

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

MAY 7, 2014
MEETING MINUTES

MEMBERS PRESENT

AL SEDLAK
JOHN ANKROM
MARSHA GRIEBEL GRAHAM
BOB MCCRADY
VALERIE GOELLER, CLERK

VISITORS PRESENT

DOUG WINLAND
TERI CANTOR
DON GREENO
CINDI LAMB
DAVID GREENO

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

The first item on the agenda was approval of April's Meeting Minutes. Bob McCrady motioned to approve as submitted, seconded by Marsha Griebel Graham. All in favor, motion approved.

The next item on the agenda was Conditional Use Permit #2-14, as requested by Community Assisted Living, Inc., 500 North Pierce Avenue, Lancaster, Ohio to utilize 225 Moats Drive (Ms. Jessica's Daycare) for an Adult Day Care facility, in an area zoned SU, Special Use District.

Cindi Lamb with Community Assisted Living was sworn in.

Al Sedlak stated they met informally last month to discuss this request.

Ms. Lamb stated if we are approved tonight we will move forward in purchasing the property. We are a development disability contractor and we want to put a day rehabilitation center there. The hours of operation would be 8:00 a.m. to 5:00 p.m. No one would reside at the property. We are in the process of getting a quote for a Fire Suppression System that we are going to run through the building. When I spoke with Mr. Toole he thought after we got the system in place the occupancy load would be around 29.

Al Sedlak stated last month we questioned if it would constitute a similar use within a Special Use District. Informally we came to a conclusion that it would. The requirements for a Conditional Use is set forth in our Zoning Ordinance. Looking at your plans it seems as if you fit the criteria.

Bob McCrady stated will your clients be inside all of the time or will they be able to roam the neighborhood?

Ms. Lamb stated nobody will be roaming the neighborhood. We like to take our clients to community based activities. We thought we would put a planter box garden outside. I am not saying they would never take a walk in the neighborhood, but if they would they will always be supervised. Our main goal as a contractor is to make sure our clients are getting out into the community, it may be going to Wal-Mart, movies, or the zoo. Something that is stimulating for them. We want to make it fun for them.

Mr. McCrady stated that was my main concern. I am glad they will always be with a staff member.

Ms. Lamb stated they will never be unsupervised.

John Ankrom stated last month you weren't really sure how many square feet the building was and the occupancy load. Are you thinking 29 people?

Ms. Lamb stated that is what I was told, but that is with the Fire Suppression System installed. Without the system, it would be under four or five.

John Ankrom stated with maximum occupancy load, how much staff would you have there?

Ms. Lamb stated with the staffing there is a thing called acuity. It's a ratio and depends on the person's needs. For an example, if it is someone who is really medically fragile that needs the eyes on, the ratio is one staff member for every four people. If the occupancy load ends up being 29 we wouldn't have anything close to that. It's not a very big place.

John Ankrom stated isn't there a ratio for patients per square foot?

Ms. Lamb stated I am not sure. We go by the person's needs.

John Ankrom stated where I am going with that is there are only four or five parking spots on the property itself. Our Zoning Code is a little vague as to what the requirements is for this use. For medical care it's one for every four. If you had 20 patients and you need five staff members that is 6 parking spaces and I don't think you have that.

Marsha Griebel Graham stated will any of your clients drive?

Ms. Lamb stated no. They will be dropped off. Our staff would use the parking lot. The clients would probably be dropped off in the parking lot.

Mr. Ankrom stated you mentioned field trips. Will you have a minivan or bus?

Ms. Lamb stated yes, we are looking at a 12 passenger van that will be parked there the majority of the time.

Mr. Ankrom stated with this real estate there is an adjoining piece of land that goes out to Nicholas Drive. Are you purchasing it as well?

Ms. Lamb stated yes.

Mr. Ankrom stated that is zoned residential.

Ms. Lamb stated at this time we have no plans for that property.

