

Canal Winchester

*Town Hall
10 North High Street
Canal Winchester, OH 43110*



Meeting Minutes

Monday, June 12, 2017

7:00 PM

Planning and Zoning Commission

*Bill Christensen – Chairman
Michael Vasko – Vice Chairman
Joe Donahue – Secretary
Brad Richey
June Konold
Joe Wildenthaler
Drew Gatliff*

Call To Order

Time In: 7:00pm

Declaring A Quorum (Roll Call)

A motion was made by Joe Donahue, seconded by Brad Richey, that June Konold be excused. The motion carried by the following vote:

Yes: 6 – Christensen, Gatliff, Donahue, Vasko, Richey and Wildenthaler

Excused: 1 - Konold

Approval of Minutes

May 8, 2017 Planning and Zoning Commission Meeting Minutes

A motion was made by Brad Richey, seconded by Drew Gatliff, that the May 8 Minutes be approved. The motion carried by the following vote:

Yes: 5 – Christensen, Gatliff, Donahue, Richey and Wildenthaler

Abstain: 1 - Vasko

Public CommentPublic OathPublic Hearings**CU-17-003**

Property Owner: CASTO Gender Road LLC

Applicant: AutoZone Development LLC

Location: 6348 Gender Road

Request: Conditional Use to Section 1167.03(c) to allow for a Conditional Use Permit for an AutoZone.

Mr. Moore presented the application for AutoZone for property located at 6348 Gender Road. The applicant is requesting a conditional use approval from Chapter 1167.03(c) to allow for an AutoZone.

Mr. Christensen informed the commission that this decision was tabled from last month's meeting. Since that meeting the Findings of Fact have been put together and Christensen asks the commission if they have any comments or additions.

Mr. Hollins stated that the commission is able to make any additions, changes, or deletions from the Findings of Fact with a motion. Otherwise the motion would be to adopt the findings of fact as presented by staff if it is the commissions desire. There are signature lines to adopt, disagree, or abstain from the document.

Mr. Miller asked the Chairman if he could make a comment on the application. Mr. Hollins stated that there is no open application to comment on. Mr. Christensen stated that all of the discussion on the application was done in the previous meeting and they are going to render a decision on the application which was the applicants wish the previous meeting.

Mr. Hollins stated that the commission is only considering the Findings of Fact Conclusions of Law that were distributed for review prior to this meeting via attorney/client privileged email. If the commission decides to adopt this document a copy will be available for review.

A motion was made by Brad Richey, seconded by Joe Donahue, to adopt the Findings of Fact and Conclusions of Law. The motion carried by the following vote:

Yes: 6 – Christensen, Gatliff, Donahue, Vasko, Richey and Wildenthaler

Abstain: 1 - Konold

Mr. Hollins stated that the following two items on the agenda for this property are moot and need to be tabled. They can be reopened if the conditional use decision is overturned by a subsequent tribunal.

Mr. Miller stated that he has an issue with the process for the Findings of Fact agreeing that this use is conditional use, one that was submitted under protest to be denied by the Planning and Zoning Commission. The applicant should have been heard on that application. Mr. Hollins stated that the applicant was heard the previous month. This decision is consistent with code provision on how a conditional use should be heard.

VA-17-007

Property Owner: CASTO Gender Road LLC

Applicant: AutoZone Development LLC

Location: 6348 Gender Road

Request: Variance from Section 1199.03(d) to not comply with the 40% glass requirement between the height of two (2) feet and ten (10) feet on the elevation facing the primary street.

A motion was made by Mike Vasko, seconded by Joe Wildenthaler, that this Variance be tabled. The motion carried by the following vote:

Yes: 6 – Christensen, Gatliff, Donahue, Vasko, Richey and Wildenthaler

Excused: 1 - Konold

SDP-17-002

Property Owner: CASTO Gender Road LLC
Applicant: AutoZone Development LLC
Location: 6348 Gender Road
Request: Site Development Plan to redevelop an existing building for an AutoZone.

A motion was made by Mike Vasko, seconded by Brad Richey, that this Site Development Plan be tabled. The motion carried by the following vote:

Yes: 6 – Christensen, Gatliff, Donahue, Vasko, Richey and Wildenthaler

Excused: 1 – Konold

VA-17-006

Property Owner: Buckrun LLC DBA Village Wines
Applicant: Todd & Rex Weiser
Location: 10 South High Street
Request: Variance from Section 1175.01(g)(7)(F) to allow for a freestanding sign that encroaches the 5' setback requirement and exceeds the size and height requirements.

Mr. Moore presented the application for Todd & Rex Weiser for property located at 10 South High Street, also known as Village Wines. The application is requesting a variance from Chapter 1175.01(g)(7)(F) to allow for a freestanding sign that encroaches the 5' setback requirement and exceeds the size and height requirements. Staff presented the presentation for the variance request to the commission and notes that the signage the applicant is requesting is an attempt to mimic the historical Ohio Midland Power neon sign that used to be in this approximate location.

The Landmarks Commission has reviewed the sign and recommends that this sign's variance request be approved. This sign is guided under the new Old Town Sign Code that was adopted by City Council and went into effect June 1, 2017. Under that new sign code a freestanding sign should be no closer to the property line or right-of-way than 5 feet, be no taller than 6 feet in height, and have an area no larger than 10 square feet. The signage that is being proposed is 3-3.5 feet away from the property line, 12 feet in height, and 24 square feet per side. The Landmarks Commission discussed that the existing sign was much larger than the 24 square feet being proposed, but the commission likes the smaller sign being proposed so it will fit into the district.

The sign being proposed will be 12 feet tall with the lowest portion of the sign 8 feet off the ground. This separation from the bottom of the sign to the ground is the same height required for a hanging sign on a building. One item to clarify on this sign is that while the "Village Wines" and green bands will be neon, the smaller letters on the sign will not be neon as indicated on the plans.

Staff shared a few renderings showing the signs proposed location as well as a recommended location on the southern edge of the front patio. Staff thinks the location to the south of the patio will provide the most visibility as well as meeting the 5 foot setback requirement. The 5 foot setback requirement for a freestanding sign is something staff feels the commission should hold to and not reduce, while the other variances are necessary to recreate the style of the historic sign.

Staff recommends that the sign be relocated to meet the 5' setback and the Landmarks Commission recommended on May 22, 2017 that the variance application VA-17-006 be approved as presented. The applicant has made great effort to recreate a historic neon sign and an exception to the standards should be granted in this case to promote the value of preserving the historical contexts of the site.

Mr. Wildenthaler asked if only the green bands will be neon. Staff indicated that the portion of the sign reading "Village Wines" will be white neon as well.

Mr. Donahue asked to see the staff recommendation again.

Staff discussed that the recommendation of the sign shifting south was not just to move it in that location, but was the attempt at meeting the 5' setback without having the sign floating in the patio area. The location to the south was an attempt to keep the sign visible as the tree directly in front of it grows.

Mr. Christensen asked staff if the proposed location was to match the location of the previous sign. Staff indicated that it is close to the original location but the new patio takes up that space now.

Mr. Weiser stated that he is OK with moving the sign to meet the 5 foot setback but would like to keep the sign central in the patio. Mr. Richey asked the applicant where that would put the sign. Mr. Weiser responded just on the other side of the patio fence.

Mr. Gatliff asked staff if moving the sign to meet the 5 foot setback removes that variance request. Staff affirmed.

Mr. Richey stated that they could approve the size and height variance but not approving the setback variance would allow the applicant to place it wherever they can get to work. Staff affirmed.

Mr. Christensen opened up the application to public comment.

A motion was made by Mike Vasko, seconded by Brad Richey, that this Public Hearing be closed. The motion carried by the following vote:

Yes: 6 – Christensen, Gatliff, Donahue, Vasko, Richey and Wildenthaler

Mr. Gatliff asked the Chairman if they needed to make three different votes or make one motion discussing the entire application. Mr. Christensen stated that it would be one motion.

The commission discussed the setback variance request.

