

GENOA TOWNSHIP
BOARD OF TRUSTEES
SEPTEMBER 28, 2005

PRESENT: Mark Atkeson, Chairman
Helen Barber
John Rielly

ALSO PRESENT: Leslie Warthman, Zoning Inspector

COURT REPORTER: None

RE: ZC 2005-08, Noe Development

Mr. Atkeson called the meeting to order at 7:52 p.m.

ZC 2005-08, Noe Development

The hearing began at 7:53 p.m.

Mr. Atkeson read the legal notice for the record, as follows:

**HAROLD AND KAREN NOE, REQUESTING DEVELOPMENT
PLAN APPROVAL FOR OFFICE, WAREHOUSE AND RETAIL
SPACE ON PROPERTY LOCATED AT 6061, 6065 AND 6069
CHANDLER COURT, IN GENOA TOWNSHIP'S PLANNED
COMMERCIAL-OFFICE (PD-2) ZONING DISTRICT.**

Mr. Atkeson asked everyone to sign the sign-in sheet being circulated and directed anyone who wished to speak at this hearing to stand and be sworn in by the zoning secretary.

Harold Noe appeared and presented his application to the Board. Mr. Noe stated that he is proposing to remodel both buildings located at the old flea market site on Chandler Court to include retail, warehouse and office space. There was no original development plan done for the site, so he was required to submit a Development Plan for the property, including a list of requested divergences. The Board submitted an Addendum of additional revisions that he agreed to make to the Development Text, a copy of which is attached to these minutes. Mr. Noe testified that he would incorporate all the requested textual changes.

Mr. Rielly thanked Mr. Noe for working with the Zoning Office in resolving all outstanding issues regarding this property. Mr. Rielly stated that in discussing the applicant's granting of an easement for a township path connection previous to this hearing, the path width was not properly accounted. It needed to be ten feet wide and Mr. Rielly said the easement therefore needs to be eleven-foot wide. He asked if Mr. Noe was amenable to that change. Mr. Noe stated that he would accommodate the request by the Township in making the path eleven feet wide, and that he would amend his Development Text accordingly.

Leslie Warthman, Genoa Township Zoning Inspector, complimented Mr. Noe for cooperatively working with the Zoning Office, and noted that the most enjoyable result of Mr. Noe's project is his intended relocation of his business to Genoa Township from Columbus. He is currently already a resident.

Ms. Barber asked if Chandler Drive was still in existence. Ms. Warthman stated that Chandler Drive no longer exists and Mr. Noe plans to reclaim the previously existing now deteriorated pavement. A future bike path will be extended over Mr. Noe's property and the easement was verbally approved by Delaware County to continue the bike path across the right-of-way. Ms. Warthman advised the Board that there is a 50-foot right-of-way in front of the property that will remain green space. This was taken into account since there are significant divergences needed to accept as a condition with this property. Ms. Warthman advised the Board that the property is not commercially viable under existing zoning requirements for improvement. As a redevelopment extensive divergences are necessary.

Mr. Atkeson asked Mr. Noe again if he agreed to the addendum provided to him prior to the meeting. Mr. Noe testified that he was in agreement and will amend his Development Text accordingly.

Public Comment:

John Troy (5491 Somerset)

Mr. Troy stated that he was the President of the Highland Lakes Homeowner's Association, and that they were in favor of this requested Development Plan. He stated that the Highland Lakes Homeowner's Association would be granting an easement adjacent to the site for Genoa Township's continuation of the bike path.

Board Comment:

Mr. Atkeson made a motion to conditionally approve the Final Development Plan as detailed in Zoning Application ZC 2005-08, to allow site work and existing structure improvements being proposed at 6061,

6065 and 6069 Chandler Court by Harold & Karen Noe. The Development Plan documentation package submitted August 1, 2005, outlines proposed future uses and plans for renovation of existing structures and the proposed upgrading of other site conditions in compliance with the current Zoning Code, with specified divergence to the Planned Commercial-Office (PD-2) Zoning District development requirements that apply to this property currently zoned PD-2. These Development Plans shall be further modified as a condition of this approval in the following manner:

1. Incorporation of the attached Development Text Addendum provided by Genoa Township, dated September 28, 2005.
2. Under Item #1 in the attached Addendum, Mr. Noe agreed to give an 11-foot wide easement to Genoa Township for development of a 10-foot wide future asphalt bike path.

Motion was seconded by Mr. Rielly. Vote: all ayes. Motion carried unanimously.

This hearing ended at 8:04 p.m.

Mr. Atkeson made a motion to adjourn this meeting. Motion was seconded by Mr. Rielly. Vote: all ayes. Meeting adjourned at 8:05 p.m.

