

FILE

**Concord Township
Board of Zoning Commission (BZC)**

Administrative Building • 6385 Home Road • Delaware • Ohio • 43015

Legal Notice:

Concord Township Board of Zoning Commission

Will meet at 7:00 p.m. Tuesday May 15, 2018 at the Concord Township Administrative Building, located at 6385 Home Road, Delaware, Ohio, 43015 for the following purpose: To continue the meeting from April 10, 2018, Application ZC042018, filed by Dublin Farms LLC of 2779 Peachblow Rd, Lewis Center, OH, 43035. The Applicant is requesting approval for rezoning and a preliminary development plan referred to as The Concord Business Park & Self Storage for Planned Commercial District on 29.33+/- acres on Dublin Road, Powell, OH, 43065, Parcel #60031101001000, owned by Dublin Farms LLC and 26.47+/- acres on Dublin Road, Powell, OH, 43065, Parcel #60024004009000. At the conclusion of the Public Meeting(s) and the BZC vote, the matter will be submitted to the Board of Trustees for review and action. The Application is available for public review at the Ostrander Branch of the Delaware County District Library, 75 North Fourth Street, Ostrander, Ohio 43061 and on the township website. The Zoning Commission will also conduct other business as needed. Area residents are encouraged to attend.

*Concord Township Board of Zoning Commission
Connie Resanovich, Chair
Ric Irvine, Zoning Inspector*

**Meeting Minutes
May 15, 2018**

Call To Order

Vice Chair, Smith called the Public Meeting to order

Roll Call

Connie Resanovich	Absent
Virginia Farneman	Present
Gary Davis	Absent
Steve Pierce	Present
Steve Smith	Present
Mike Hamilton, Alternate	Present
Darin Hilt, Alternate	Absent

Vice Chair, Smith asked if the Applicant approved Mr. Hamilton on the Board in place of absent Board Chair, Resanovich and the Applicant approved.

Also Present

Ric Irvine, Zoning Inspector
Chris Rinehart, Rinehart Legal Service, LTD
Carla Castle, Higgins & Associates Court Reporting

Swearing In

Court Reporter swore in all present

Public Present

See attached Sign In Sheet

Begin Meeting

The Legal Notice was read into the minutes. (see Legal Notice at the top of the first page)

Exhibits:

- Updated Application **Date of Text: May 4th, 2018**
- May 15, 2018 Legal Notice
- May 15, 2018 Sign In Sheet

Delaware County Regional Planning Commission's (DCRPC) Recommendations:

*Staff recommends **Conditional Approval** of the rezoning request by Dublin Farms LLC from FR-1 to PCD to the DCRPC, Concord Twp. Zoning Commission and Concord Twp. Trustees, subject to:*

1. *Ensuring the sign plan conforms to the Zoning Resolution;*
2. *Utilizing cutoff downlighting, if lighting is used;*
3. *Ensuring proper circulation by the Fire Department.*

Vice Chair, Smith opened the floor to the Applicant

Application ZC042018

Jack Brickner, Planned Communities, provided copies for the residents during the meeting. Changes from the original application include: removed the north section of the project, the 21 acre section did not have a plan and was deleted from the application; the application was originally 56 acres and is now 21 acres; reduced square footage by approximately 26%, eliminated two of the buildings in the back and reduced the square footage to a few of the buildings; pavement reduced by 12-13% as requested by fire chief; first phase now includes the front three buildings, parking, landscape screening, and fire only access; all revisions of the proposed plan must be brought to the board for approval; outdoor storage parking was moved from the north side to the far west side; lighting is detailed in the updated information, the front entrance pole light on Dublin Road would give off the same amount of light as a full moon and that would be the only visible light; updated landscape plan includes mounding along Dublin Road, and mounding in other areas with tree types and tree calipers listed; increased open space to approximately 60% of the site; updated the radius for fire equipment per request from the fire chief; primary access on the north end, and the emergency only access includes knock down bollards on the southern end of the site; water tested by Delco and no locations for hydrants decided; soil tests included in the updates; added septic system information for one employee and location; traffic flow reduced to 9 vehicles per peak hour due to reduced acreage; details of the entry sign provided with elevations and location; updated the services information and included gas and electric company letters.

Tony from Harper Architects: described the three main buildings in the front of the project, the buildings would have a 'farm' look with board and batten siding, wainscoting on the bottom, doors with 'barn' look; the rear building height would be approximately 10+ ft.; the front building height would be approximately 29+ ft. to hide the rear buildings; metal roofs; mounding with vegetation along Dublin Road to screen the view from the road; monument-type signs near the main entrance with stone veneer. Mr. Brickner clarified the main entrance would be the current farm drive to the north, and the southern stone drive would be the emergency only access drive. Mr. Brickner mentioned: the power lines are on the southern end, with a 200 ft. width easement for the lines; the buildings are north of the power lines; the distance off cook road is 400 ft. from the buildings; the setback is 130 ft. from the front buildings on Dublin road.

Vice Chair, Smith opened the floor to the BZC.