Mr. Ankrom stated if you plan to expand your business on to that lot, you would need to rezone that property.

Ms. Lamb replied right.

Al Sedlak stated how many staff members would be there normally?

Ms. Lamb stated at any given time probably five.

Al Sedlak stated in our Zoning Code there are several requirements for off street parking spaces for different property uses. There are no property uses listed that fit your business type. The closest would be hospitals and nursing facilities. That is one parking space for each four beds, plus one for each employee on main shift. You would be pretty close in compliance if that was applied.

John Ankrom stated the frontage on Moats Drive is seldom used so that makes a good drop off and pickup point.

Don Greeno was sworn in and stated when this first came out for the daycare center we were lied to by this meeting here tonight it was a Conditional Permit. Once that daycare closed it reverts back to residential. What happened to that theory?

John Ankrom stated it is zoned Special Use and all uses are listed as Conditional Uses.

Don Greeno stated what is Special Use? Any damned thing you want to put in there.

John Ankrom stated anything that fits in the Special Use category.

Don Greeno stated I don't want any damned service station or restaurant or anything of the like in my side or back yard. Right down the street was the Jehovah Witness Church. They wanted to put a hair salon in there or a doctor's office and they denied that. What is the difference between up the street and down the street? What's going to happen to that lot if they want to

expand their business?

John Ankrom stated I told Ms. Lamb if they want to expand to that lot they would need to rezone it. Which requires coming through this commission and City Council.

Don Greeno stated anytime you want to change the damn zoning, it's what someone can pay you in, right? It's whoever has the most money to pay you to get it changed.

John Ankrom stated there is a fee in rezoning.

Don Greeno stated the people don't have a damned thing to say about it. These people haven't lived here for 50 some years like I have.

John Ankrom stated this is your chance right here.

Don Greeno stated that's right I am speaking up.

Al Sedlak stated you do have a say in it and we are listening to you. I am not saying we will agree, but we will listen to you.

Don Greeno stated thank you. It doesn't seem like over the years people wanted to listen. I was a damned dummy and didn't know what I was talking about.

Al Sedlak stated Mr. Ankrom was saying if they ever want to use that corner lot, they would have to get the zoning changed for it. That would take the recommendation from this commission and approval by City Council. It is a very difficult thing to do.

Don Greeno stated what does Special Use mean?

Al Sedlak stated Special Use is a section in our Zoning Code that is for unusual and community related things. (Al read the Special Use Section, Article XXIV) These are the general and similar things that can fit into that Special Use District.

Don Greeno stated there is another way of looking at this too. Special Use, she said 9:00 a.m. to 5:00 p.m. would be the hours of her business. That is a damned business!

Al Sedlak stated well hospitals and nursing facilities are businesses. A business can be in a Special Use District.

John Ankrom stated Mr. Greeno you mentioned a gas station. A gas station is not a permitted use under this section. A retail operation is not a permitted use.

Don Greeno stated John that is what I am trying to get at. If someone wants to come in for one for a restaurant, then you change it for them because it's no problem to get it changed in the

Special Use District. I know how this works. I have lived here for 53 years and I have never seen so much bull go on in my life.

Al Sedlak stated when the daycare went in they didn't change the zoning because it was a church.

David Greeno stated no, they changed it to Community Facility.

Al Sedlak stated that is the same thing. Community Facility is the same category as Special Use. When we revised the Zoning Code for some reason the title was changed. It is the same thing. It just went from CF to SU.

David Greeno stated when this was all brought up as a daycare center it was a Community Facility and they spot checked it for it.

Al Sedlak stated that is how the CF/SU Districts are, they are properties scattered over town. They aren't like commercial where they are all centrally located.

David Greeno stated yea but now you are using the name Special Use but that was never brought up before.

Al Sedlak stated Special Use and Community Facilities are the same thing. It's just a different title but the section of the code didn't change.

David Greeno stated to go back to the front two lots; that parking lot goes over the property line. It's the corner section. You are saying its one lot but I think you go back in the deeds there are probably two lots.

