

**CITY OF CIRCLEVILLE
PLANNING AND ZONING COMMISSION
104 EAST FRANKLIN STREET
CIRCLEVILLE, OH 43113
(740) 477-8224**

City Hall Council Chambers
127 South Court Street

Wednesday, July 1, 2015

Meeting Minutes

Members Present

Al Sedlak
Mike Combs
Bob McCrady
Marsha Griebel Graham
Terry Leasure
John Ankrom
Valerie Goeller, Clerk

Visitors Present

Mr. & Mrs. Arthurs
Nancy Ott
Frank Seimer
Patricia & William Rice
James McCoy
Chad Conley
Bob Kuhlwein
Dale Bower
Barry Bennett
Jonathan Bennett
Shelley Walzak
Craig Stevenson
Jason Harral
Elizabeth McCoy

Chairman Al Sedlak called the meeting to order at 6:00 p.m.

The first item on the agenda is a Public Hearing, as requested by Chad Conley of Ankrom Architects, LLC, 1301 Maple Drive, Circleville, to rezone property located at 327 East Mill Street, owned by Pickaway Area Recovery Services, Inc., 110 Highland Ave, Circleville, from LI, Limited Industrial Use to SU, Special Use District.

Chairman Sedlak explained the roles that the Planning and Zoning Commission and City Council play in rezoning request and the process it takes.

Chad Conley, Ankrom Architects, 1301 Maple Drive and Barry Bennett, PARS, 110 Highland Avenue were sworn in.

Barry Bennett stated our plan is for a residential treatment center. We already have two residential centers. One in Washington Court House and one here in Circleville. There is a tremendous need for treatment for men. We now have residential for women, but not for men. The women's treatment center is located at 110 Highland Avenue, but that also houses our outpatient center. At Mill Street there would be very little traffic in

and out. We would use the same structured program that we have at Highland Avenue. There will not be people hanging around outside. The only time people will come visit will be on Sunday afternoon. Foot traffic will be minimal with the exception of employees. The way the property is setup, the parking will be behind the building. The property goes from the warehouse that Daryl Wolfe owns down to Clinton Street. There is plenty of room for parking. Already the property has a lot of framing on the inside and those rooms will be used for sleeping rooms, a group room, offices for administration and counseling.

Residential treatment is for people who basically failed outpatient. They tried outpatient and they need more help. The usual stay in residential is 70 to 120 days. Based on our experience in other residential treatments we have very few problems, if any, in our residential programs. If we have any problems we deal with them and move on. We don't take people who have been arrested for any sexual crime or are violent. They are either alcoholics, drug addicts or both who need help. I keep using the word structured. These people will not be walking the streets and they don't have cell phones. We are very strict.

Al Sedlak stated do you know the maximum number of residents at one time that might be at this facility?

Barry Bennett replied it will never be over 20. Our other places have never been over 15.

William Rice stated is there a detailed plan of what the property is going to look like when you're done?

Mr. Bennett replied yes, we will have a detailed plan, but that hasn't been completed yet. One of the things we will do is clean it up.

William Rice stated I was here at a meeting when they wanted to split that whole thing down through there. That property wasn't to be sold until there was a permanent parking lot put behind that facility and something done to the street out front because of the flooding problem. We have a parking problem all of the time regardless if that place is there or not. I can see this starting all over again. People will be parking up and down the street because there is no parking lot behind that building. You can call it what you want. I know what it is. That parking lot goes to the warehouse to the west of it. Before we can say yes, we need to see a detailed drawing of what it's going to look like and what type of security will be in place. You can say there will be no problems, but that doesn't mean anything to me because I don't know how that program runs.

Al Sedlak stated to John Ankrom, I would not consider this participation if you can answer his question.

John Ankrom stated we did approve a lot split, Harral and Stevenson created a drawing which showed the possibility of parking being there. Barry's development plan would address that.

Barry Bennett stated we don't want our people parking on the street. The visitors will use the same parking as our employees.

William Rice stated the street is a public parking area. The problem of the flooding street is still there.

Patricia Rice commented that there is a lack of street lighting in that area.

William Rice replied we have spoken to Valerie a number of times about the lighting issue.

Barry Bennett stated we will have lighting on our property, I'm not saying street lighting.

Elizabeth McCoy, 344 East Mill Street, stated do you have an onsite security policy?

Barry Bennett replied yes, we have a policy. Our employees are our security personnel 24/7. Clients are never left alone in the building. Our employees are trained in how to manipulate physically and other things.

Elizabeth McCoy stated is this Crisis Prevention Intervention?

