



## Zoning Commission

47 Mr. Wecker: This buyer acquired this property this past fall; I was not buyer's counsel, although my firm  
48 has worked with the former owner for some time and for what he wanted for outdoor display, especially  
49 with the PCD that's in place for 6605 right now, he could proceed with a good deal of what he'd like to  
50 do but the more he thought about what this means to his business, his business is in Holmes County  
51 which is where he makes a lot of what is sold here, this is going to be a prime location for JBM  
52 Structures, especially with the PCD Zoning that's in the middle parcel, even if he could get started, and I  
53 think he plans to get started because the spring season is an important part of this business, but he wanted  
54 to do things right, and I wanted to at least start the process for him but I do understand what you're  
55 saying, and I respect that. Time-wise, I think my client would like to do as much as he could under the  
56 existing PCD Zoning; I think he's got a decent amount of latitude but in the long term would like to get  
57 this zoning up to snuff in 2020.

58  
59 Mr. Duell: It can certainly happen in 2020; it's just not going to happen with this. This is basically a non-  
60 starter. You're on board with Mr. Eyerman and he knows what he's doing with our Code, so I would  
61 strongly recommend to go back, get it to where it needs to be, and come back to us fresh with a proposal  
62 because I don't know what we're even looking at here as far as any rules, regulations, standards. There's  
63 nothing, and like I said, I really don't want to be in a position of filling in a sizeable number of blanks.

64  
65 Tony Eyerman, would the Commission want to adjourn at this point and would we be able to take 10 or  
66 15 minutes and share....

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68 Mr. Duell: I'm okay with taking 10 or 15 minutes but I wouldn't go too far. We're here if you want to  
69 give everyone a brief overview of what's going on, what he's proposing, but I wouldn't get into the  
70 details too much because we haven't had a chance to prepare for it or comment on it. I would say take  
71 nothing as binding from anything.

72  
73 Mr. Wecker: Completely understood. I think a sort of direction would be helpful. I know one thing that  
74 would be good to finalize is a drainage plan. I know it's not binding but maybe get a sense that existing  
75 parking area right now is gravel. The Regional Planning Commission felt that the drive should be paved  
76 but there might be some latitude on the parking area since it's not a high traffic area. ODOT has already  
77 given us a letter that it's not going to require a traffic study. What you see there is what we would expect  
78 to have as part of the business, to vary the layout of the merchandise so that is what it would look like at  
79 any one point in time, but that's not necessarily fixed throughout the year, throughout the season, and  
80 what we're looking at more is what sort of fencing along Route 23, signage, my client is working on the  
81 electrical plan and we have referred him to the Zoning Code for that, and then in addition to fencing along  
82 Route 23, the fencing for there's an outdoor display area, an outdoor storage area in the back; it seems  
83 like that would be a big improvement to the property.

84  
85 Mr. Duell: I know there's also a section in there about lighting; that's another one you've got to pay close  
86 attention to the Code.

87  
88 Mr. Wecker: I don't get the impression that he's looking for much in the way of lighting.

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90 Mr. Duell: You have one section that just says they'll have adequate lighting; what's that.

91  
92 Mr. McCarthy: Mr. Wecker, you might want to make sure your client is aware that if he elects to proceed  
93 with any part of this under the existing zoning, it will be at his risk as far as where this thing ultimately  
94 ends up.

95  
96 Mr. Wecker: Understood.

97

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98 Mr. Duell: You talked about the gravel parking lot. It's not something the Township has entertained. It  
99 appears from some of the original zoning back in 1992, the parking lot was supposed to be paved but I'm  
100 not sure what happened.

101  
102 Mr. McCarthy: I don't think you've ever gotten gravel, Tony.

103  
104 Mr. Wecker: Tony and I have discussed this more than once and I wanted to ask but I wasn't under any  
105 impression that you'd wrap your arms around it.

106  
107 Mr. McCarthy: As far back as I can remember, they did not want gravel in PC or for that matter,  
108 Industrial. There are a few exceptions for the single family in certain areas but that again lies with this  
109 Commission, but the notes from 1992, and Michele has the plan, even then in the minutes it says that  
110 they're going to be paved, so how they came to be in their current state, I have no idea or if the paving  
111 expanded maybe informally, we certainly would have seen that happen as well. Either way, I just wanted  
112 to make the point that if he elects to proceed, he's elected to proceed.