Don Greeno stated there are two lots there.

Marsha Griebel Graham stated she has the plat attached to the application. She owns Lots 15, 27, and 28.

John Ankrom stated Lot 15 is 140'.

David Greeno stated if you go back in the records it's probably two lots. I had people in the past tell me its two lots.

Marsha Griebel Graham stated she has two lots in the front that is on Nicholas Drive which are lots 27 and 28.

David Greeno stated John said earlier it was one lot.

Marsha Griebel Graham stated there are two lots on Nicholas Drive and they are zoned residential.

John Ankrom stated but Lot 15 is zoned Special Use.

Al Sedlak stated for a total of 3 lots.

John Ankrom stated Don, do you live on Lot 25?

Don Greeno replied yes.

John Ankrom stated do you own Lot 26?

Don Greeno stated my son David owns it.

John Ankrom stated is that where the trailer sits?

David Greeno replied yes. If you go back and look you will see that their parking lot goes over on to Lot 28. So you are already infringing.

Don Greeno stated just listen. We have had problems with down on the corner where Subway is now. When Circleville Oil had it they didn't conform to any of the bylaws that was put out up here until I raised cane. I don't know, I got a bad taste over these things and who wouldn't.

Al Sedlak stated I think you addressed this with the daycare. You live in that neighborhood and you have the right to be concerned. That is why you were notified.

Don Greeno stated I wasn't notified, I don't know what happened there. My son told me about it. I fell within that range.

Bob McCrady stated when the daycare was there did they cause you any problems of any kind?

Don Greeno the guy who took care of the lots was arrogant. None of the neighbors liked him.

David Greeno stated he bitched at you because of me.

John Ankrom stated but as far as the daycare itself did their activities cause you any problems?

David and Don Greeno replied no.

Don Greeno stated according to my one neighbor, Lester's, who lives back on Griener Avenue has had some problems. They put up a fence. With an adult daycare he said he didn't want people looking in his windows at night or look out his back yard and see someone standing out there half naked.

Bob McCrady stated she said they would leave by 5:00 p.m. and have adult supervision, they also have a privacy fence.

Don Greeno stated they can walk around that. That's like that Veteran's Home, how many instances of where someone has walked away and caused problems.

David Greeno stated what ages will be there?

Ms. Lamb stated it depends on the need. It would be anywhere from 16 and 17 year olds in the summer time, if they need day placement, but the majority would be over 21.

John Ankrom stated I think we are talking about people with disabilities.

Ms. Lamb stated correct.

Bob McCrady stated is this physically or mentally impaired?

Ms. Lamb stated sometimes they have a dual diagnosis, but predominately it will be physically.

Bob McCrady stated it will probably be older people.

Ms. Lamb stated over the age 21.

Don Greeno stated that is misleading when you said adult and now you are saying 16 year olds.

Ms. Lamb stated I am not saying we will have 16 or 17 year olds, I am just being honest that there could be. If school was out and they needed adult day placement, but predominately it will be adults. There may not be, it just depends on if there is the need.

Al Sedlak stated you are permitted to mix minors with adults?

Ms. Lamb replied yes, the state allows this.

David Greeno stated like if I go over there to take care of my rental to mow the yard and one of them comes over into my yard, I am going to knock the living shit out them and forget about it.

Valerie Goeller stated David, you need to step up to the podium and be sworn in. I want to make sure this is made of public record.

David Greeno stated you calling me a liar? I aint lying to you, God!

David Greeno, 24295 Huber Hitler Road, was sworn in and stated I own the property next to it. I have had rounds with her (indicating Marsha Griebel Graham) so I know she got chewed a few years ago by me. You are saying 16 and 17 year olds. If I go over to mow the grass at that rental property and someone comes over to my property and you aren't taking care of them.

Ms. Lamb replied that will never happen.

David Greeno stated you never know. You say it won't and it probably will. You hear this stuff on the news.