Respectfully submitted,

Vicki L. Stainer
Zoning Secretary

Approved by the Board of Trustees,
Genoa Township, Delaware, Ohio:

MARK ATKESON, CHAIRPERSON

HELEN BARBER

JOHN RIELLY

GENOA TOWNSHIP

Zoning Office
5111 South Old 3C Highway
Westerville, Ohio 43082
(614) 899-0725
(614) 882-7143 Fax

September 28, 2005

Development Plan **Text Addendum** For Application 2005-08

The following will be added to the development plan text per the conditional approval of Application ZC 2005-08 being rendered at the Genoa Township Board of Trustees public hearing on September 28, 2005.

1. There will be a 10-foot wide 185-foot long easement the applicant will grant to Genoa Township along the north property line. This easement is fully described with all applicable enforceable details, and the applicant's commitments remain otherwise the same as documented in the final development text submitted August 1, 2005, except that the easement width and corresponding increase in the width of the paved pedestrian/bike path being installed on it will be increased. The edge of the proposed paved parking area abutting this easement will be shifted to the south to provide proper clearance for the proposed path and the fence, which will also be installed within the easement.
2. The applicant will not display neon signage including, but not limited to, on the inside of windows so that none are visible from the exterior of the property, and no other illuminated signs other than the specific signs described as part of the approved development plan text are allowed on the exterior of the buildings or anywhere else on the site.
3. An additional divergence shall be included (see below) in an updated compiled list of divergences to be submitted with final development text, to allow the proposed improved paved parking lot inside the 75-foot green space reserve buffer between the abutting residential zoned property to the north of the subject property line. The code required 75-foot green space was waived per a separate divergence requested elsewhere in the text, but this additional divergence is necessary to specifically address the nonconforming setback of the parking lot.

The Compiled Divergence List, in addition to adding the above noted parking setback, will also need to include all actual setbacks being requested as follows:

- South- Divergence to accept the As-Is condition and reduce the minimum 100 foot setback required from ROW **The minimum building setback will be 8.1 feet measured from the right of way of Chandler Drive;**
 - (1) North – Divergence to accept the As-Is condition and reduce the minimum 100 foot setback required from the residential district boundary. **The minimum building setback will be 16.6 feet measured from the north property line;**
 - (1) East- Divergence to accept the As-Is condition and reduce the minimum 100 foot setback required from ROW; **The minimum building setback will be 71.8 feet measured from the Delaware County owned right of way of State Route 3;**
 - Divergence to install a total of 21 parking spaces, a reduction of the 37 parking spaces calculated for the proposed uses in accordance with the Zoning Code.
 - Divergence to reduce the parking lot pavement setback from the required minimum 75-foot setback from ROW contiguous to residential zoned property. **The minimum setback of the paved parking lot area will be a minimum 10-foot measured from the north property line;**
 - Divergence to reduce the minimum 50-foot loading area setback required from a residential property. **The minimum setback for the loading area will be 25-feet measured from the north property line;**
 - Divergence to accept the As-Is condition and waive the required 75-foot green strip between commercial and residential properties.
 - Divergence to accept the As-Is condition and additional proposed improvements to the site per the development plan and waive the specified screening requirement between commercial and residential properties.
 - **Divergence to allow improved parking pavement to be located within the required 75-foot green strip between commercial and residential properties and establish a minimum setback for the parking pavement of 10-foot measured from the north property line.**
 - **(Divergences #9, 10 & 11, shall also be included exactly as written in the text applicant submitted August 1, 2005);**
4. Elevation plans were not corrected to reflect the applicant's elimination of the connection of the existing two buildings, which he originally intended to construct. The drawings submitted August 1, 2005 still show the connection that is not being constructed; the revised text accurately updated the applicant's latest change of plans and intent to eliminate the connection.
5. Updated plans were submitted for approval to Delaware County and a copy shall be provided to the Zoning Department along with any future changes and the final approved engineering plans.

6. Correction of typographical error is needed on Page 3 of the Development Plan Text submitted August 1, 2005. The dimension of the required green strip buffer is 75-feet and. The '5' was missing from the dimension in the text on Page 3, but it is correctly shown on the Divergence List compilation summary page.
7. Previously, several stipulated conditions were agreed to by the applicant but these do not appear in the development text submitted August 1, 2005. The two commitments listed below shall be included in the final updated development plan text copy the applicant will be required to submit once revisions are made with these Text Addendums incorporated.
 - Plans for all structural changes and interior and exterior improvements will be submitted for obtaining required zoning permits from Genoa Township and the Delaware County Building Department and all compliances will need to be verified upon work completion approval being granted..
 - Additional accessory structures and /or and future development or change of use on the site will require future township approvals through the process of a formal development plan amendment.
8. **The final condition required with the approval of the application is for the applicant to submit one complete copy of updated Development Plan Text and a set of Revised Site Plans within thirty days after the Trustees vote to approve and amend the requested plans as specified in the Addendum and Motion made on the application the evening of September 28, 2005.**