Open Floor to Board

Mr. Pierce asked what the height of the mounds would be and the answer was 4 ft. Mr. Pierce said the mound needs to be higher and the caliper of the trees should be larger. Mr. Pierce said both the mounds and trees should offer screening from the road and provide an established look within a short period of time. Vice Chair, Smith asked if they would include pine trees in the front to screen the parking area. Mr. Brickner mentioned the added parking would be for people who have the RV's and need extra parking. The parking area is outside of the gated storage facility. Vice Chair, Smith asked if theft would be an issue for the parked vehicles. Mr. Brickner said it was not overnight parking and should not be a problem. Mr. Brickner added they would change to an 8 ft. mound, they have shrubs included in the current landscape plan, and they would include pine trees to hide the parking area. Mr. Pierce asked when construction might begin and he was told in late fall and phase one would take 4-6 months to complete.

Vice Chair, Smith asked if the septic system would be used for future development. Mr. Brickner said the septic system is strictly for the current plan and may appear large due to the primary and secondary system required, however the system is only sized for the maintenance area. Soil samples were taken and approved for septic and would be submitted to the health department for approval. AEP has access around the pond and that area is established outside the fence and approved by AEP. The design of the pond is due to the AEP access and the pond is also smaller than the first submission due to the decreased acreage.

Vice Chair, Smith opened the floor to Legal Counsel.

Open Floor to Legal Counsel

Attorney, Rinehart said the previous application included the northern lot and future development which was not planned at that time. The current application includes a lot split or other option due to a building crossing the property line thus, including the northern parcel in the updated application. Site Development Plan SP-1 shows the property line through the upper left corner of the project. A building cannot be built across a property line which was confirmed by Inspector, Irvine. Attorney, Rinehart asked if they were doing a lot split. Mr. Williamson said they are doing an adjoining transfer. Mr. Williamson added that the remaining 20+ acres would be left out of the application and the section of property where the building is located would be added to the application. Attorney, Rinehart said the issue is the proposed boundary, size and location of the district is required in the application and it was not provided in the update. The boundary survey and legal description of the property are required because if the rezoning is adopted it applies specifically to that area. Attorney, Rinehart said due to the building crossing the property line he would advise the BZC to deny the May 4, 2018 updated application. Attorney, Rinehart continued by saying that the proposed provisions for water and sewer, included an evaluation from a consultant but no feedback was provided from Delaware County. The BZC requires confirmation from the county that the current submission is approved with the understanding that changes may be necessary as the project proceeds. The same is required from the health department and also from ODOT regarding traffic that is approved as presented, and may change as the project proceeds. The BZC does not expect a formal approval, however a preliminary approval should be provided. Attorney, Rinehart confirmed that the project includes 63 parking spaces with two additional handicap spaces. The township parking regulations require one space for each vehicle maintained on the premise, whether inside or outside. A divergence may be required for the parking. Attorney, Rinehart continued by referencing Section 19.05 – Prohibited Uses b) outdoor storage of inoperable, unlicensed or unused vehicles for longer than 7 days is prohibited. Attorney, Rinehart asked Inspector, Irvine to clarify. Inspector, Irvine said that if vehicles are licensed and operable on site they would probably be acceptable.

Vice Chair, Smith opened floor to Zoning Inspector

Open Floor to Zoning Inspector

Inspector, Irvine asked for clarification regarding the AEP power line 150 ft. utility easement off center line with 75 ft. each way. The note on building line shows +/- 400 ft. building setback. The applicant explained that the building setback was off Cook Road and did not refer to the power line. The building setback off Cook Road per township requirement is 90 ft., the buildings are all north of the power lines which result in a 400 ft. setback from center. The 'note' should be located in a different area on the plan. Discussion proceeded regarding the 3 phases which may change, phases 2 and 3 could be within 6-12 months, and the fence would be constructed immediately.

Vice Chair, Smith asked about the fire hydrant locations. The applicant is working with the fire department and Delco has completed the pressure testing. Mrs. Farneman confirmed that the area had been tested for the septic system and the applicant confirmed and the information was sent to the county health department.

Vice Chair, Smith opened the floor to the Public and added to state their name and address for the court reporter.

Open Floor to Public

Doug Dickson, said the plan was as appealing as it could be however, the residents do not want a storage facility. The area should remain residential.

John Meyers, has a storage unit in Powell and the unit next to his is used to run a landscaping business. Mr. Meyer is concerned about noise, the facility being used to run businesses, and the character of the community.

Andrea Yagoda, asked what limits would be placed on the outdoor storage. The applicant said the vehicles, with license and title are approved by the facility manager and they could include the information in the application. Discussion regarding maintenance and auto repair in the facility ensued and the applicant said that maintenance on equipment was not allowed in the facility, the restriction is included in the signed lease agreement. The proposed fence was discussed and described as a black vinyl, 6 ft. height, with 4 x 4 rails, and 4 in. top and bottom rail. Ms. Yagoda asked the BZC to reject the plan.

Tim Schwenk, likes the plan but not a suitable use for the area on the main road with nice homes. Mr. Schwenk stated that home values would be lowered, and opposes the plan due to the area. Mrs. Farneman disagreed and stated that home values do not decrease with commercial property and further discussion commenced.