Barry Bennett replied yes. If you are concerned check to see how many times the police have been to 110 Highland Avenue. We handle our facilities. I sat down on Mill Street for two and half hours one day and I saw drug things going on. It's not going to happen at our place. If we suspect it, we will bring in the dogs. We have had the dogs in our facilities and they never found anything. We will do anything to be a good neighbor there and we are good neighbors at 110 Highland Avenue. We have neighbors who use our parking lot for parties. We will clean up the Mill Street property. There won't be graffiti on the walls. We have one of the highest percentage of success with treatment in the State of Ohio because there is a lot of structure.

William Rice stated can anyone just walk in for treatment?

Barry Bennett replied no. Nobody walks in and says I want treatment. That doesn't happen. I don't think we have ever had a case of that at the women's residential. We have a recruiter who visits with people at their homes, jail, and Job and Family Services. We have outpatient at 110 Highland Ave and people do walk or drive and come in and then leave.

William Rice replied will that happen on Mill Street.

Barry Bennett answered no. We have no need for an outpatient center there.

William Rice stated what would it take to turn this into an Outpatient Treatment Center?

Al Sedlak stated it would take another application for them to come back. The request is to rezone it to Special Use District. Special Use is a unique zoning district that covers public or civic oriented uses, churches and schools. Anytime an owner wants to make a change in the use they have to come back here and notice goes to the public. Their use is part of their developmental plan and that would be as a residential facility.

William Rice stated is their use going to state no more than so many clients? I know jails are overcrowded and I can see this place being the same way.

Al Sedlak stated we can make that a condition of their plan.

William Rice stated as Mr. Bennett acknowledges there is a drug issue down there now and I'm afraid when they open up the place it will escalate the problem. When they opened up the location on Highland Avenue the foot traffic really picked up.

Mr. Bennett stated that is outpatient foot traffic.

Patty Rice stated I want to know how that will affect the property values in the area. Would you like for this type of center to be located across the street from your home?

Mr. Bennett stated knowing what I know, I would have no problem with one of our centers across from me. I don't understand property values so I can't answer that question. There are a lot of people that have no idea we have a residential treatment on Highland Avenue. People don't come to that facility except for on Sunday afternoons.

Patty Rice stated Special Use to me means outpatient or residential.

Mr. Bennett stated we are buying it for residential. If we can't use it for residential we have no need for another outpatient center.

Patty Rice stated things don't always end the way they start. For example the juvenile Detention Center on Island Road. It started off being a youth center and now it's a center for sex offenders. That got changed without anyone's input. It's bad down there and you know it's bad when you have to chain your patio furniture to your porch and they bring their bolt cutters to take your furniture. The problem is there and now you want to bring in more. You can control the inside of the building, what about the outside? The people on the inside have the same problems as their friends on the outside and they will find a way to get to each other. Those people on the outside aren't seeking treatment.

Chad Conley stated the visitors have to go through a screening process in order to get inside. When they come to visit they can't bring anything in with them that isn't approved by PARS.

Patty Rice stated we are concerned with the outside.

Mr. Bennett stated I can tell you know that won't happen on our property. I can't speak for what happens on the street.

James McCoy, 349 E. Union Street, stated what type of physical security will you have, like fencing, cameras, etc.?

Mr. Bennett stated to keep on the property they aren't going to be doing things off the property. If they try they won't be with us. Once they leave the building they are gone. You mentioned this place becoming outpatient. I can't imagine any scenario that would make that place outpatient. We have never had a residential client stick around once they walked away.

James McCoy stated what about the drug dealers living around there, they know that they are in there.

Mr. Bennett stated if you see that kind of activity tell us. The drug addicts on the streets are much different than the ones in our houses. First they have to detox before they get to us. They may go out back if we setup a volleyball net or something. They won't be in front, there is no reason for any cars to be in front. We are vigilant and that keeps them in. There is no way I can give you 100% the way things are going to be except how we have operated in the past. We don't put up with anything. I promise if we are allowed to come there we will be good neighbors.

William Rice stated you said earlier they wouldn't be outside, now you have them outback playing volleyball. That's where the problem starts, they have a wide open field behind there and a warehouse. What keeps someone from waiting behind the warehouse to throw drugs over or whatever? If you want drugs you're going

to get them. We want a fence something for security. Our property values will go down because we have a prison across from us. You call it what you want, but it is a prison. People can sneak away and come back.

James McCoy stated I want people to get help. There needs to be centers to treat people, but putting them in the middle of a hotspot of drug trouble just doesn't sound like the best idea. The lighting in the area is terrible and if they want to get in to see their friends and deliver drugs, they will. I don't want to see razor wire, but I also don't want an addict sneaking away. The temptation is there and it's right across the street. If they need money, they will steal it. I'm a no to this request.