A motion was made by Mike Vasko, seconded by Joe Wildenthaler, that this Variance be approved with conditions that the sign meet the 5 foot setback requirement. The size and height approved as presented. The motion carried by the following vote:

Yes: 6 – Christensen, Gatliff, Donahue, Vasko, Richey and Wildenthaler

ZM-17-002

Property Owner: A CPA Tepee LLC

Applicant: Robert Toledo JR

Location: 18 East Columbus Street (Parcel ID 184-000328)

Request: Rezone the property from Old Town Single Family (OT-SF) to Old Town Commercial (OTC).

Mr. Moore presented the application for Robert Toledo JR for property located at 18 East Columbus Street (PID 184-000328). The applicant is requesting to rezone the property from Old Town Single Family to Old Town Commercial. Staff presented the application to the commission and stated that the properties to the north and west are zoned Old Town Commercial and properties to the south and east are zoned Old Town Single Family. The subject property contains a single family home that has been converted to a commercial use building throughout its history.

Staff presented the application to the commission and noted that this property received a Non-Conforming Use Substitution Approval from the Planning and Zoning Commission back in 2006. The approval in 2006 was to allow the current Public Accounting office to replace the previous New Life Church office that was in this location. Due to the property owner wanting to add an additional tenant to the second floor, the previous approval does not still hold, and the property would need to be rezoned to allow for the full commercial use of the building.

Staff discussed that under the current Old Town Single Family zoning, only single family dwellings and home occupations in accordance with Chapter 1187 are allowed. With the switch to Old Town Commercial zoning, the property owner would be allowed to use the entire facility for a commercial use, residential use,

or combination of the two as long as it meets the zoning code and building code.

Adjacent properties to the north and west are zoned OT-C. Old Town Commercial is the only mixed-use zoning district in the city that allows for the flexibility between commercial and residential within the same structure. Most of the properties along High Street and Waterloo Street are zoned OT-C and vary through time from being commercial/residential with no-ill effect.

The subject property has been reconfigured over time to have the entire "rear yard" area paved into a large parking lot. Additionally, the interior floor plan has been altered to divide the first floor from the second floor which up until recently has been used as a rental apartment. The new commercial tenant is seeking to rent the upstairs for his new office in Old Town. The proposed office is to be for a Truly Nolan Pest Control where the tenant can perform administrative duties. The applicant has indicated that there will be a maximum of two employees and there will be no pest control substances on site.

Staff informed the applicant that Exterminators are a Conditional Use under Chapter 1161.04(b)(8). The applicant is requesting clarification from the Planning and Zoning Commission if an administrative office for a Pest Control Company would fall under this conditional use category.

Staff has no concerns about the property itself being rezoned from Old Town Single Family to Old Town Commercial as the building and property have drastically changed from being a single family residential home to a commercial building over time. There also appears to be no noticeable effects on public health, safety, convenience, comfort, prosperity and general welfare, as result of this proposed zoning change due to the adjacent properties to the north and west being similarly zoned Old Town Commercial. The property will continue to be operated as an office as it has for many years just with an additional tenant.

Mr. Toledo stated that he has a franchise in Columbus and Mansfield and would like to have a corporate office closer to home in Canal Winchester. This office will be for administrative duties only and will not have any pesticide or other chemicals in the location.

Mr. Wildenthaler asked the applicant if he is going to occupy the whole building. The applicant indicated he will just be using two rooms on the second floor. The building owner uses the first floor for the accounting office currently.

Mr. Christensen opened the application up for the Public Hearing.

Joe Hannah stepped up to the podium and discussed the application with the commission. Mr. Hannah is representing his son who lives across the street from the subject property. Their concerns with the building changing to a commercial building are increase in traffic, hours of operation, and externally lit signage or any hazardous materials stored on site.

A motion was made by Joe Donahue, seconded by Brad Richey, that this Public Hearing be closed. The motion carried by the following vote:

Yes: 6 – Christensen, Gatliff, Donahue, Vasko, Richey and Wildenthaler

Mr. Toldeo responded to the residents questions and stated that at most two vehicles for this use. If there is to be any signage, it would be a non-lit yard sign only. Having no signage is not a big deal either with it just being an admin space. The hours of operation will be probably 7am – 4pm Monday to Friday. There will be no pesticides on the property. The applicant explained all of his employees are remote and they take their vehicles home so there will be no storage or distribution of chemicals on site. Additionally, the applicant stated that the chemicals they use now are organic and not a restricted use product.

A motion was made by Brad Richey, seconded by Mike Vasko, that the Zoning Map Amendment be approved and recommended to City Council. The motion carried by the following vote:

Yes: 6 – Christensen, Gatliff, Donahue, Vasko, Richey and Wildenthaler

**ZM-17-003 &
PDP-17-002**

Property Owner: Damon Pfeifer – Tiger Construction Inc.

Applicant: Grand Communities, Ltd.

Location: 17.47 acres located along High Street and US 33 (PID 184-002764, 184-000748, 184-000749, 184-000739, 184-000738, 184-000747, and 184-001616).

Request: Rezone the property from a combination of Planned Residential District (PRD), Old Town Single Family (OT-SF) and Low Density Residential (R-3) to Planned Unit District (PUD). The Zoning Map Amendment is accompanied with the Preliminary Development Plan PDP-17-002.

Mr. Moore presented the application for Grand Communities Limited for 17.47 acres located along North High Street and U.S. 33 (PID 184-002764, 184-000748, 184-000749, 184-000739, 184-000738, 184-000747, 184-001616). The applicant is requesting to rezone these properties ranging from Planned Residential District, Old Town Single Family and Low Density Residential to Planned Unit District. This Zoning Map amendment is accompanied with the Preliminary Development Plan for Turning Stone, consisting of 15.8 acres of residential homes and 1.75 acres for commercial uses. Staff discussed the locations of

these uses and the proposed setbacks for both residential and commercial components.

The applicant has indicated that out of the total 17.55 acres, 15.80 acres will be for residential uses. This residential area will have a maximum of 88 homes, each on their own individual lots creating a total density of 5.74 lots per acre. The Preliminary Development Plan states that there shall be a maximum of 88 homes built, but fewer lots are allowable without amending the Preliminary Plan. The remaining 1.75 acres of the development will be for commercial uses. . The commercial portion of the development will be directly adjacent to U.S. 33 and North High Street. It is also noted that this commercial site is part of the Old Town Overlay District which is governed by the Landmarks Commission and the Old Town Guidelines for architecture and site design. The applicant has indicated that the permitted uses for the commercial parcel will be Business and Professional Offices as indicated in Section 1167.02(b).

The applicant has indicated that their traffic study indicates that there are no required traffic improvements necessary as a result of the proposed development. The city has had EMHT analyze the traffic study and they have found that with the existing daycare facility combined with the projected ingress traffic to the site from eastbound U.S. 33, it raises a concern that a single left turn vehicle entering the daycare site waiting for an appropriate gap, could cause a backup on southbound High Street that reaches the U.S. 33 in the 2038 PM Peak Build Condition. The City engineer suggests that the developer needs to propose a means to allow site traffic a way to enter the site unimpeded by the current condition at the daycare entrance.

The residential roads are being proposed to be private streets that are 26 feet wide. These private roads will provide access to Carriage Place and Turning Stone Drive, the proposed public road that will connect to North High Street. Each home will have a two car garage and a minimum driveway to park two vehicles. The commercial outparcel is proposed to be accessed by improving Highland Ave to a public street that is noted on the plans as Turning Stone Drive.

The parking standards for the commercial site are to not exceed 1 space per 200 S.F. of building area. The parking design standards indicate that they are to be broken up where possible to not create a single large unbroken paved lot and smaller defined parking areas are encouraged. All parking areas shall provide 1 tree for every 6 parking spaces and areas for more than five vehicles shall be effectively screened on each side that abuts a residential zoning district.