113  
114 Mr. Eyerman: We'll work with Mr. Miller who is the applicant on this, we'll do our best to define the  
115 outdoor display areas. I think everything that will be sold on site will be outside for display, it's outdoor  
116 furniture, play equipment, arbors, shelters and sheds. The intent was to enhance the entire site and not  
117 only the Route 23 exposure but also the area that backs into our neighbors on the east side. This has really  
118 been quite an eyesore. Every once in a while someone will put a little money in it or stack the blocks in a  
119 different way and it looks good for a week or two, and then it starts to look bad again, so our intentions  
120 are not only to create something that's long lasting, it's appealing, it complements the neighbors on the  
121 east, we've met with the neighbor on the south, Ohio Mulch, and we're working with them as well.  
122 We've also had discussions with Mrs. Dempsey-Hook and Mr. Hook, the neighbors on the north side, as  
123 well, not only in what we're doing but also as how we can help them improve that whole corner because  
124 the Township as a whole has several cross roads that are significant, starting around Powell Road and that  
125 intersection, that's pretty much going to be what it is. Home Road, with the approval of both sides on 23,  
126 is pretty well locked in and this is one of the last main cross roads of the Township, and we want this to  
127 look sharp. That's what we're trying to do, and we've made that very clear to Mr. Miller, so we'll work  
128 hard to make sure all the different exposures and everything are an asset to the Township and still meet all  
129 the Codes, setbacks, etc. We'll pull all the lighting plans and engineering feasibility studies if you'll allow  
130 us the time, and we'll have a more comprehensive submission.

131  
132 Ms. Boni: I would just refer to the rezoning application, the checklist, make sure you cross all those.

133  
134 Mr. Duell: It's in and we'll certainly hear it when it's ready but it's not ready right now. We're not going  
135 to vote it down and send him home, we'll give you the opportunity to fully present it at some point but  
136 it's just not ready right now.

137  
138 Mr. Eyerman: We request a tabling for this evening with the Zoning Commission's approval, and that  
139 will allow us the time to meet with the neighbors and get more information from them, but also to finish.  
140 We've done a fair amount of the engineering feasibility study but we've got to go through and address  
141 some text issues.

142  
143 Mr. Duell: I know the Township is not normally in favor of outside displays but that is generally what is  
144 there now, so I think we can entertain it here, but like you said, you've got some work to do.

145  
146 Ms. Ault: Recreation Outlets in Powell, you can go in and play on all of the swing sets. Is this one of the  
147 intentions for the use of it as well or is it just for retail?

148

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149 Mr. Wecker: Retail. Certainly if you brought your kids there and they want to try it out, I don't think he's  
150 going to have staff chase them off of it, but if you want to schedule a play date with your kids and you  
151 don't have any intention of buying it, I don't think that's going to happen.

152  
153 Ms. Ault: And that's the difference with Recreation Outlets; you can pay \$7 and take your kids and they  
154 can spend all day there. So I was wondering if it was going to be that sort of business as well or if it's just  
155 an outdoor showroom.

156  
157 Mr. Wecker: An outdoor showroom.

### PUBLIC COMMENT

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161 Rick Wilson, 6445 Dubois Road, I have a question about the lighting; we're not going to be living like in  
162 the Wal-Mart parking lot or anything, are we?

163  
164 Mr. Duell: No.

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166 Mr. Pychewicz: Do you mean as far as light pollution?

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168 Mr. Wilson: Yes.

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170 Mr. Pychewicz: It sounds like you guys don't really have any lights, at least that's what I gather from that.

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172 Mr. Wecker: He's not planning on many lights for after hours.

173  
174 Mr. Eyerman: Probably just for security.

175  
176 Mr. Duell: But again, this is one of the reasons we really can't hear this thing tonight, there's not really a  
177 light plan. You have questions like that, but there's nothing there. It's really not ready yet, so if you've  
178 got concerns, I might even say take it up with them after the meeting because you'll get further.

179  
180 Mr. Eyerman: I have business cards too.

181  
182 Beverly Wilson, 6445 Dubois Road, Lewis Center, my concerns are safety and light filtering in with any  
183 of those properties. Those properties remind me of properties on the east side of 23 down at Orange Road.  
184 There's not a single one of those properties, Aldi, GFS, etc., that has access to 23. Why? Because it's  
185 dangerous. I have watched so many near accidents on 23 going south because a truck and trailer has  
186 stopped to go into Ohio Mulch. When the truck pulls in to wait for a spot to safely cross, the trailer is  
187 sticking out on 23. 23 is 75 mph in Michigan and it's limited access. Those people coming down here  
188 don't realize the danger to them and I'm very concerned that I'm going to go buy my kid a swing set, see  
189 you later honey, and he comes home dead. And I know you're the Zoning Commission, so can you tell  
190 me where I need to go with my concerns because this is not right. I drive down that road all the time and  
191 how do I know that in front of the car in front of me, there's not a trailer stuck in the roadway and then  
192 they peel off, and there I am.

193  
194 Mr. McCarthy: 23 is under ODOT's purview, so if you have concerns of that sort, you would probably  
195 raise it with District 6 in Delaware, and they're in the phone book.

196  
197 Ms. Wilson: But as the Zoning Commission, don't you have a responsibility before you rezone  
198 something? So it was spas; those things are huge and you're probably going to have it delivered, but then  
199 I've got that question as well. How about incoming and outgoing deliveries; how are they going to be able

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200 to access the property safely with large trucks? At least a truck does rise a little higher so you can  
201 probably see it in front of the car in front of you. but the question is access to those properties whereas  
202 table and chairs sets; you're probably going to want to take that home with you as opposed to a spa you're  
203 going to have delivered and installed, so I would say this is going to bring a lot more traffic to that area  
204 that we're not prepared to handle.