Elizabeth McCoy stated I am a Registered Nurse at Ohio State's Emergency Department so I am very familiar with this population and clientele. I am for people getting help, but I agree with the statement of others that it is a hotspot. You have a bar adjacent to it and multiple drug homes around it. It's a bad idea. This area needs cleaned up first. PARS is a great program, but a bad location. It's a no for me too.

Craig Stevenson, Harral and Stevenson, 120 E. Main Street, was sworn in and stated I represent Daryl Wolfe who is the owner of the adjacent property, the large warehouse. He can't be here tonight and asked that I read a prepared statement.

"I am the owner of the warehouse located at the Mill Street site and welcome PARS to be my neighbor. I have dealt with Barry and Jonathan Bennett for many years and much respect for them personally and what they do for our community. Several years ago I sold them a property for their office at 110 Highland Avenue and they have been very respectable to their neighbors as they will be to everyone who lives on Mill Street. Both Mr. Bennett's are very true to their word on anything they do and say. Neighbors on Highland Avenue were concerned about many issues however always got the cooperation and support of the Bennett's and their operation fully. Those same neighbors are big supporters of PARS and appreciate them as neighbors today. I'm looking forward to having great neighbors and cleaning up this old Mana Pro site to make it better financially for my business operation and warehouse and same for the adjacent residential property. I urge the Planning and Zoning Commission and everyone in attendance to allow PARS to rezone this property and clean up this area for the betterment of Circleville." - Daryl Wolfe.

Valerie Goeller read three letters received and they are attached to these minutes.

Al Sedlak closed the Public Hearing and opened the regularly scheduled meeting.

The first item on the regular agenda was approval of June's Meeting Minutes. Terry Leasure motioned to approve as submitted, seconded by Bob McCrady. All in favor, motion carried.

The next item on the agenda was to vote on a recommendation to forward to City Council for the rezoning of 327 East Mill Street.

Al Sedlak stated I want to make reference to two sections in our Zoning Code. In the Special Use District, Section 24.05. It requires a development plan to be submitted prior to the approval of a rezoning request to Special Use. We are doing a recommendation so I don't feel we need to require that today, but before City Council would vote to give their final approval or disapproval PARS will need to have a development plan submitted. So I think the Development Plan will be submitted and made part of the record would address some of the concerns that some of the folks have had. PARS would be well advised to address those concerns as part of their development plan. Also in Section 24.06, Action by Planning and Zoning Commission and City Council.

In approving the redistricting of land into the SU District, the Planning and Zoning Commission and City Council may specify appropriate conditions and safeguards applying to the specific proposed facility. So it is possible for Council to set conditions and requirements to be imposed. For an example if they wanted to go from residential to outpatient they would have to apply to amend their Special Use District Development Plan back before this board and notice would go back out to everyone 200' surrounding their property.

William Rice stated is the city going to do something with this street. It was to be done before it sold.

John Ankrom stated work within that right-of-way is a separate issue from the property itself. I can review the minutes of that meeting, but I think we intended to say at that time is the driveway's that enter that property are elevated out into the street right-of-way. There is no reason to go out and do that work until they are ready to submit something to redevelop that property. I think the problem is a collapsed culvert below those ramped areas.

William Rice stated I think that is part of the problem, but like we discussed last time was the cleaning of the curb gutter. It's full of mud and dirt and that was to have been taken care of at the time the property was split.

John Ankrom stated curb and street maintenance to me is a separate issue from what we are talking about tonight. That doesn't minimize it.

Al Sedlak stated I have some familiarity with PARS over the years and I can attest they run a very strict operation. Some of the clients of theirs are there voluntarily and a lot of them are there as part of a condition to probation or otherwise a court referral. PARS reputation is running a very tight ship. They are strict and successful. Generally facilities such as that do not attract people wanting to deal drugs or commit criminal offenses. People like that shy away from facilities like that because they know there are professional people there such as counselors, probation officers and at times police officers. PARS would be a benefit to the community as far as making people who want to deal drugs go elsewhere. That is a place they would want to avoid. This is not a new operation. I'm not aware of any problems on Highland Avenue since they have opened their center there. It is an attribute to the community. These comments are based on my involvement with Municipal Court and prior to that Common Pleas Court.

Marsha Griebel Graham motioned to forward to City Council with the recommendation to rezone 327 East Mill Street to Special Use District with the restriction that it will only be used as a residential facility with a maximum 20 residents, seconded by Terry Leasure. VOTE ON MOTION: MIKE COMBS, NAY; TERRY LEASURE, NAY; MARSHA GRIEBEL GRAHAM, YEA; AL SEDLAK, YEA; JOHN ANKROM AND BOB MCCRADY, ABSTAIN; MCILROY, ABSENT. 2 NAYS, 2 YEAS, 2 ABSTENTIONS, 1 ABSENT. MOTION DENIED.

