. This application requests modification of the PBID Development Plan and Text in order to: remove a portion of the structures proposed for boat and RV storage condominiums; and to allow: the existing building to be used for a landscape and hardscape company as well as to allow miscellaneous repair of cars, trucks, campers, tools, heaters and construction equipment; creation of additional parking; construction of an equipment storage building; storage bins; and for signage along both U.S 33 and Benadum Road for the businesses operating on the site.

Mrs. Hogan asked Ms. Sarko if changes had been made and asked for a summary of the changes.

Ms. Sarko reported changes were inserted into the Development Text. She said the Commission wanted more information about area “H” and the fencing for that area. Additionally, they requested information about emptying the dumpster and maintenance of the boneyard. She noted the Exhibits were labeled and inserted into the Development Text. Another topic of discussion was the tree line along the western property line and a request for a provision for the storm water detention area to be maintained. Mrs. Hogan asked if it was a retention or detention basin. Ms. Sarko said it was a retention basin. Mr. Decker said that the pond out front was a detention basin. Mr. Baker confirmed it was a detention basin.

The Commission agreed to go through the development text page by page for the changes.

Page 2 of 13, where Area “H” is discussed, it reads: “The fence which currently encloses G and” – she said this should be an ‘H’, “is a 7-foot tall, chain link fence with privacy slats. Exhibit DPM-9”

The next paragraph also refers to Area H and states: “Area H will contain an area described as a construction debris yard for the purposes of storing construction and landscape materials and debris. Such materials shall be kept within the confines of the fenced area and screened from view. Trash refuse, materials and debris shall be removed from the property as necessary or required by the township. In no case, shall a dumpster overflow or be offensive by sight or smell. Mr. Decker suggested the following change: after the word dumpster, the words ‘be
allowed to’ should be inserted so, it reads, “In no case shall a dumpster be allowed to overflow or be offensive by sight or smell”.

On the same page Building I is shown on drawing A1.1 and “Exhibit DPM-1” was inserted after that sentence.

Page 6, under Specifications for Phase 1 Building “I”, the reference to Exhibits DPM-1, DPM-2, DPM-8 and DPM-6 was added to the end of the paragraph. Additionally, “Lighting for Building “I” shall be in accordance with DPM-3, DPM-4 and DPM-5” has also been included.

Under specifications for Phase 1A Building “J”, “Clear span bin roof Exhibit DPM-7” was inserted.

Mr. Decker noted an extra space on page 7, top paragraph.

Page 6, Signage, the last sentence is proposed to read; “A rendering of this sign is attached as Exhibit DPM-10 and will be landscaped in accordance with DPM-9a and b”.

Mr. Decker noted on page 8, third bullet point, and another extra space.

Page 9 under Screening and Landscaping the last sentence of the section reads, “The Owner shall take all efforts to protect and preserve all significant, healthy trees on the Owner’s property within the existing tree row along the west property line. Mr. Decker added the word “reasonable” between the words “all” and “efforts.

Water, Sanitary Sewer, Surface Drainage and Other Utilities, a third bullet was added to read: “Storm water detention areas shall be properly maintained and kept free of trash and debris and shall otherwise comply with the requirements of the Storm Water Management/BMP Facilities Maintenance Agreement to be executed between the Owner and the Township as part of the development of this site.” Mr. Decker asked if this was a standard agreement. Ms. Sarko said it was. Mr. Rowell asked if all new businesses have to execute that agreement. Ms. Sarko said that was correct.

Regarding the Exhibit List:

Exhibit DP-1: stamped 2/9/10 was replaced with revised date 11/17/17,

The words “(RV Storage Buildings)” were added after the descriptions of Exhibits DP-2, 3, 4, 5.

Exhibit DP9-6 states it is deleted with “see DPM-10”

Exhibit DPM-9a: is “Route 33 signage landscaping”
Exhibit DPM-9b: is “Benadum Road signage landscaping (same as DPM-9a)”

The following are the new Exhibits:

Exhibit DPM-1: New Equipment Storage Building Elevations and Layout of Proposed and Future
Exhibit DPM-2: Color Renderings of proposed Columbus Hardscapes Building (2 pages)
Exhibit DPM-3: Flood lights – Exterior

Exhibit DPM-4: Man door Lights (over)
Mr. Decker asked Mr. Hewitt of Columbus Hardscapes if he was going to build a sample park at the location. Mr. Hewitt said he did anticipate building a sample display immediately. He said that he might want to have a small display but noted he will not be doing retail sales from the location.