Ms. Lamb stated I have been in this field for 20 years and it has never happened.

David Greeno stated I will knock them flat on the ground and say come get him after I took care of one of your patients.

Ms. Lamb stated well we would have to get the law enforcement involved.

David Greeno stated if they step onto my property that is a different situation.

Ms. Lamb stated I don't know until I run into that situation.

David Greeno stated I am just throwing scenario's out there. Because you people say it's going to be handled this way, but you run into the situation where they step onto someone's property they are trespassing.

Ms. Lamb stated you are right.

David Greeno stated I just wanted to know the age group and I finally got it out of you. Now you dropped down to 16 and 17 year olds.

Ms. Lamb stated I don't know if they would be there. I am just being honest, that they could be.

Al Sedlak stated your company has other facilities of this nature, correct?

Ms. Lamb stated yes, in Lancaster. Most the people we provide services to are either so medically complex where they might have a "G" Tube. They are never left unsupervised.

David Greeno stated I work with a lot of people that live in Lancaster and they are telling me about the different things popping up over there. All of these inmate release centers. Do you have any part in that?

Ms. Lamb replied no. There are contractors that do that but we do not. That is a completely different business.

Al Sedlak stated where do you get your referrals for your clients?

Ms. Lamb stated usually what we do is the development disabilities. For an example here in Circleville if someone is looking for adult day support then they interview with an agency like PDI. They go upon what would best fit their needs.

David Greeno state so you got them doing exercises in there or basically adult baby care center.

Ms. Lamb stated like I said earlier we like for them to get out into the community. Fortunately in the State of Ohio there is a lot of stuff people can do that have development disabilities. In the summertime is getting people out. Even though they may be out in the community there will probably still be a staff member there all of the time.

Don Greeno asked 24/7.

Ms. Lamb replied no, just day time hours.

David Greeno stated you said probably, is there going to be someone there or not? You can't just say probably.

Ms. Lamb stated yes.

Al Sedlak stated I think there concern is that there would ever be client there without staff.

Ms. Lamb replied never.

Al Sedlak stated so if there are no staff members there, then there will be nobody there.

Bob McCrady stated does this include Saturday's and Sunday's?

Mr. Lamb stated no, 5 days.

Bob McCrady stated can we make a motion to make it for adults the age of 21 or over or will this interfere with rights? I was thinking we were dealing with adults, now to find out there will be teenagers. If we do it, I would like to see only adults.

Al Sedlak stated Ms. Lamb, will this present a problem for your business to restrict by age?

Ms. Lamb stated no, but there are a lot of parents who get into situations where they need assistance in the summertime with someone who requires more extensive care. We could, but ultimately we are here for families.

Al Sedlak stated will you have small children there?

Ms. Lamb stated no. For an example it would be a high school student. A lot of time people with development disability instead of graduating at 17 and 18 years of age, they are permitted to stay in school until they are 21. It's not easy to find a caregiver who is equipped to meet the needs of someone who's severely Autistic.

Marsha Griebel Graham stated doesn't PDI do the same thing?

Ms. Lamb replied yes.

Marsha Griebel Graham stated that is considered for adults too, but they take 17 and 18 year old kids that are still in high school that are going to development handicap programs. Teays Valley will refer some of their students with development disabilities to PDI in the summer. I know this because my son in law teaches development handicap children in Teays Valley that are severely developed handicapped. He keeps them until the age of 21.

Bob McCrady stated from the last meeting I thought all along it would be older people. Now we find out its teenagers and we have neighbors that are objectionable. If we make it just adults it would be less objective to them. Plus you are saying PDI already does this. I am questioning if it's necessary for her to do it, if they do.

Ms. Lamb stated limiting it to adults doesn't kill my plans but there are a lot of parents out there that need assistance in the summer for 16 and 17 year olds. I just want to advocate for them.