As part of the development, the developers will be removing a total of 252 trees that equal to approximately 2,440 inches of trees that will be removed. The majority of the trees that are planned to be removed are long the center tree line, approximately where the main private access road is to be located. Out of the 252 trees to be removed, 228 were deemed to be in good condition by the

applicant's tree surveyor, and those 252 will be replaced with trees from the list of Approved Urban Forest Trees and Plants by Canal Winchester. The applicant has indicated that the final quantity of trees to be removed and replaced will be determined during the Final Development Plan Technical Review process. The landscape plan that has been provided is conceptual.

The conceptual landscaping plan shows mounding and tree buffers between the residential units and U.S. 33. Additionally, the applicant is showing trees to be planted between each residential building along with buffering between the two cul-de-sacs and around the retention pond. It is also shown on the landscape plan that existing trees around the perimeter are planned to be retained. The Urban Forester has reviewed the conceptual landscape plan and recommends that the buffer between U.S. 33 and the dwelling units be comprised of mostly conifer species.

To the north of the development, the applicant is proposing that a 5 foot wide mulch recreational path be constructed through "Reserve F" leading to the retention pond. The applicant is requesting that the retention pond be included in the 20% open space requirement and staff suggested if they could make the area meaningful it may be considered a feature of the open space percentage. The path as currently designed is not considered meaningful or beneficial to the project. Staff recommends that the multi-use path be required to be a paved 8 foot asphalt surface and be designed to be ADA accessible. Staff also requests that this path be continued to the commercial parcel to provide the employees of the future commercial buildings access. It is also encouraged that where the applicant shows the current termination of the path at the retention pond be designed to include a seating area.

The applicant has indicated that the percentage of open space being provided within the development consists of 22% (this calculation includes the retention pond which is calculated in "Reserve F"). Additionally, the applicant has not indicated a divergence from this requirement in the development plan. Staff recommends that units 1, 2, 3, and 4 be removed from the development to increase the size of "Reserve A" so that it can be a usable public park space. With the reduction of these four units, there could be upwards to 10 trees saved in this area as well as reducing the number of lots per acre from the requested 5.74 lots per acre to 5.3 lots per acre. Removing these units as well would provide a buffer from the existing residential homes in Winchester Village to the proposed project.

The applicant has indicated that there will be 30 S.F. of landscaping area for every 1,000 S.F. of building ground coverage and will plant 1 tree per 1,000 S.F. of ground coverage. The Urban Forester recommends that the landscaping be designed to be comprehensive in large pockets located between and around the commercial buildings to promote larger usable landscape areas rather than small islands. In example, 900 S.F. landscape area be 30 ft. by 30 ft., not 90 ft. by 10 ft. The applicant has also indicated that there shall be 1 tree planted for every 6 parking spaces within interior landscape islands. The Urban Forester

also requests that these landscape islands be designed to be comprehensive and larger in size rather than many smaller islands.

The residential dwelling units are to be single-family, duplex-style residences on slabs and the option to select a loft. The maximum building height shall not exceed 30 feet in height. The minimum square footage per livable space shall be no less than 1,200 S.F. for a single story and no less than 2,000 S.F. for a ranch with a loft. The application has indicated that the two exterior elevation designs as indicated in Appendix F will alternate between designs "A" and "B", and that in no instance there will be more than 3 consecutive exterior designs of the same type. Chapter 1173.03(b)(4) states that "adjacent residential homes shall not have identical facades relative to style and color, and all residential building front yard setbacks shall meet the applicable district requirements and be staggered". Staff recommends that the applicant design alternative front facades to create a minimum of 6 façade types. At 6 façade types, the applicant could arrange them in a way so no adjacent residential home would have a similar façade.

The applicant has indicated that the architectural design standards are as follows:

1. Each home shall have a two car garage and a maximum 18 foot driveway.
2. Exterior wall finish materials shall comprise of brick, stone, stucco, wood siding, cement fiber siding and upgraded vinyl with a nominal thickness of .42 gauge.
3. Ranch homes shall have a 4:12 pitch roof with all turned gabled at 5:12 pitch. The loft option shall have a minimum 7.25:12 pitch and will be equipped with dormer windows. The roof materials shall be natural or synthetic slate, fiberglass asphalt shingles, or dimensional shingles. Staff recommends that different roof types and colors alternate with the 6 architectural types to help further break apart the buildings. Additionally, staff requests that the natural slate option be removed from the roof types permitted unless the developer will construct a unit type with natural slate.
4. Traditional single or double-hung and casement windows are allowed. Common window fenestration shall be used on all elevations.
5. Shutters shall be used judiciously and not on every window. Exterior shutters shall be painted and may be solid paneled (raised panel) or louvered. Staff requests that the applicant provide an elevation sample of a façade with shutters for review.
6. Extruded aluminum gutters with downspouts may be used. Staff recommends that the downspouts be tied into the curb drains rather than splash blocks.
7. All garage doors shall have glass inserts.

The preliminary development plan indicates that no accessory structures shall be permitted within the development. This would include any temporary structures, shacks, garage, barns, or other permanent outbuildings. Additionally,

no decks or pools or fences shall be permitted. Patios and pergolas are permitted but shall be professionally designed.

The preliminary development plan makes note that commercial subarea is located in the Old Town Overlay District and final designs shall be reviewed by the Landmarks Commission. Within the commercial parcel multiple buildings are allowed to be constructed and the width, height and style of the building shall be considered in relationship to adjacent structures. The total height for any commercial building shall not exceed 40 feet and the buildings should be placed closer to U.S. 33 to create an adequate barrier from the highway to the surrounding properties to the south.

The applicant has indicated the architectural design requirements will be as follows:

1. The exterior of each building shall utilize natural materials such as brick, wood, stone, manufactured stone, stucco or cementitious siding. Aluminum and/or vinyl shall be allowed for trim detail only such as soffits, gutters, shutters, etc. but shall not be used as siding products.
2. Roofs and façade colors shall be coordinated to complement each other and in a historical color palette.
3. Roof materials shall be shingles, cedar shakes, slate or synthetic slate, and metal standing seam. Asphalt shingles shall have an “architectural” or “dimensional” appearance and performance.
4. All structures shall be architecturally compatible and shall retain traditional building massing.
5. The façade facing North High Street shall be designed to have its front entry, or architectural appearance of a front entry, facing North High Street.
6. Special attention shall be given to minimize any “blank walls” without windows facing North High Street and U.S. 33. Staff recommends that the building design standards of Chapter 1199.03 (a) through (g) be incorporated into the commercial development design standards.

The preliminary plan indicates that the HOA will be responsible for all lawn maintenance for individual lots and all common areas. The association will also maintain front yard landscaping on individual lots. The HOA is responsible for snow pushing services for all of the private streets, sidewalks, driveways and walkways from driveway to the front door. Select exterior maintenance of the dwelling units shall also be provided to the homeowners which may include roofs, gutters, paint, siding, garage doors, and exterior light fixtures.

The preliminary development plan indicates that the HOA board will be turned over from the developer to the resident’s within 90 days of the expiration of the development period. The development period is stated to be within 30 days following the date when 100% of the dwelling units are sold or within 30 years of the recording of the declaration. Staff recommends that the development period be shortened from 30 years to 15 years. There are instances in the city where development projects have resulted in over a 15 year development

period and the home owners have no control over HOA duties or fees because the last lots have yet to be sold.

The commercial and residential development will coordinate and/or share signage in order to minimize visual clutter and will be made out of materials as allowed in the Old Town Guidelines. The entry monument is proposed to be a maximum 15 feet tall and 8 feet wide. The sub-entry monuments shall be a maximum of 7 feet tall and 5 feet wide. Staff recommends that the entry monument be a maximum of 12 feet tall and that it be designed to allow for all of the future commercial buildings to have an equal amount of shared space on the sign.

The signage is being proposed to have a minimum of 50 S.F. of landscaping around the base of the sign. This landscaping is described as being natural materials such as turf, ground cover, shrubs and hedges with no more than 50% consisting of turf. Staff recommends that the turf be comprised of decorative grasses only.