Gina Sutphin. 8290 Benadum Road prepared a statement, which she read into the record. She said she hopes to set some expectations of the residents of this quiet country road have toward the future relationships between homes and businesses.

She said I believe the majority of the residents have expressed concerns in regards to potential of this proposal changing our environment and I would like to speak specifically from a perspective of my husband and I and how our property line and peaceful woods will be impacted due to the shared property line. This peace and quiet that we intentionally sought out when purchasing our home was not only something that we love and is important to us on a personal level but is also crucial to our livelihood. Peace and quiet is a necessary component of our small business that we also desire to keep in Violet Township. We do not desire to have to seek out a new location to re-achieve what we already have.

My husband is a children’s book illustrator and future published author. His illustrator’s bio and books already published, and currently being published, refer to his home in a red barn in Ohio. Originally, the bio specifically referenced Carroll, Ohio. This has only recently been removed, due to his latest release being for James Patterson and since James Patterson is the number 1 selling author in the world for 18 years running. Now, we got that type of exposure with more of our anonymity than we are comfortable with.

We are most likely the only red barn house in Carroll, Ohio; however, we very much hope that his bio will always be able to at least reference living in a red barn home in Ohio because this is where we hope to stay.

This home that we live in was actually built by Jeff Baker and his father and truly is a testament to his abilities. The compliments that we receive from guests are endless and are always slightly laced with a hint of envy, so we have absolute confidence in the structural design and appearance in regards to the building being proposed with this proposal.

We also want to make it very clear that we are not objecting to the progress of business in general, but rather, to type of businesses that may possibly disrupt the environment of our home that we love. Not every business proposal would bring these types of concerns and anxieties to the surface of the minds of the residents of Benedum Road the same way this proposal has.
My husband and I acknowledge that there has been business occurring at this location for the entirety of our time living at this address and that has never been a problem, even though there was occasional loudness when Dave's Auto was in operation. For the most part it was short lived and definitely not ongoing constantly which is our current greatest concern going forward with this proposal.

Drew Baker's business has gained greater presence since he has gotten older and it was mentioned at the last meeting that Drew and his employees are frequently in the field more than at the actual business location and that is true. However, what was not mentioned is that when you're working, employees are at the business location, and they have not regularly been concerned with operating in a quiet, non-disruptive manner as would be appropriate for a residential area.

For the most part, we have had grace for those situations because he is young and we have all been young once and maybe didn't always handle ourselves in an appropriate manner. So, we know there is room and time for improvement. But, if this proposal does move forward, it seems the unfair burden will fall to Rob, the new and/or business owner to help influence the younger team currently there to help them understand how their actions affect those around them. What is also unfortunate for Rob is that from our home; our woods, our walking paths, noise and disruption would just be noise and disruption without a way of knowing whose business or whose employees it is coming from.

Again, I want to reiterate, we are not opposed to business moving forward but we are opposed to the environment we have worked so hard to obtain, potentially being changed in a way that will no longer work for our lives, or our livelihood. So if this proposal does move forward then we are asking in confidence that all involved be conscientious that this is a residential area and a neighborhood made of homes and people who love their personal space and community here in Violet Township and who desire to continue loving their personal space and community here in Violet Township.”

Sheila O'Neal, 8250 Benadum Road said her property is next to where Mr. Baker wants to build the storage units. She said she did not attend the first meeting, as she did not realize how close the storage units would be to the road and her property. She knows that this is not something that is up for discussion as it is something that was already approved. She mentioned it has been 7 years since it was approved and said there is a 5-year period before it has to come up again. She said it has been past 5 years with no building. She said that she understands that to mean it needs to be up for discussion again.

Mrs. Hogan asked Ms. Huber if there was a limit on the rezoning of this property in the planned unit development as far as our zoning. Ms. Huber said she had not read the initial document. Ms O'Neal was referring to the storage units and the original zoning. Ms. Sarko said she was referring to the original development for the RV Storage; the development plan is good for 5 years and extensions may be permitted, but it does not take the zoning. The Development Plan would have to be extended the Development Plan in order to be able to build as originally proposed. The zoning is not taken away and the Development Plan is not taken away. It is still in effect; it just needs to be “re-upted” to be able to build as approved.