Al Sedlak stated this will be forwarded to City Council with the recommendation not to rezone it due to the tie in the vote. City Council will proceed with their Public Hearing.

The next two item on the agenda were heard together. Conditional Use Permit #3-15, as requested by Craig Stevenson of Harral and Stevenson, 120 East Main Street, Suite A, Circleville, for Ohio Christian University, 1476 Lancaster Pike to review development plans to construct three parking lots to serve a proposed Performing Arts Center, in an area zoned CV, Campus Village District.

Variance #5-15, as requested by Craig Stevenson of Harral and Stevenson, 120 East Main Street, Suite A, Circleville, for Ohio Christian University, 1476 Lancaster Pike to review development plans to construct three

parking lots to serve a proposed Performing Arts Center and to vary the paved area setback from the right-of-way line of US Rte. 22 from the required 200' to 36.7', in an area zoned CV, Campus Village District.

Craig Stevenson, Harral and Stevenson, stated I have Dr. Smith of OCU and Philip Tipton of McKnight Architects with me. Dr. Smith will give a brief overview of the plan.

Dr. Smith stated we continue to try to move the university forward. Over the last ten years we have been annexed into the city and have grown from 400 students to 4,100 students. Half of those are online students in 48 States across the Country. We house all of our administrative hub in Pickaway County. We have grown from 35 employees to 600 part and fulltime employees. Many in the community are working now. We are excited to continue to contribute to the economic development of the community. One missing piece is a place to conduct a number of activities for our Performing Arts. We have a worship ministry team, those involved in drama, theatrical areas and in addition a music program which is growing. It includes the recent hire of Dr. George Edge who is trying to restart the Allstate Band in Pickaway County. The state disbanded it and now he has come on to restart it. We have a number of high school students who come to participate in the band that has been started. We have choir that travels nationally. Last year we hosted over 600 events in this community and 252 of those were outside of the University. We have had three National Championship runs for the Junior College for the Christian College Association and for the high school Christian Association. We have raised 6.2 million dollars for the first phase of this new structure that is in front of you tonight. Primarily five individuals stepped up and did the majority of the giving. They are from Ohio, Texas, Oklahoma and Florida. We believe it will be a huge addition to the community. We can host additional events and do things like traveling Broadways. We will be able to have a number of singing groups perform and host national conferences. We are working with several countries in Central and South America doing pastoral conferences for technology usage. It will be a high-tech facility.

Craig Stevenson stated the dash that currently runs through the front of the building is the current driveway. With the new building we are going to have to expand that towards Route 22. It will allow us to do some improvements to the driveway. That turn lane in front was recently improved by ODOT. As a condition to that process that will be the access and the second one down is being closed. The access point to the west of that will be closed as part of this project. The parking lot on the east side will surround the current residence hall. That will provide 160 spaces. The newer looking parking lot will be a part of a second phase. We will need to re-grade that area and basically clean up what was existing. By expanding that footprint we end up with about 100 parking spaces in a parking lot that will function well.

John Ankrom stated did you complete a parking analysis based on the current Zoning Code?

Craig Stevenson stated currently they are proposing 600 seats and we are proposing 160 spaces here. That gets close to the 1 to 4. The parking on the campus is complicated. There are a lot of uses at different times all over the place. It doesn't work well for them to have one massive parking area for everything, it has to be spread out.

John Ankrom stated there is other space in the building beside performance space.

Philip Tipton, the McKnight Group, Grove City, Ohio was sworn in and stated to the right is the future Music Department and on the left side is the Ministry Department. On the right side is the band room, back stage, dressing rooms, restrooms, storage and truck dock. On the left side is for the future ministry, lecture and

general class rooms. To answer your question, no I don't see it increasing the parking load. Most of the students are already on campus so what's being added is not new assembly in addition to phase one.

John Ankrom stated it's hard to come to a number with a building like this. Especially when I see 300+ future seats, that's an additional 75 parking spots. If you have staff and offices that starts to strain the parking you're adding. I've been to events out there and it's been tough to find a place to park.

Philip Tipton stated the staff would not schedule two large events on the same day.

Craig Stevenson stated in the final build out there is parking in the back that is in decent proximity to this. This parking lot in the front will be nice, but it really isn't needed for smaller occupancy of this building.

John Ankrom stated when you have the big events and you exit them out to Route 22 we are eliminating points where you can exit and concentrating them into the one lane in front at the current entrance. Maybe beyond the Innovation Center there is another exit point. How do you feel you have done addressing that potential issue?

Dr. Smith stated the issue is not getting out of our space. The issue is getting through town. If we had officers at lights to get them out to Route 23 it flows. When we let out a 1,800 people event it starts backing up at Speedway all the way back to our campus. I've already discussed this with the Mayor. If we can come up with a coordinated plan when the events are to have an officer. It takes someone one hour to get to Route 23 after an event because the way the lights are sequenced.