The applicant is requesting the following Divergence Requests in the Preliminary Development Plan:

1. To allow a PUD district that is below the 20 acre minimum lot area requirement (Chapter 1177.03(b)). Staff supports this request due to the site having an expired PRD development text associated for most of the site.
2. Increase the maximum density of 4 units per acre to 5.74 units per acre (Chapter 1177.03(c)). Staff supports this request if the architectural standard recommendations are incorporated into the sites design and that units 1, 2, 3 & 4 be removed from the site design as discussed above, reducing the density to 5.3 units per acre.
3. To allow private roads in the development (Chapter 1173.03(c)(10)(b)). Staff recommends that the roads within the development be private roads so the HOA can maintain them.

The applicant has failed to request the following divergences as part of the preliminary development plan:

1. Chapter 1173.03(c)(6) "Under PRD and PUD a minimum of 20% of the gross site minus publically dedicated streets and alleys should be set aside as public open space. Such open space shall be used for such public purposes as a natural area, recreational area, or the site of a community or school facility". The preliminary development plan calculates the retention pond in the 22% open space being provided. This pond needs to be designed with a feature so that it can be considered a place for public purpose.
2. Chapter 1181.04 states that the mandatory land dedication for a PUD is required at 25%. This requirement "shall be used as sites for public parks, open space and recreational areas. The preliminary development plan is only showing 22% open space being provided.

3. Chapter 1173.03(b)(4) states that “adjacent residential homes shall not have identical facades relative to style and color, and all residential building front yard setbacks shall meet the applicable district requirements and be staggered”. The preliminary plan states no instance there will be more than 3 consecutive exterior designs of the same type adjacent to on another.

Madison Township Fire Department has reviewed the proposed Preliminary Plan and has made the following recommendations:

1. Provide the expected required fire flow for the proposed residential structures and flow projections for the proposed 8” water main in the residential area.
2. Provide specifics regarding the size waterline being proposed for the commercial area. This waterline should connect to the 12” waterline on High Street.
3. Given the proposed width of the streets both public and private we suggest there be no parking on either side of the street as ladder trucks require 20’ minimum width for deployment of outriggers. In the residential area where it is a “private drive” this is required and the streets will need to be posed as fire lanes.
4. The street layout as proposed is acceptable. However, our preference would to grid the streets and rather than have two cul-de-sacs tie Greystone Lane and Turning Stone Drive.
5. In order to limit the spread of fire between structures we would like to see additional distance between the units or utilization of fire resistive materials such as brick, cement board or stucco on the sides of the structures that are adjacent to each other. Combustible materials such as vinyl or wood siding promote the spread of fire between the units.

Staff recommends that the Preliminary Development Plan PDP-17-002 be tabled so that the applicant can incorporate the following staff recommendations:

1. Based on the traffic study review by the City’s engineer, the developer needs to propose a means to allow site traffic a way to enter the site unimpeded by the current condition at the daycare entrance.
2. The buffer between U.S. 33 and the dwelling units be comprised of mostly conifer species.
3. The multi-use path be required to be a paved 8 foot asphalt surface and be designed to be ADA accessible.
4. The multi-use path be continued to the commercial parcel to provide the employees of the future commercial buildings access.
5. Units 1, 2, 3, and 4 be removed from the development to increase the size of “Reserve A” so that it can be a usable public park space. The public park should be equipped with usable playground equipment.
6. The commercial landscaping be designed to be comprehensive in large pockets located between and around the commercial buildings to promote larger usable landscape areas rather than small islands (i.e. 900 S.F. landscape area be 30 ft. by 30 ft. not 90 ft. by 10 ft.).

7. Any parking landscape islands be designed to be comprehensive and larger in size rather than many smaller islands.
8. The applicant design alternative residential front facades to create a minimum of 6 façade types.
9. Different roof types and colors alternate with the 6 architectural residential types to help further break apart the buildings. Additionally, staff requests that the natural slate option be removed from the roof types permitted unless the developer will construct a unit type with natural slate.
10. The applicant provide an elevation sample of a façade with shutters for review.
11. The downspouts be tied into the curb drains rather than splash blocks.
12. The building design standards of Chapter 1199.03 (a) through (g) be incorporated into the commercial development design standards.
13. The development period be shortened from 30 years to 15 years.
14. The entry monument be a maximum of 12 feet tall and that it be designed to allow for all of the future commercial buildings to have an equal amount of shared space on the sign.
15. The turf in the required sign landscaping be comprised of decorative grasses only.
16. The applicant update the divergence requests to include all deviations from Chapter 1173.

Mr. Vasko asked staff if the removal of lots 67-68 and 45-46 to connect the two cul-de-sacs has been looked at by the applicant. There is a great concern that 36 units on one road and 22 on the other road with only one access point is not safe. If there is any bottleneck or obstruction of the road leading into these areas a lot of residents are trapped with no access to get out. If there is an emergency situation there is a big problem. Staff responded saying that the commission did make this recommendation in the previous month about creating a loop and the fire department has made the same recommendation. The applicants response to last months inquiry was to bring the cul-de-sac bulbs up north closer to U.S. 33 decreasing the driveway lengths.

Mr. Christensen asked if there are any more questions for staff. Seeing no more questions he asked the applicant if he would like to comment.

Mr. Wisniewski told the commission he is here to answer any questions they have.

Mr. Christensen asked the applicant if there are any problems with the staff recommendations. Mr. Wisniewski stated there are no problems and half of them they can agree to tonight, the others they have questions about for staff. Mr. Wisniewski agrees with staff that tabling the application to look at the proposal further is a good idea.

Mr. Christensen asked the applicant if they have receive the fire department comments. The applicant indicated that they received those this morning.

Mr. Hollins asked the commission to provide any initial comments to give the developers to take home with them and that they will also hear the residents comments tonight as well.

Mr. Hollins asked the applicant about the private roads and the single-family development. He has seen private roads with condo associations but with a single family project that might be difficult. Mr. Wisniewski stated that he does not remember the specifics of getting the roads to be private roads but it was something staff wanted. The applicant agrees with Hollins stating that he does not want residents to be in the road business.

Mr. Gatliff asked staff about the recommendation for the six different architectural types. Staff indicated that as show they will be alternating units style A and B through the development. Staff requests that four additional unit types be constructed to make a total of six, which could also be looked at as unit types A through F. Mr. Gatliff asked staff if those six unit types would could have a loft or no loft option. Staff affirmed. Mr. Haire indicated that recommendation is based off of previous experience with Fischer Homes and that they can design the same single family home at least four different ways with the models they have in the city already.

Mr. Wisniewski stated the architecture options was a question they had for staff as well. The architecture types are what they are and they can no deviate from that. There may be a way to address the anti-monotony with colors and materials, but creating four additional facades will be a sticking point to the project.

Mr. Wisniewski noted that the developers have met with a lot of the surrounding residents about the project and they had a project meeting at the Westchester Golf Course and they had a chance to talk about the project with around 40 of the residents.

Mr. Christensen opened up the Public Hearing.

Richard Stone discussed the application with the commission. Mr. Stone is concerned there was not a traffic study performed on Pfeifer Drive and that traffic on Carriage Place may not be safe. The resident raised questions on the proposed public park and the traffic impacts it would have on the neighborhood. Additional questions were asked on the need for the commercial parcel and if it was for the profit for the project or if this project could be for only residential homes. With the proximity of the commercial piece to the US 33 exit there could be a safety issue. Lastly, Mr. Stone is concerned about the safety of the pond for children in the area. Personally, there appear to be too many units in this space and it will not work well with the existing neighbors.

Jeff Raymond discussed the application and stated that he is concerned with traffic for this development. The current traffic is an issue and the design of the neighborhood traps the residents in there. There are too many units with the proposal and the commercial signs will be an issue. Mr. Raymond discusses his concern with construction traffic, debris, and timing. The current traffic with the daycare is an issue. Mr. Raymond asked about the possible sound wall on US 33 and his concern with the type of housing that will be built in this area. His concern is that the products that will be offered will be low-income housing.