Al Sedlak reviewed Section 8.03, General Standards for Conditional Uses, A. – G. My personal feeling is whether this specific use is desirable or not, it does comply with the general standards. It's not going to be more of a burden to the existing neighborhood than the daycare. This use is going to be very similar to the previous use.

Bob McCrady motioned to approve the request, but limit it to adults of the age of 18 or older, seconded by John Ankrom. VOTE ON MOTION: AL SEDLAK, YEA; JOHN ANKROM, YEA; MARSHA GRIEBEL GRAHAM, YEA; BOB MCCRADY, YEA. 4 YEAS, 0 NAYS, MOTION CARRIED.

Marsha Griebel Graham stated I don't agree to limit this to adults.

John Ankrom stated if you plan to do any signage, you need to come back through our office.

The next item on the agenda was Variance #3-14, as requested by ABC Signs, 38 W. McMicken Avenue, Cincinnati, Ohio for Coughlin Properties of Circleville, 24001 US Rte 23 S., to vary the amount of signs to a total of 18 equaling 1,137.99 square feet, in an area zoned GB, General Business District.

Teri Cantor with ABC Signs was sworn in and passed out a more detailed proposal. She stated Ford Corporation is revitalizing all of its business facades across the Country at all of their locations. The building design calls for fresh brighter images of signage that compliments the upgrade. If you look at the first page you will see the existing signs that are on the building now. The second page will show the proposed signs we are asking for. Coughlin Ford sits back quite a bit from the main road and the access drive having several other structures in front of it. If you look at the north photos you will see going north bound it is very difficult to see their location until you reach the access drive. The south bound photos, the side view is better since the existing pylon can be seen on the approach, but again the building signage is restricted from sight until you are way past the access. With new signage it will help enhance the new look benefitting not only Coughlin and its clientele but also the City of Circleville. I was informed tonight by Mr. Winland that they plan to take the Collision Center Building down along with the signage that is on that.

Al Sedlak stated so the new replacement signs will be on the front of the building.

Ms. Cantor replied yes sir. Quick Lane is already up and the old ones are down. From the picture you can see what was there. The lettering is a little brighter and fresher than the real dark blue.

Al Sedlak stated this is something Ford is stressing for all of their dealers to do.

Ms. Cantor replied yes sir. ABC Signs alone has done at least eight to ten of these so far in the last year or two.

John Ankrom stated the three pole signs will remain. For everyone's clarity we tried to go back through all the sign and variance permits for Coughlin. We had no idea the Collision Center was coming out. What we came up with was a total of 18 signs and a total of 1,137.99 square feet. That would be dropped now because of the Collision sign dropping out. The total permitted square footage is in excess of that. The new signage is under what is permitted on the property. The number of signs still needs a variance. The work they have done down there is superb and the signage is right in line with what they have. We know have a clean summary, so here forward we have a good starting point.

Bob McCrady motioned to approve as requested, seconded by Marsha Griebel Graham. VOTE ON MOTION: JOHN ANKROM, YEA; MARSHA GRIEBEL GRAHAM, YEA; BOB MCCRADY, YEA; AL SEDLAK, YEA. 4 YEAS, 0 NAYS. MOTION CARRIED.

John Ankrom stated we had a gentleman come into the office today who wants to put in a video rental business in the downtown. We don't have a video store designation in the downtown. I can't see anyone having a problem with it, do you? They will not have any adult videos.

Everyone agreed it was retail.

Valerie Goeller stated there have been video rental business before in the downtown.

John Ankrom stated I just wanted to make sure we thought it was a proper use.

Bob McCrady stated who controls yard sales? I've had people ask me about the one on Pickaway Street.

John Ankrom stated that is in the township.