Susan Geier, stated that she opposes the plan. Ms. Geier feels it is a negative impact on the area, it would lower home values, does not like the activity the facility would bring to the area, and stated several issues the project would impose in the area including; traffic, noise, lighting, and security. Ms. Geier stated the proposed project conflicts with the Comprehensive Plan, and would be considered spot zoning.

Based on comments and questions from the residents, Attorney, Rinehart asked several questions to clarify information on the project. Per Mr. Cutler: the facility would be staffed 9:00a.m.-6:00p.m., Monday-Friday and Saturday 9:00a.m.-5:00p.m., closed Sunday; lessees would have access into the facility from 6:00a.m. – 10:00p.m. with keycard/combo for the gate; security system has not been established; lessees are not permitted to operate any type of business from the facility. The lease agreement includes verbiage concerning no businesses in the facility, enforced by the on-site staff; vehicle title and proof of insurance are required for storage. The lease agreement is by month, so easy to enforce lease and/or not renew. A copy of the lease agreement will be provided to the township.

Patty Vradenburg does not agree with the plan, the area is residential, and enforcement would be difficult. Ms. Vradenburg added that the residents who are building new houses behind the proposed plan will be unhappy. Mr. Cutler said they provided full disclosure to the buyers of the lots and they are aware of the proposed plan.

Dusty Lombardi, Ohio Wildlife Center, requested more information on the lighting on Cook Road. The applicant stated the site would have downlighting approximately 350 ft. away from Cook Road and LED lighting directed down inside the facility, the lights would be on 24/7. The applicant also discussed the Delaware County Engineer requirements to control, maintain and improve the water flow. The applicant also discussed the landscaping plan along Cook Road which includes mounding. The applicant mentioned that the wildlife center and the road set several feet below the area which would help screen the proposed plan. Also, mentioned the pond is shaped to protect the existing tree line.

Allen Weiler confirmed that each unit had a door and could possibly include 300-400 units. Mr. Weiler stated the facility is too large for the area and create unwanted activity. A comment was also made regarding two storage units in the township and the need for the facility. The developer stated that their demographic study for the area showed; in a 3 mile radius, 27,000 people, average income \$165,000, demand is strong.

Chris Richards asked if it would look like the new township buildings and the developer said yes, similar. The tax impact was discussed; Revenue \$100,000 month income would be \$72,000 yr. and per the auditor's office a \$10 million evaluation would be \$185,000 real estate taxes, most of this would go to schools with no impact to the school system. Mr. Cutler added that the proposed plan would prevent barking dogs, traffic, noise, with no apartments, it's professionally managed, low impact and no light pollution.

John Peele understands the owner wanting to do the project however, as a homeowner he is not in favor of the proposed plan.

Gerard Lindberg does not want industrial in the area. He added it has a nice look for industrial, however it's still industrial and not right for the area.

Dan Crawford is in favor of the plan. Mr. Crawford does not want more residential due to the impact on Cook Road, and the added traffic.

Scott Cubberly is in favor of economic development that is controlled and careful, balance is important for the area.

Vice Chair, Smith asked for further questions and there were none. Vice Chair, Smith asked Attorney, Rinehart to confirm with the Applicant, the items that were needed for the proposed plan. The items include: letter from health department regarding septic, ODOT, resolution of the legal description of the lot and conformity with the zoning resolution, landscaping along Dublin Road, fire hydrant locations, parking requirements, verbiage regarding the requirements for the outdoor storage, and copy of the lease. Discussion ensued regarding the zoning of the surrounding area and that the former youth penitentiary is owned by Columbus City and they may change the zoning on the property at their discretion.

After further discussion, the Applicant requested the meeting be continued to June 12, 2018 at 7:00p.m.

Motion to Table ZC042018, proposed storage facility, by Vice Chair, Smith seconded by Mrs. Farneman
Vote: Smith, yes; Farneman, yes; Pierce, yes; Hamilton, yes
Motion passed

Old/New Business

Review and Approve April 10, 2018 meeting minutes.

Motion to Approve Meeting Minutes as presented by Mrs. Farneman and seconded by Vice Chair, Smith

Vote: Smith, yes; Farneman, yes; Pierce, yes; Hamilton, yes

Motion passed

Review and Approve April 17, 2018 meeting minutes.

Motion to Approve Meeting Minutes as presented by Mrs. Farneman and seconded by Vice Chair, Smith

Vote: Smith, yes; Farneman, yes; Pierce, abstain; Hamilton, yes

Motion passed

Motion to Continue

Motion to Continue until June 12, 2018 at 7:00pm in the Concord Township Administrative Building for the purpose: to consider ZC042018 proposed storage facility by Vice Chair, Smith and seconded by Mr. Pierce

Vote: Smith, yes; Farneman, yes; Pierce, yes; Hamilton, yes

Motion Passed

ATTEST

DATE APPROVED

Angie Ellerbrock

06/12/2018

Angie Ellerbrock
Administrative Assistant

cc: ZC Members, Fiscal Officer, Zoning Inspector, File