Vivian Anderson discussed her concerns with the commission. The major concern is a new home will be constructed really close to her existing home. Mrs. Anderson feels that they should remove the homes closest to her property.

Karen Martin expressed her concerns with the density of the project and its impact on the existing Highland Ave. The street currently is very quiet and there is concern with the number of proposed units.

Bobbie White discussed her concern with the traffic going past her existing home into the vacant lot that is adjacent to her property. The existing neighborhood has nice big yards and the proposal has a lot of houses crammed together. With every house owning two cars, the traffic is going to be going down carriage place. Mrs. White discusses that children play on the street and adding all of these cars will make the streets unsafe. With the proposal of a park, kids will have to cross the street to get to it which is unsafe. Mrs. White objects to the proposal and comments she does not like the design of the homes, the number of units, or the site layout. The units as designed look like large garages.

Erin Bricker stated that she agrees with the other neighbor's comments. The street is currently very quiet and the kids play in the street. The proposed development would increase the traffic on the street to the level that she would fear for her children. Mrs. Bricker stated that she likes her street as is where she can be outside gardening for four hours and not a single car drives by. Her kids are not used to cars on the street and she fears how it will change the safety for the area. The number of units are a major concern due to the traffic they will bring.

Wendy Innocenti discusses the application with the commission. Her favorite thing with Canal Winchester is how the architectural standards are so high. Mrs. Innocenti discusses how proud she is of a brick Aldi store and she is familiar with Fischer Homes. Typically, she stated she thinks that Fischer makes an attractive home. When she received the notice that Fischer was doing this project she was excited and started looking at what types of units would be constructed. At first, the impression was that they would be the new patio home style like they are building in Hilliard. Some comparisons between Hilliard's development and the one proposed are shared walls vs. no shared walls. Six home designs vs. one home design. Four elevation designs is typical while Fischer is proposing two here. Hilliard will have sixteen to thirty two different variations of homes within

that development while Canal Winchester will have two to four. While price ranges are the same and the square footage is similar, Fischer should look at exploring alternative architecture designs to keep the quality architecture Canal Winchester has. Mrs. Innocenti discussed some of the architectural styles that they are building in Hilliard and stated that she believes the impact to Old Town will be good. The last question the resident had was if the sites would be fully Sod or seed and straw.

Heath Kitts representing adjacent neighbor Colonel Bricker discussed the application with the Commission. Mr. Kitts talked about his concerns with new development and traffic that comes with development. Mr. Kitts discussed he likes staff recommendation to increase the façade types to six different types.

Joe Hannah discussed the application for Turning Stone with the Commission. Mr. Hannah stated that he understands this property has to have two entrances and there are two other developments in the city he can think of that do not have two entrances. Hopefully, the traffic study will answer questions on what the traffic will look like turning into and out of the development. Mr. Hannah asked staff about the green space and the proposed playground equipment. Mr. Hannah stated that there is an area the city already owns in between Carriage and Jones Place and asks could the playground equipment be installed there instead. Mr. Hannah would like to know if there would be any signage along Carriage Place into the development. Mr. Hannah stated that the applicant has proposed to increase the density of this site to over what is allowed because the empty nesters that will be living here will walk to Old Town. Mr. Hannah stated that Charleston Lakes and Cherry Landing is roughly the same area and distance away as this site.

A resident asked the commission when they will get the answers to their questions. Mr. Hollins stated that the questions are presented to the commission and the commission members direct them back to the applicant. Due to this commission being tabled until next month they will be discussed at that time.

Bill Bates discussed the application with the commission. Mr. Bates discussed U.S. 33 and that the state wants that road to become interstate status and that will result in changes at the High Street Intersection. Mr. Bates stated that if the High Street intersection is closed then you will only have one entrance into the subdivision and the traffic patterns will completely change.

A motion was made by Mike Vasko, seconded by Drew Gatliff, that this Public Hearing be closed. The motion carried by the following vote:

Yes: 6 – Christensen, Gatliff, Donahue, Vasko, Richey and Wildenthaler

A motion was made by Mike Vasko, seconded by Joe Donahue, that this Preliminary Development Plan be tabled. The motion carried by the following vote:

Yes: 6 – Christensen, Gatliff, Donahue, Vasko, Richey and Wildenthaler

CU-17-002

Property Owner: Charlie Stebelton

Applicant: John Damrath – Certified Oil Company

Location: 880 West Walnut Street

Request: Conditional Use to Section 1171.03(h) to allow for a Conditional Use Permit for a Certified Oil Convenience Store and Fueling Station.

Mr. Haire presented the application for Certified Oil, represented by John Damrath for property located at 880 West Walnut Street. The applicant is requesting a Conditional Use approval from Chapter 1171.03(h) to allow for a Certified Oil Convenience Store and Fueling Station to be constructed on the site. The proposed project is on a 3.7 acre property located on the north west corner of Gender Road and West Walnut Street. This property is zoned Limited Manufacturing and the applicant is requesting a conditional use within that district. Mr. Haire discusses conditional uses in that district to the commission and states that an Automobile Convenience Market is defined as; a place where gasoline, motor oil, lubricants, or other minor accessories are retailed directly to the public on the premises in combination with the retailing of items typically found in a convenience food market or supermarket.

The applicant is requesting that a 2.2 acre portion out of the 3.7 acre lot be occupied by a Certified Oil convenience market and fueling station with a 4,500 square foot convenience market with 20 parking stalls and 16 fueling locations at 8 pumps. The 1.43 acre parcel to the north will remain vacant as indicated on the plans.

Access is proposed from two access points. A right-in and right-out access point that is located approximately 105 feet north of the stop bar at the intersection of Gender Road and West Walnut Street. This access point is proposed at 30 feet wide with no channelization to define specific travel paths for the right-in and right-out turn movements. The applicant is proposing that left turns out of the site will be prohibited by signage only, but no details of signage restricting turn movements are shown. The second access point is proposed on West Walnut Street and is located 177 feet west of the stop bar for the West Walnut Street and Gender Road intersection. This access point is proposed to be a full access point and is designed to be 30 feet wide. The applicant has indicated that the location 177 feet west of the intersection is the distance for the 95th percentile queuing of the PM peak hour traffic at this intersection.

The traffic study also contemplates future development on the vacant lot of approximately 18,500 square feet of shopping center. Shopping centers are not a permitted use on this property, because the site is zoned Limited Manufacturing. Uses that should be considered for future development on this site include manufacturing and distribution uses including appropriate and safe access for the truck traffic associated with these uses.

Staff shared the proposed site plan and truck turning plan with the commission. Trucks will enter the site off Gender Road and the trucks will take up the entire 30 foot wide access into the site covering both travel lanes. Both travel lanes are also taken up when the trucks exit the site as well. Without any access shown to the vacant parcel to the north, access to this area is a concern, as this property will have industrial uses with primarily truck traffic.

Mr. Haire discussed the Conditional Use Criteria of Approval with the commission:

- a. The proposed use is a conditional use of the zoning district and the applicable development standards of this Zoning Code are met.
 - The proposed use as an automobile convenience market facility is identified as a conditional use in the Limited Manufacturing zoning district as noted in Section 1171.03 (e). The development standards that this property are subject to are specified in various areas of the Canal Winchester Zoning Code. The Planning and Zoning Administrator has reviewed the application and found that the proposed development does meet the required development standards with the exception of a minor landscaping standard.
- b. The proposed use is compatible with adjacent land use, adjacent zoning, and to appropriate plans for the area.
 - The proposed use is compatible in some aspects with the adjacent land uses. A convenience market and fuel center would serve the traveling public along the Gender Road corridor. The adjacent land uses are industrial uses that would not be in direct conflict with the proposed use. However, the site is zoned for Limited Manufacturing and is part of a developed industrial park. Appropriate plans for the area would be to further develop the site for industrial use that would provide additional economic development opportunities for the community. This site has been zoned for manufacturing use since it was annexed into the Village of Canal Winchester in 1964. It has been used for warehouse and distribution uses since 1979.
 - The site is within the Community Reinvestment Area which allows for a 15 year, 100% property tax exemption on the value of improvements. This district was created by Village Council in 1987 to encourage economic and community development that creates economic stability, maintains real property values, and generates new employment opportunities. The proposed facility on this site is not the highest and best use to live up to the standards that the community leaders intended when creating the CRA district which includes all of the West Walnut Industrial Park.
 - The Village of Canal Winchester Community Plan Update, which was adopted in July of 1999, specifically addresses an industrial development strategy for the Walnut Street Industrial Park in Section 4

of its recommendations. It recommends that, "... the Village maintain the industrial park as is. Only light industrial uses will be permitted if future redevelopment occurs.". Therefore, the proposed use of an automobile convenience market is not in conformance with the adopted comprehensive plan of the community and not compatible with appropriate plans for the area.