Mr. Decker said we do not want it to go back to M-3. Ms. O'Neal said she feels the storage units will decrease her property value.
Mr. Baker said it was M-3 since 1981 and an M-3 they could have put just about anything there. Mr. Baker was willing to downgrade in a Planned Development and take away the M-3. Ms. O’Neal said her concern is just the appearance of storage units right beside her home. Mr. Decker asked how long she lived in her home. She thought about 20 years. Mr. Decker said she would have had notice when this went up for zoning. She said she did but someone informed her second hand that it was going to be in the back so she thought it was going to be way in the back.

Mr. Baker said that Mrs. O’Neal’s husband knew because he had asked for the topsoil that is to be removed to be placed in a low spot on Mr. O’Neal’s property. Mr. Baker said when they did this 7 years ago her husband knew fully what was going on. Mr. Decker asked if she wanted the topsoil. She said she does not want the topsoil she just does not want to be next to this. Mr. Decker said the Sutphin’s were concerned about mosquitoes and the topsoil would help that.

Mrs. Hogan suggested Mrs. O’Neal speak to Ms. Sarko because she can explain about the approved buffering that will be around that property. Ms. Sarko said the Development Text calls for “buffering of Norway Spruces and Techny Arborvitae shown on Exhibit DP-8. This buffer shall have a 5-year growth plan staggered row total of 15 feet wide, and a 10-year growth plan single row total 15 feet wide. The Norway Spruces shall be spaced 10 feet on center and the Techny Arborvitae will be spaced 5 feet on center”.

Ms. Sarko informed the Commission that she had received a letter from Vernon Morrison via email on January 2, 2018. He owns property in proximity to the subject property. He feels the application should be denied. He rejects the implementing a mixed use of this type adjoining his property. He states these types of businesses would devalue their property, create parking problems, increase traffic and create an eyesore. He says that an environmental study should be done for the use of landscape and hardscape companies because such companies often store large quantities of rock, dirt, fertilizer, etc. He would like the creation of a 6-foot block wall on the south and east sides of his property to shield it from an eyesore.

Mr. Rowell entered the letter from Vernon Morrison into the record as Exhibit “A”

Mr. Decker went on record and asked Ms. Huber if the subject of a new application is the entire plan or not. Ms. Huber said that in her opinion based on the provisions for her modification in the Zoning Text are that this is a modification but the process for accomplishing a modification is a new application. Mr. Decker asked if the entire plan is subject to the Commission or is it not. Ms. Huber said that because the applicant has asked for a modification she believes we treat it as a modification based on the zoning.

Mr. Rowell asked, once this modification potentially were to be passed through here then the Trustees would have to hear it and if they were to approve that would basically start that 5 year clock again. Ms. Huber said this was correct.

Mr. Bussom made the motion to recommend approval of the application with modifications of Case Number 07-ZC-2017 with modifications as reflected in the Development Plan dated January 8, 2018 and discussed December 19, 2018 and January 9, 2018. Mr. Rowell seconded the motion. Discussion: Mrs. Sutphin asked if this motion goes through, is there the opportunity for Sheila O’Neal to look and address her concerns since this has been beyond the 5 years. Specifically in regards to the storage (units) by the road. She does not want to accidentally overstep something that she could do just because we get a moment beyond and a motion is
now passed for these updates and she no longer has the authority or right to question the
storage units since it has been beyond 5 years. Mr. Rowell explained that all we are doing is
saying we accept this text as written and then moving it to the Trustees. Mrs. Hogan said this is
only a recommendation to the Trustees. Roll call vote: Mr. Decker, yes; Mr. Bussom, yes; Mr.
Rowell, yes; Mrs. Hogan, yes. Motion carries.

Ms. Sarko explained this application will be presented to the Trustees on January 17th. They will
receive the application and at that time, they set a time and date for the public hearing. It will
be noticed in the newspaper and posted on the township webpage.

Mr. Decker made a motion to adjourn the meeting. Mr. Rowell seconded the motion. Roll call
vote: Mr. Decker, yes; Mr. Rowell, yes; Mr. Bussom, yes; Mrs. Decker, yes; Mrs. Hogan, yes.
Motion carries. Meeting adjourned at 8:14 p.m.

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Bob Bussom, Acting Secretary

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John Biancamano, Chair

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Date