John Ankrom stated all of our lights along Lancaster Pike are sequenced together. It can be an issue just getting off the campus. I wonder if eliminating access points to Route 22 is hurting that.

Dr. Smith stated the one being eliminated now is the current one that isn't used. The second phase of the one to be eliminated needs to be discussed and how that will happen. There will be one added around the Innovation Center.

Craig Stevenson stated the most important thing is to improve the onsite circulation. Having everything down to one access point does make it easy for an officer on duty to direct traffic. I think that will function well to get it down to one. We have done other things on the campus to help with the flow as well. The biggest improvement will be this loop across the front is 24' wide. That is a decent lane width and curved. We have looked at all the turning radius and it will function pretty well.

Dr. Smith stated we hire four to eight Sheriff Deputies every event for safety and getting people out. That is how I know the issues aren't with getting people out. Those deputies run them through as fast as can be, but when they hit the backup at the first light we are shut down. If we can sequence those lights, in 10 minutes we can get most people out.

John Ankrom stated how many events in a year do you have that would require that type of action?

Dr. Smith responded five to eight with a maximum of ten.

John Ankrom stated it looks like you are going to spot various detention basins around to address storm water.

Craig Stevenson stated that is going to be challenging. We will have a little extra room, but we will have to pick out small green space areas and do the best we can.

Philip Tipton stated one of the key locations of the building and one of the key concepts of the design was to preserve the green space behind the building. There is actually a plat form on the back of the building that opens up into that triangular grass area between the dorm and library. It going to be a beautiful amphitheater setting. It evens slopes down

toward the building. That is something we wanted to preserve so we can't push the building back another 100' without destroying that. That is a prime, beautiful location on the campus and we want to make it even more beautiful.

John Ankrom stated part of the Village Campus District had a requirement that the setback had to be 200' from Route 22 right-of-way and that included pavement setbacks. Both of the two winged parking lots are within that 200'.

Craig Stevenson stated this is in conformance with the ongoing Master Plan efforts of the University.

John Ankrom stated I don't have a problem with it, but thought we should address it since it is part of their request.

Bob McCrady motioned to approve Conditional Use Permit #3-15, seconded by Terry Leasure. VOTE ON MOTION: TERRY LEASURE, YEA; JOHN ANKROM, YEA; MARSHA GRIEBEL GRAHAM, YEA; BOB MCCRADY, YEA; AL SEDLAK, YEA; MIKE COMBS, YEA. 6 YEAS, 0 NAYS. MOTION CARRIED.

Marsha Griebel Graham motioned to approve Variance #5-15, seconded by Bob McCrady. VOTE ON MOTION: JOHN ANKROM, YEA; MARSHA GRIEBEL GRAHAM, YEA; BOB MCCRADY, YEA; AL SEDLAK, YEA; MIKE COMBS, YEA; TERRY LEASURE, YEA. 6 YEAS, 0 NAYS. MOTION CARRIED.

The next item discussed was a Preliminary Plat Application, as requested by Jason Harral, Harral and Stevenson, 120 East Main Street, Suite A, Circleville, for IRG Circleville, LLC., 4545 Fisher Road, Columbus, Ohio for Progress Park, 24200 US Rte. 23 S, in an area zoned LI, Limited Industrial District and GB, General Business District.

Jason Harral of Harral and Stevenson and Shelley Walzak of IRG Realty were sworn in.

Jason Harral stated we have a Preliminary Plan for the redevelopment of the Thomson/RCA Site. The southern portion of the site has been annexed into the city. IRG and P3 received a job ready site grant for about 3.5 million dollars to develop infrastructure through access roads, utilities, storm, sanitary and water lines. The intent is to redevelop the land to make it marketable to attract large industrial manufacturing type uses. Those are uses consistent with this property. Currently being proposed is maintain the Limited Industrial in the rear and out front along Route 23 General Business. You will see the extension of South Court Street from the existing Wal-Mart drive south to the current drive at Thomson. The drive will be improved to public street standards. It will be three lanes wide. Out towards the front it will be a little wider. Currently Burgess and Niple are conducting a traffic study. Once we get those results back we can put the final touches on this and figure out what that intersection is going to look like. Circle Lane which is the current drive will be extended back and Progress Parkway will be extended south. Progress Parkway was extended through TIF Funds through the County Commissioners Office. To the south property line on the Casto Property line it will pick up and extend that south to the ditch.