- The Village of Canal Winchester also adopted the Gender Road Access Management Plan in 2004. Access management is a process that provides (or manages) access to land development while simultaneously preserving the flow of traffic on the surrounding road system in terms of safety, capacity, and speed. Specifically, this plan aims to show where and how access can be provided for land this in not yet developed or for parcels where redevelopment occurs. The plan specifically states that no direct private access should be permitted if a property has other reasonable alternative access or opportunity to obtain such access. In the case of this parcel reasonable access exists from West Walnut Street without the need for direct access to Gender Road. The subject parcel is specifically identified in the plan as having no new access permitted, since a reasonable alternative exists. The plan also states "Optimized signal operations and progression can only be maintained if no other signals are permitted along this segment of the corridor and if no direct access points are provided to any newly-developed parcels.". Therefore, the proposed access for this use is not compatible with the adopted access management plan for this corridor.
 - The Village of Canal Winchester also adopted the Canal Winchester Thoroughfare Plan on 6/26/2009. Section 9.0 of this thoroughfare plan address driveway locations and spacing. These guidelines are adopted to preserve the functional area of public street intersections, control and consolidate direct access to major roadway corridors, and to limit the number of conflict points and separate conflict areas. It specifically determines that the minimum distance from an intersection to an upstream right-in and right-out access point is 375 feet on Gender Road. The proposed access drive on Gender Road at 105 feet from the intersection is not compatible with the adopted plan that assists with preserving the safety and functionality of this intersection.
- c. The proposed use will not adversely impact access, traffic flow, and other public facilities and services.
- The proposed use as an automobile convenience market with the proposed site plans and access points would adversely impact access to the West Walnut Industrial Park as well as traffic flow on Gender Road and West Walnut Street. The adopted Canal Winchester Transportation Thoroughfare Plan specifically recommends that right-in and right-out access be located no less than 375 feet from an intersection. The proposed access drive at 105 feet from the

intersection has the potential to reduce safety and capacity along Gender Road, and impact the functional area of this intersection. The City of Canal Winchester has undertaken considerable projects and spent vast sums of money on ensuring the traffic continues to move through the Gender Road corridor in a safe and efficient manner. In fact, we are currently designing additional improvements for the section of Gender Road from West Walnut Street south including the Gender and Groveport Road intersection.

- The Gender Road Access Management Plan adopted in 2004 specifically states that access should not be permitted on this parcel from Gender Road since alternative access is available along West Walnut Street. It goes on to specifically mention that optimized signal operations and progressions can only be maintained if no other signals are permitted along this segment of the corridor and if no direct access points are provided to any newly developed parcels. Therefore, permitting this direct access to Gender Road for the proposed use will negatively impact the signal timing and operation of the Gender Road and Walnut Street intersection along with potentially negative impacts on Gender Road and Canal Street traffic signal and the Gender Road and Groveport Road traffic signal within this corridor. The applicant has provided a traffic impact study for the proposed site and use. This study is currently under review by the City Engineer and their evaluation will be presented at the meeting.
- d. The proposed use will not result in the destruction, loss or damage of a natural, scenic, or historic feature.
 - The proposed use will take place on a previously developed site. Therefore, there is not an impact on natural, scenic, or historic features.
- e. The proposed use will not adversely affect the public health, safety, convenience, comfort, prosperity, and general welfare.
 - The proposed use as an automobile convenience market will adversely impact the public safety, convenience, comfort, prosperity, and general welfare of Canal Winchester residents and the traveling public along the Gender Road corridor. The proposed negative impacts on traffic movement in the Gender Road corridor will impact the public safety, convenience, and comfort of those traveling this corridor. Allowing access at this point with the proposed traffic that is generated will lead to decrease in safety and the potential for additional traffic incidents at the Gender and Walnut intersection. This development has the potential to impact the timing of the traffic signal so it is operating at less than optimal. This negatively impacts the convenience of the public and their comfort due to additional traffic delays caused by this development.

- The proposed development will also adversely impact the prosperity and general welfare of the community. The site is currently being used as a warehouse operation for HFI. This site is necessary for their operations that employ more than 300 people in the City of Canal Winchester. Removing this industrial building whose workers generate significant revenue for the City of Canal Winchester and replacing it with a convenience market and fuel center will have adverse impacts on the municipal revenues and therefore the prosperity of the community. Additional public safety burdens are also created with the traffic from the site and public safety concerns associated with this traffic. An industrial building has little need for emergency services, however convenience markets have a much greater need for policing services. In fact, according to the Department of Justice, nearly 6% of all robberies at commercial establishments happen at convenience markets. Therefore, the demand on public police resources is significantly increased with this use and adversely impacts the prosperity and general welfare of the community.

Mr. Haire indicated that EMHT reviewed the applicant's traffic study and have similar recommendations in regards to the staff's recommendation based off the city thoroughfare plans. Some of those recommendations are that the Gender Road access is in direct conflict with the thoroughfare plans and that the access to the site should be off Walnut Street. It is critical to have access at Walnut Street so the synchronized traffic signals function as designed along the entire Gender Road corridor to enhance public safety. The 2009 traffic access plan specifically identifies Gender Road as a Major Arterial and the minimum distance to an upstream right in / right out is to be 375 feet. The proposed intersection along Gender Road is planned at 105 feet. Due to the limited frontage on Gender Road a right in / right out would not meet any requirements of the city and should not be installed. Additionally, the applicant has only indicated signage as the only restriction at the right in / right out to prevent people from attempting to make a left turn at Gender Road. The practicality and effectiveness of signage alone is a significant concern.

Mr. Haire continued to discuss the EMHT review of the Traffic Study and stated that the growth rate that the traffic study used at .5% should realistically be between 1.0% and 1.5%. Staff continued to state that the traffic effects of BrewDog were not taken into account in the traffic study to understand the correlation between the two sites. This study also provides an assumed commercial shopping center as the land use for the vacant parcel to the north of the site and this access has not been shown on the plans nor is the shopping center a permitted use in the LM zoning district. Additionally, the size of the shopping center does not match the proposed acreage of the vacant lot on the site plan. EMHT also has also found the applicant has seemingly double counted the trip generation of the proposed use and should correct that as well.

The applicant has not shown with the submitted application materials that they can meet the criteria for approval of a conditional use permit as stated in

Section 1145.03. This is due to the adverse impacts on public safety, convenience, comfort, prosperity and general welfare of the community, as well as the plan being incompatible with approved plans for the area, staff recommends that conditional use 17-002 be denied as presented.

Mr. David Hodge representing the applicant spoke to the commission in regards to the Certified Oil project. Mr. Hodge stated that staff has spent a lot of its time in reviewing the plans in finding problems with the proposed site plan. This application should be looked at from the applicant's point of view to understand the entire story. Mr. Hodge stated that Certified Oil is an Ohio company started in 1939.