Al Sedlak stated John and I discussed this and it doesn't look like anything for Dorcas Morrow will come before us. Gary Kenworthy and I discussed a letter he received from Jim Hartzler that basically concludes that it is a Non-Conforming lot of record, it is an acceptable building lot. Gary apparently talked to Dorcas about it and she feels she can build a house there without anything from us. Leo Hall, an attorney in Ashville, lives on the corner of Greenacre Court and Meadow Drive. Apparently he became aware of what was going on and he wrote a letter to Dorcas and copied all the neighbors. We will not have to do anything to allow her to build on the lot, because it is a nonconforming lot of record, but she still has to comply with the subdivision restrictions. Subdivision restrictions are a private cause of action by the property owners in that subdivision. I drove out there and looked at that lot. At the first look it appears like no way you can get a house on there, but I think because on the left side of the lot there are several small trees. If you take those out and get the full pie shape of the lot, it would work.

John Ankrom stated I can grant a zoning permit provided she doesn't need any variances. If no variances are required I can approve it in the office. If she needs a variance it will come before this commission. We already know there is a problem with the neighbors. If she doesn't have to apply for a Non-Conforming Use for the lot, when do the neighbors get to give their input?

Al Sedlak stated the neighbors already know. This is a private cause of action.

Marsha Griebel Graham stated once they start building they can file a civil action in the Common Pleas Court for an injunction.

Al Sedlak stated I am sure Leo is ready to move with a preliminary and permanent injunction prepared and ready to file. Can someone from the city request to be notified of a Zoning or Building Permit being granted?

John Ankrom stated that request has been made to me. Beth Chrismer said if anything happens there I want to know about it.

Al Sedlak stated a Zoning Permit is not a confidential document.

Valerie Goeller stated by Jim saying that is a Non-Conforming Lot of record, I would think it would justify applying for a Non-conforming and Zoning Permits.

Al Sedlak stated I think a Non-confirming is for the use and this isn't a non-conforming use. It conforms to the zoning. When you say Non-Conforming Lot of record it is a permissible lot.

Valerie Goeller stated I would have thought a Non-Conforming permit for the lot would be required.

Al Sedlak stated it conforms to our code. It was in compliance when it was created. Gary asked questions if that was true. If she files a permit, I would refer to Gary Kenworthy to see if you should grant the permit or not. If he says yes, I would grant it. If you feel it's appropriate to notify people who expressed an interest in it at that point, there is no problem with that. Their disagreement is under the Subdivision Restrictions. Gary and I agreed that we hired Jim Hartzler, he is our expert witness if push comes to shove. He says it's okay.

Bob McCrady stated but if she can't make her setbacks she has to come here.

John Ankrom stated she wouldn't be able to violate a single setback. The plan she had did.

Al Sedlak stated she has modified those to a point where she doesn't need anything from us.

John Ankrom stated just a zoning permit from our office.

Al Sedlak stated if you deny her, she could sue the city and how do you defend that when legal counsel says you can grant the permit. I would approve it and send her on her way to get her building permit. At that point it becomes a private cause of action between the neighbors. That is why they have Zoning Restrictions. We kind of concluded under subdivision restrictions it's probably not a building lot, but zoning it is.

Marsha Griebel Graham stated when J.B. Stout platted that they put in subdivision restrictions that are on the plat and the deeds make reference to the subdivision plat.

Al Sedlak stated that is something that was in affect when she acquired the property.

John Ankrom read one of the restrictions that reads: "No lot shall be divided or re-plotted unless all portion of said lot is used to increase the size of the adjacent lots."

Marsha Griebel Graham stated that is exactly what they did.

John Ankrom stated at the time the lady split the lot with Heplfinger she owned the lots where Mullins built. They split lot 89 and she owned lot 90. When she split that lot half of that went to 88 and half should have gone to lot 90. When Mullins bought their lot, they only bought lot 90, leaving the residual piece of lot 89 which is adjacent to Dorcas' house on Circle Drive.

Marsha Griebel Graham stated I see what you're saying because it's not in the same subdivision so it didn't really increase the lot size.

Bob McCrady motioned to adjourn, seconded by Marsha Griebel Graham. All in favor, meeting adjourned.