Shelley Walzak stated IRG has owned the building since 2008 and we knew there would be risk in buying this property. We knew there were environmental issues. A lot of the plans to correct that have been put in place. Now we are at a point where we are going through the cleanup measurements. Through that process we should have it cleaned up to the Ohio EPA level by the end of 2016. That will be in conjunction with the JRS so we can get certification to make it approved Job Ready Site for Circleville.

Al Sedlak stated which of the lots are going to be zoned GB, General Business District.

John Ankrom stated Lots 1, 2, 4 and the doctor's office are zoned GB. The doctor's office will abandon their lane and come off the main Circle Lane when it is complete.

Al Sedlak stated so Lots 3, 5, 6 and everything south of the ditch will be zoned LI, Limited Industrial District.

Jason Harral stated this intersection will be signalized. It going to look very similar to the Sperry Drive Intersection as far as lane configuration and how it functions. It will be further from Route 23 giving more stacking. The signal on Route 23 still works, but will be reconfigured as part of the improvements.

John Ankrom stated I'm glad there will be a signalization where Court Street dead ends. I think it will take a lot of load off the intersection of Sperry Drive.

Marsha Griebel Graham stated are we splitting off Parcel 5 and the 2.89 acres?

Jason Harral stated yes, that is actually Parcel 6 and south of the ditch is a separate parcel.

John Ankrom stated how do you access Parcel 6 given the fact you have the spur there.

Jason Harral stated they will have to trim the rail back.

John Ankrom stated you extend Progress Parkway far enough to the south to allow you to get past the spur. At one point the discussion included extending Progress Parkway south of the ditch and now I am not seeing that. Is that a function of money?

Jason Harral stated we are going to extend this as far as we can with the funds that are available. We will make it as big and as nice as we can with the grant money we have. I don't know if we will have enough to get across the ditch. It would require a very large culvert.

Shelley Walzak stated there are environment hazards with that, but they will be cleaning it up over the next 18 months.

Jason Harral stated while they are cleaning up the ditch line we will have to make sure everyone stays out of each other's way.

John Ankrom stated do you have a tenant for the warehouse?

Shelley Walzak replied I have someone from the new pipeline that might go in.

John Ankrom stated if they have truck traffic what are you going to do with all that.

Shelley Walzak stated if they execute the lease I have it in there where we can alter their access point.

John Ankrom stated as for utilities you are looking at a lift station for the entire site and then extending water service onto the site to serve the north portion now, but the intention is to serve the entire property. Is this correct?

Jason Harral stated that is the intent. We are definitely running a 12" main back through here. We will have the capacity to serve any large user. There is an 8" back to the north and once we get to the Casto Property, Earnhart Hill Water takes over. It will be snubbed down to the ditch line and terminated.

John Ankrom stated the Long Range Plan does call for Progress Parkway to be extended through the southern part of this and through to the May Farm to align with Owens Road.

Marsha Griebel Graham stated I am on Earnhart Hill Board. I do know they submitted a letter to the city in regards to wanting to serve that area but also to lay a continuing waterline to follow the road right-of-way. So it will continue on with their loop that they have to the Casto Property. It does better for the water flow if you have a continual loop.

John Ankrom stated they did submit a letter and we haven't responded to it yet. We are waiting on some response from the JRS people as how utilities serve this site in light of how to market this site in its best capacity. As soon as we get that letter back we will respond to Earnhart Hill.

Terry Leasure motioned to approve the Preliminary Plat Application, seconded by Bob McCrady. VOTE ON MOTION: MARSHA GRIEBEL GRAHAM, YEA; BOB MCCRADY, YEA; AL SEDLAK, YEA; MIKE COMBS, YEA; TERRY LEASURE, YEA; JOHN ANKROM, YEA. 6 YEAS, 0 NAYS. MOTION CARRIED.

The next item on the agenda was Variance #6-15, as requested by Hubert Arthurs, 612 Dunkel Road, to construct a 24' x 32' detached garage and to vary the maximum square footage allowed for accessory structures from 1,000 square feet to 1,088 square feet (existing 20' x 16' shed) and to receive permission for a second curb cut, in an area zoned R-2, Single Family Residential District.

Hubert Arthurs, 612 Dunkel Road, was sworn in and stated we just bought the property and we want to put up a garage. We wanted to use the existing driveway and we found out there is a sanitary sewer that runs down the side of the house. We can't put a driveway over a sanitary sewer. We thought we would use the east side of the property and put a driveway straight in and back to the back towards the garage. In my opinion it will improve the property.

Al Sedlak stated will the driveway come out to Dunkel Road or to where the two pine trees are?

Mr. Arthurs stated yes, it is in the area where the one big pine tree is blocking everything. It would be in that area.

Bob McCrady stated the shed you have now, the garage will be on the other side of the shed. Is that correct?

Mr. Arthurs replied yes.

Marsha Griebel Graham stated the existing driveway now is that a garage?