Mr. Hodge stated that a Conditional Use in a zoning district is a use that may have an impact, thus requiring administrative hearing for approval. Conditional Uses designate a species of administrative permission which allows a property owner to put his property to a use which the regulations expressly permit under conditions specified under zoning regulations. While the issuance of a conditional use is not a matter of right, in the same sense of a permitted use, a community cannot arbitrarily deny a conditional use application due to a use not being desirable. Canal Winchester zoning states that conditional uses can more intensely effect an area in which they are located than a permitted use in the same district. If property controlled and regulated they can be appropriate uses in the district.

Mr. Hodge stated that staffs presentation on the site has gotten so far in the weeds that it has lost sight of what is important. Hodge stated that a conditional use is a permitted use subject to certain conditions. Hodge discussed staffs comments on the conditional use requirements a through e with the commission. One note that the applicant commented on is that this plan is compatible with plans for the area despite what staff has indicated. The property is zoned Limited Manufacturing which is the law for the area, and not a guideline or recommendation. Within this district is the right to use the property as an automobile convenience market. The references to a community plan update in 1999 is outdated and should not be used as a reference to the area. Hodge stated that the proposed use does not adversely affect the traffic flow of the area or access of Gender Road. The 2004 Traffic Plan as indicated in the staff report is also outdated and irrelevant. Hodge went further to stating the traffic study performed for the site states that the access is safe and meets the requirements for the area.

Mr. Hodge stated that the vacant property to the north and west have no intention to be developed. The development of the Certified Oil is the only item being discussed this evening. Mr. Hodge stated that due to this property fronting Gender Road it is desirable property that will not be developed in an industrial manner. Hodge further states that the applicant has the right to access Walnut Street and Gender Road.

John Galager, the traffic engineer for Certified Oil discussed EMHT's review on the traffic analysis to the site. Mr. Galager stated that a right in / right out would not have an effect on a 4 lane roadway like Gender Road that is higher in speed. Due to this site not having a large frontage on Gender they cannot meet the 370 foot requirement, but the location that was chosen is a good safe distance from the signal and the railroad tracks. This right in / right out can be redesigned to have an island integrated to restrict the illegal left turn movement.

Mr. Galager states he is suspect to EMHT's comment to use a growth rate pattern of 1.5% with no data to represent this number. Additionally, BrewDog's traffic was taken into account in the traffic study and that the brewery might have had abnormally large traffic during the time of the counts. The applicant is not proposing any retail in the vacant parcel. The retail traffic count was used to give a worst-case scenario for the amount of traffic a site could generate and this was a figure that was used by the traffic engineer to look at the full potential of the sites traffic.

Mr. Galager commented that generally people complain about an increase in traffic, when realistically one additional care is more traffic. Galager stated that his opinion as a traffic engineer is that there is no traffic conflict and it will not adversely affect or impact traffic flow, public facilities or services, convenience comfort or welfare or safety of the community any more than a permitted use for the site.

Mr. Wildenthaler asked Mr. Galager in his professional opinion that based off the traffic study the traffic flow on Gender Road will not be adversely affected at any time. Mr. Galager started to state that one additional car...

Mr. Wildenthaler asked when was the traffic study performed. Mr. Galager stated 30-45 days ago.

Mr. Wildenthaler asked what time of day. The applicant stated during the AM peak and PM peak. Mr Wildenthaler asked what times of day the peaks are. The applicant stated from 4pm to 6pm and 7am to 9am. Mr. Wildenthaler stated that from 4pm to 6pm when the traffic is backed up past Waterloo all the way to Groveport Road your traffic study found no problem, and that all of the visitors of the convenience store are going out the right out on Gender down the far right turn lane and turning right onto Groveport Road and not contributing to the already congested Groveport Road. Mr. Galager stated that it will absolutely contribute to the traffic flow but that does not mean it is less safe. The traffic study clearly shows this user will generate additional traffic, but one single vehicle could be argued to increase traffic. Mr. Galager states that he believes if an industrial user controlled this site a tractor trailer is less safe than a motor vehicle.

Mr. Wildenthaler stated he does not like the Gender Road access due to it creating traffic problems. Mr. Galager stated the ODOT standards for road classifications do not consider right in / right out as an intersection so there is

no specific data for it. A left out would be an issue on Gender Road. A left in with a drop right turn lane is safe and same with the right out. Mr. Galager discusses HFI and their right in / right out just south of Walnut Street and how it is safe and functions without error. Mr. Wildenthaler that the employees of HFI learned not to exit onto Gender during peak hours and use Walnut Street. Mr. Galager stated that users of the gas station will learn the same.

Mr. Gatliff disagrees with the statement that people visiting the gas station will know not to use the Gender Road access during peak hours. Those that work at HFI are used to that condition every day, those at the gas station will not have the same schedule to learn the traffic patterns and go to the light.

Mr. Gatliff asked if the applicants need ODOT approval for access onto Gender. Mr. Hollins stated that they would have needed to get ODOT approval when Canal Winchester was a Village, but now we have city status we control the road. However, Canal Winchester uses ODOT standards and we do not think ODOT would approve of the curb cut if they were to make the decision.

Mr. Gatliff stated that when he comes home from work at 5pm to 6pm Gender Road is backed up to the railroad tracks or beyond for anyone wanting to go straight on Gender past Groveport Road or turn left on Groveport Road. Going right onto Groveport would be an easier movement at Gender Road while turning left or straight would be difficult. Gatliff states the right in at the site is less concerning but the right out is what is causing the problems. Mr. Galager states is that they will explore removing the right out but arguably, a right out is better on traffic flow then waiting for a light to disrupt traffic.

Mr. Wildenthaler and Gatliff discuss the right out concerns further with Mr. Galager.

Mr. Hollins stated that ODOT does have a document based off access on a state route.

Mr. Vasko stated that he agrees with the applicant that a right in / right out can help facilitate traffic flow in certain circumstances. The concern is that where he has seen it work well on Hamilton Road, there is a greater distance from the right in / right out to the traffic signal than there is at this site. The right in might improve traffic rather than forcing people to a traffic light.

Mr. Vasko stated that the main concern with this site design is a lot split that creates a property with no access. Access to Gender Road will not work and there is no way shown to get to Walnut Street. This puts that future property owner in a situation with a property that has no access to a street so the property cannot be developed. If the site layout was changed so the empty lot was to the far west and ran north south, then the service station could be flipped to be closer to Gender Road and the pumps could be closer to the intersection. This would create a usable lot to the west.

Mr. Vasko stated that he has watched the Certified Station on Hamilton Road deteriorate for 30 years. Vasko stated he is concerned that this facility will have a similar situation and Canal Winchester will have an eyesore on a major corner in town. The worry is that they will allow a company to go onto a highly visible site that lets their stores go into deplorable conditions. A service station does not have peak flows so the traffic may not be dramatic and that the overall lot layout is the concern.

Mr. Hodge stated that they are not proposing any development on the vacant property presently and any development would have a cross access easement.

Mr. Haire asked the applicant why there is a proposed lot line on the plans if it is not going to be split. Mr. Hodge stated that it will not be split at this time and that is an error on the plans.

Mr. Damrath with Certified Oil concurred that there is no plans for a lot split at this time.

Mr. Damrath stated that they have worked on an alternative site layout based on staff comments and passed physical copies out to the commission members. Damrath stated that you could have an access drive off the proposed parking lot into the vacant piece if necessary. Additionally, the access at walnut has shifted left and a right in / right out has been added at Walnut Street closer to the gas pumps. This helps keep the convenience in convenience market.

Mr. Damrath stated he laid out his first convenience store in 1988 and this store is going to be a great one. Normally you are 30 feet from a dispenser to parking and they have 40 feet. The parking spaces are wider than normal and same as the sidewalks. The little things that add up to a good experience has been done one the site. Mr. Damrath stated that the truck-turning plan is generous with a 70' truck and that they schedule after hours as necessary to reduce conflicts.

Mr. Damrath shared photographs of the Hamilton, Ohio store with the commission. Damrath stated that this site is very similar to the layout they are proposing.

Mr. Damrath discussed the updated site plan with the commission further and stated that the Gender Road access has added a pork-chop island in the center to further reduce left turn movements and the building has been adjusted. Damrath stated he is willing to work on the site plan to make the city happy.