205  
206 Mr. McCarthy: Mr. Eyerman, I know there are sometimes that ODOT and the County Engineer interact  
207 on items such as this.

208  
209 Mr. Eyerman: They do and probably the simplest answer I have at this point is that it's grandfathered in,  
210 and somewhere along the line there was a need or desire so there's another access off Lewis Center Road  
211 through an easement through the Dempsey-Hook property, and I suspect, not knowing the history of the  
212 site, that was needed for a secondary access probably for the trucks. As Ms. Wilson said, there are  
213 vehicles going into Ohio Mulch too, but from a legal standpoint, it's the only legal access, and there is an  
214 easement, but it's the primary access to that site, so we'll do whatever we can, we'll work with ODOT to  
215 make it as safe as we can, but that's the best answer I have right now.

216  
217 Ms. Wilson: The road you're talking about, is that the road behind the property between the houses?  
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219 Mr. Eyerman: Yes, that comes off Lewis Center.

220  
221 Ms. Wilson: And when it comes out to Lewis Center Road....  
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223 Ms. Ault: It would be a right turn only, I'm sure because it's so close to the intersection.  
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225 Ms. Wilson: Yes, because everyone always obeys the law and does not turn left.  
226

227 Ms. Boni: Is it proposed as a right turn only? I was just curious.  
228

229 Mr. Eyerman: I don't know.  
230

231 Ms. Ault: I was just kind of making a blanket statement.  
232

233 Mr. Eyerman: We have been working with the owners to the north. If we're able to make any headway  
234 there, we will, but they are separate owners and we have very little legal persuasion on what they can do  
235 with their property, but we are having conversations with them to see how we can help.  
236

237 Mr. McCarthy: And that would be under the County Engineer's purview.  
238

239 Mr. Eyerman: Yes, Lewis Center Road.  
240

241 Mr. McCarthy: You might also want to contact the County Engineer's Office.  
242

243 Ms. Wilson: ODOT and County Engineer's Office; hopefully we can get somewhere and no one gets hurt  
244 because you're not even safe in the right lane because that person that does see it, may pull over right in  
245 front of you. There's no safety for anyone right there. We live right there, we hear all the crashes and  
246 ambulances constantly.  
247

248 Mr. Duell: How long do you think it might take you? There's really nothing you're going to get from us,  
249 so it's whenever you can have it ready.  
250

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251 Mr. Eyerman: Does the Commission prefer Tuesdays?  
252

253 Mr. Duell: We can do other days if we have to, but Tuesdays are already in the published calendar, so  
254 everyone keeps them pretty much clear, so those are almost always good days as long as there's not  
255 another application being heard.  
256

257 Mr. Wecker: So the 11<sup>th</sup> and 18<sup>th</sup> of February?  
258

259 Ms. Boni: We have something on the 11<sup>th</sup> already.  
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261 Mr. McCarthy: And the submittal needs to occur a week before.  
262

263 Mr. Eyerman: If the 25<sup>th</sup> is available, we'd have to have things in a week ahead of time.  
264

265 Ms. Boni: It is right now.  
266

267 Mr. Duell: So if you can have it in by the 18<sup>th</sup>, we can do it on the 25<sup>th</sup>.  
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269 Mr. Wecker: Let's plan for the 25<sup>th</sup> and we'll have you something in ahead of that.  
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271 Ms. Boni: And if it is far enough in advance, Tony and Andy, we can meet before and go over some  
272 things.  
273

### **MOTION TO TABLE ZONING APPLICATION #ZON-19-07**

274  
275  
276 Mr. Pychewicz made a motion to table Zoning Application #ZON-19-07, Nova Lands, LLC, until  
277 Tuesday, February 25, 2020, at 7:00 p.m. at Orange Township Hall; seconded by Ms. Ault.  
278

279 Vote on Motion: Mr. Duell-yes, Mr. Pychewicz-yes, Mr. McNulty-yes, Ms. Ault-yes, Mr. Doherty-yes  
280 Motion carried  
281

282 Meeting adjourned at 7:30 p.m.  
283

284 Minutes prepared by Cindy Davis, Zoning Secretary  
285

286 On March 3, 2020, Mr. Pychewicz made a motion to approve the January 15, 2020 minutes of the Orange  
287 Township Zoning Commission for Zoning Application #ZON-19-07, Nova Lands, LLC, with the  
288 following corrections:  
289

- 290 • Line 243 – “an” should read “and”
- 291 • Line 288 – “Thursday” should read “Tuesday”  
292

293 Seconded by Mr. Doherty  
294

295 Vote on Motion: Mr. Duell-yes, Mr. Pychewicz-yes, Mr. Doherty-yes  
296 Motion carried  
297