Mr. Arthurs stated the people we bought it from took the biggest part of the garage and put upper laundry in the front of the garage. We can still get a small vehicle in it. I have a couple old cars that we want to keep stored. We will still be using the existing driveway and garage.

Marsha Griebel Graham stated did the city tell you that you can build a garage?

Mr. Arthurs stated yes, they said we had plenty of room to build the garage.

Mary Arthurs stated when we first went in and talked to them about that they said we could build a garage at a certain size. The problem is the driveway.

John Ankrom stated a second curb cut has to be approved by the Commission.

Bob McCrady stated given the size of their yard I have no problem with the size of the garage, but I do have a problem with the second curb cut.

Mrs. Arthurs stated our neighbor Mrs. Ott was here but had to leave. She left a note saying she had no problem with what we were proposing. The only way we can get back to the garage is to go over the sanitary sewer with the driveway. If we had to work on the sewer line we would have to tear up our driveway.

Al Sedlak stated how much space do you have between your house and the west property line?

John Ankrom replied 14'

Al Sedlak stated that would be tight.

Terry Leasure stated are you going to black top it?

Mr. Arthurs stated eventually we would like to, but right now we just moved in and things are tight for us. We will use gravel for a while.

Terry Leasure motioned to approve, seconded by Mike Combs. VOTE ON MOTION: BOB MCCRADY, YEA; AL SEDLAK, YEA; MIKE COMBS, YEA; TERRY LEASURE, YEA; JOHN ANKROM, YEA; MARSHA GRIEBEL GRAHAM, YEA. 6 YEAS, 0 NAYS. MOTION CARRIED.

The last item on the agenda was an informal discussion as requested by Craig Stevenson of Harral and Stevenson, 120 East Main Street, Suite A, Circleville, for DK Wolfe Family Investments, LLC, to discuss possible uses for the Circleville Township Hall, 934 South Washington Street, in an area zoned R-5, Two Family Residential District.

Craig Stevenson stated I am representing Daryl Wolfe. He is interested in purchasing the Circleville Township House. It is in an R-5 District. It is considered a nonconforming use. Our understanding of the code is that it should be preserved for a future owner.

Al Sedlak stated that is a property right that can be transferred.

Craig Stevenson stated this property is a little unique. If this was Walmart or McDonald's we would all know what the current use is? In this case it could be construed perhaps as government use, office or warehouse. Daryl would like in the future to use this as office and/or warehouse as the owner of that. Our concern is that a future Zoning Commission might view this building as something different. I would like the outcome to have some language in the minutes for the record that the building is office and warehouse and those are the uses he can use down the road.

Al Sedlak stated Daryl Wolfe a few weeks ago submitted a proposed agreement and understanding document that we reviewed. In that document he references the current use as warehouse and/or office. He goes on to state that he would like an understanding that they can use it for a number of reasons and including in that was meeting space for trade shows, seminars, church or fraternal groups or other organizations to gather, a party or event location to host wedding receptions, sport banquets, art showings, Chamber of Commerce mixers, Scouting functions, proms, and other types of events. And commercial office, retail, industrial and medical space.

Clearly that would be an expansion of any existing nonconforming use. That would require some serious review by this board. I wouldn't be confident that we would be comfortable with something like this.

Craig Stevenson replied I understand. I believe Daryl's attorney was a little over zealous. It might even be my fault from some of our discussions. He went for the moon. Daryl and I both understand some of those are over and above what he is looking for. An outcome tonight we would be happy with is if we can get in these minutes and come back five to ten years from now and establish the current use is warehouse and office and that is what he can do in the future. The code describes what can happen in an office and warehouse and Daryl is comfortable with those uses.

Al Sedlak stated I think our position on this is to give you the response is that our approval for the transfer of the nonconforming use is not necessary. That is a property right. If he buys the property, he is buying the nonconforming use as it currently exists. I think the determination as to what that might be is best left to him or the other members of the Limited Liability Corporation and his counsel. We don't know what the current use is other than the Township owns it? Obviously they have meetings there, several of us have attended meetings there. Beyond that for us to conclude what other uses and to put in the minutes, this is what we find, I think is well beyond the scope of our authority. We could not object to the continuation of a nonconforming use as the township has used it for.

John Ankrom stated I think the point Craig or Daryl is trying to make is right now it is used by Circleville Township as a township house. Once this is sold can he only use it as a township house?

Al Sedlak stated he is asking for a legal opinion from us and I am not comfortable giving that. He apparently has an attorney that can advise him.

John Ankrom stated we have a zoning code. To read out of the Nonconforming Section under the Intent, it reads: *It is the intent of this ordinance to permit such nonconformities to continue until they are removed and to allow reasonable expansion or substitution.* It's this commission's ability to grant an acceptable substitution.

Bob McCrady stated we need to know what that is.

Al Sedlak stated first we need to know what the current use is.

John Ankrom replied we do know. They store equipment there, two employees work out of there, the rear is used for storage material. On down in the code it reads: *The Planning and Zoning Commission may allow a nonconforming use or structure to be changed to another nonconforming use of the same or more restricted classification.*

Al Sedlak stated we can allow a more of an intense use, an expansion or a change to another nonconforming use. I don't think this board can be on the record as approving something that isn't formally before us. The township is the owner that is not the use. The township is using it as office. If Daryl uses it as an office that is the same thing.

Craig Stevenson stated our concern is that five to ten years from now if somebody different is in your chair might see it a different way and he is stuck.

Bob McCrady stated he wants us to sign whatever we approved that it would go on forever. If we signed it no other board can change it.

Al Sedlak stated I think it has been well communicated that we do not enter into contracts. We approve or disapprove on a formal application at a public hearing. This submission was totally inappropriate.

Bob McCrady replied I feel the same.

Al Sedlak stated if he continues the same use we have no role in it. If he tries to change or enlarge the use he has to file an application with us. We will then have to determine the prior use and what changes and if they are reasonable and appropriate under the code criteria. The fact it is owned and used by a township doesn't mean it is township use. The township is using it for a particular purpose. If DK Investments uses it for that same purpose, even though they aren't a township, that isn't a change in the nonconforming use.

John Ankrom stated if Daryl decides to put a recycler in there, someone who recycles materials and he has an office and warehouse, plus storage in the back. The environment impact in the neighborhood becomes such that it is objectionable.

Al Sedlak stated does the township have a recycler in there now?

John Ankrom replied no.

Al Sedlak stated that is a change in use.

John Ankrom stated would you call it an office/warehouse? To me it's more industrial. If there is a future tenant that goes in under the guidance of office/warehouse and their use causes negative impact to the neighbors what do we have at our disposal to go in and make a difference as a commission?

Al Sedlak stated not as a commission, it becomes an enforcement matter. Just like any other zoning violation.

Terry Leasure stated if he puts in a recycler that is a business. The township isn't using it as a business. He wants to use it for storage for himself.

Craig Stevenson stated he doesn't have an intent necessarily for his own business. It would be something he would market to lease tenant or to sell down the road. He definitely wants to do business in there some point in the future.

Terry Leasure stated so now you are saying it could be a business.

Craig Stevenson replied it is likely it could become a business. That is why we are here tonight. His vision is the business would be an office/warehouse and not specific to what the township does now.

John Ankrom stated they do maintenance there now. What if that became an auto repair show?

Craig Stevenson stated I would like to think it would be a continuation of the current use. Those are the types of questions that brought us here tonight. It's not a straight forward use.

Al Sedlak stated auto maintenance would be an expansion and change. The township works on their own vehicles.

Craig Stevenson stated the office use is where we run into some trouble. Their use of the offices are in the evening hours once a month. If you want to put in a doctor's office they will have daily office hours and that is an office use. Those are the types of things he wants to understand before he buys the building.

Al Sedlak stated I do not want to put us in a position where we say we are okay with a certain type of use. I guarantee one year down the road it will be used for something we didn't contemplate and they will come to use and they will say you told us it is okay. My feeling is we aren't telling you anything is okay other than what you determine the township is doing now. If you want our blessing for him to go buy the property with our assurances, that is an inappropriate thing for us to do. We deal with the things that are formally presented to us. We have informal discussions to accommodate the public, to give feedback and dialog. The property owner and legal counsel will have to determine on their own based on our zoning code and their knowledge as to what the township has used it for. If they want to change the use around a little bit, they are taking the chance it may not pass. They need to file an application for a change or expansion of a nonconforming use. We are not telling you anything is okay.

Bob McCrady stated I want to go on record that I totally agree with what you are saying.

John Ankrom stated is it safe to say if Daryl buys it and leases it to somebody, no matter who he leases it to and what they are going to do they need to come to my office to get a permit.

Al Sedlak replied yes. You can review the specific use and give them some feedback and if you aren't comfortable with it, they can make an application to us.

John Ankrom stated any substitution has to come before this board. Are you giving me the latitude to determine that circumstance?

Al Sedlak stated if you are comfortable with it. If not, bring it to us. If someone had a business and needed a location to put someone in there to do some clerical work and there was no foot traffic, to me that sound similar to what the township is doing. When you open it up to the general public you are changing it.

Craig Stevenson thanked the board for the guidance and he will pass that information on to Mr. Wolfe.

Mike Combs motioned to adjourn, seconded by Terry Leasure. All in favor, motion carried.