Mr. Richey stated that the updated access plan appears to be more appealing than the original site layout.

Mr. Haire stated that the application that is being discussed is on the Conditional Use. In light of the evidence received this evening, staff would like to modify the recommendation to table the application so that Planning and Zoning Commission and further review the request.

Mr. Hollins asked the applicant if they would want to table the application. Mr. Hodge affirms and asks the commission if they could review the site plan concurrently with the conditional use application. Mr. Hollins stated that is fine but at the end of the day they both will be tabled for further review. Hodge responded stating that the applicant would like to review the site development plan this evening as they are having a very productive conversation in regards to the site plan. Mr. Hollins affirms with the applicant but again asks if the applicant would consent to tabling the application so a new layout could be reviewed prior to the next meeting. Mr. Hodge consents to tabling the applicant and tells the commission that the applicant appreciates hearing the application and listening to all of the testimony.

Mr. Hollins stated he would like to give the applicant input on the site plan this evening.

Mr. Donahue stated that he has a work conflict with the applicant and needs to excuse himself from the application decision.

Mr. Christensen stated that he dislikes right in / right out's and does not think they work, especially on this site. Mr. Hodge asked Christensen about a right in only. Christensen responded saying it still allows the chance for a left turn out.

Mr. Christensen opened up the application for a public hearing.

A motion was made by Mike Vasko, seconded by Joe Wildenthaler, that this Public Hearing be closed. The motion carried by the following vote:

Yes: 5 – Christensen, Gatliff, Vasko, Richey and Wildenthaler

Abstain: 1 – Donahue

A motion was made by Joe Wildenthaler, seconded by Mike Vasko, that this Conditional Use be tabled. The motion carried by the following vote:

Yes: 5 – Christensen, Gatliff, Vasko, Richey and Wildenthaler

Abstain: 1 – Donahue

SDP-17-003

Property Owner: Charlie Stebelton

Applicant: John Damrath – Certified Oil Company

Location: 880 West Walnut Street

Request: Site Development Plan for a 4,500 sq. ft. Certified Oil Convenience Store and Fueling Station.

Mr. Haire presented the Site Development Plan for Certified Oil to the Planning and Zoning Commission. Staff has major concerns with the right in / right out turn movement and the design of it. Due to the concerns that were

stated earlier and a recommendation from the City Engineer, staff recommends that the access on Gender Road be eliminated based on all of the reasons stated in application CU-17-002. This access does not conform with any plans for the city or the traffic plans for Gender Road and it does not protect the investment that the city has spent along the entire Gender Road corridor.

Mr. Hodge asked staff if the application is to be tabled then why is the merits of the Site Development Plan being discussed. Mr. Hollins stated if they would just like for the application to be tabled that is fine but the intent was to discuss the application to give the applicant any productive comments based on the site plan. Mr. Hodge stated that the productive discussion on the site plan should be continued if that is the case.

Mr. Haire continued stated that the access at Walnut Street is planned to be 107 feet of the intersection as planned. In its designed location there are a number of site conflicts specifically pulling into the site. This access point leads directly into a head in parking area where there are several conflict points with people backing out of parking spaces and those turning into the site. Staff recommends that the Walnut Street access be shifted west to line up with the rear access drive around the building. This would provide a much safer access point with less conflicting turn movements.

Mr. Haire discussed the truck traffic and the safety issue showing that the trucks cross over both travel lanes as proposed. The proposed lot line raises concerns on how trucks or other vehicles will access that site.

The landscaping plan shows a number of plans and trees on site that meet standards with the exception of the parking lot screening plant Taunton's Yew grows to a maximum 3 feet to 4 feet in height so it would not meet the 4 foot minimum parking lot screening standard. Staff asks that the parking lot screening species be revised to a plant that meets the requirements and is approved by the City Urban Forester.

The elevations for the building have been provided in the application. Even though this building is more of a commercial use than industrial it does not have to meet the commercial development standards for the building design being located in a Limited Manufacturing district.

Staff is recommending that the proposed application SDP 17-003 be tabled for further consideration and amendments due to the following issues:

1. The proposed access points be revised to meet the requirements of the Canal Winchester Thoroughfare Plan, with the Gender Road access being eliminated and the West Walnut Street access being moved further west to line up with the driveway around the rear of the building.
2. That the plans be revised to show access to the vacant 1.43-acre lot that is being proposed.

3. That the landscape be plan be revised to include a hedge that will be 4 feet in height as required in Section 1191.02 (c) and with the species approved by the Urban Forester.

Mr. Hodge stated that the applicant is committed to working with the city on the application and they stand by the notion that they have a right to access Gender Road from this property. With reference to the landscaping the applicant is willing to alter the species of plant to meet the 4 foot requirement.

Mr. Hodge discussed the updated site plan that was passed out to the commission members during the last application and stated that they have shown preliminary access to the vacant lot as well as modifying the access on Walnut Street to reduce conflict points with a right in / right out and a full access further west. If necessary the traffic engineer can come back up and discuss access further and if there needs to be any more conversation on the site plan tonight that can be accommodated. If not the applicant is willing to table the application until next month.

Mr. Richey stated that he has concerns with the deceleration lane distance from the railroad tracks into the site based off the speed along Gender. The right in / right out does not do a lot in his opinion but the right out is the most concern. Mr. Gatliff affirmed with Richey's comments.

Mr. Hodge thanks the commission members for their comments.

Mr. Moore informed the commission members that based off the conceptual site plan update that was passed around to the commission members the applicant would need to apply for a variance to allow a second access along Walnut Street. Staff stated that during conceptual site plan meetings the applicant shared with staff a rendition of the site plan that had two access points on Walnut Street and staff stated that would require a variance for the number of access points for the property's size and the access points may not meet distance requirements.

Mr. Wildenthaler asked staff to clarify. Staff stated that two access points on Walnut Street exceed the spacing requirement and number of access points.

Mr. Gatliff asked staff if a restricted access makes a difference on the number. Staff stated that it is any access.

A motion was made by Mike Vasko, seconded by Brad Richey, that this Site Development Plan be tabled. The motion carried by the following vote:

Yes: 5 – Christensen, Gatliff, Vasko, Richey and Wildenthaler

Abstain: 1 – Donahue

ZA-17-004

Applicant: City of Canal Winchester Planning and Zoning Commission
Request: A proposed Zoning Code Amendment to Chapter 1171.03(b)(1) Personal and Consumer Services to exclude gymnasiums and personal or athletic training, and to add 1171.03(g) Hotels and Motels as a Conditional Use.

Mr. Haire presented the application to Planning and Zoning Commission the Zoning Code update to Chapter 1171.03(b)(1) to amend personal and consumer services to exclude gymnasiums and personal or athletic training and to add 1171.03(g) Hotels and Motels as a conditional use in the Limited Manufacturing District. Staff discussed the changes being proposed with the commission. A number of inquiries have been made to what personal and consumer services mean especially in the industrial parks. A number of personal trainers and athletic facilities would like to be located in Canal Pointe. With that park and the number of city investment with the tax abatements, the hope is those buildings are used for economic development purposes rather than lower employee and lower revenue companies. The request is to exclude these facilities from the Conditional Use request. These uses are already prohibited by deed restrictions in Canal Pointe but it should be further supported in the zoning code.

The other change is based on BrewDogs request to have a hotel on their site. Staff has evaluated the change and feels that allowing Hotels and Motels in Limited Manufacturing districts as a Conditional Use will work, and that this is the only way to accomplish allowing BrewDog to have a brewery with a hotel above it. Staff does not want this as a permitted use in the district due to other communities having issues with extended stay hotels that function as an apartment with a long-term lease. Allowing them as a conditional use allows them to be reviewed on a case-by-case basis. The hotel and motel language is the same as the other districts it is allowed as a conditional use.

A motion was made by Mike Vasko, seconded by Brad Richey, that this Public Hearing be closed. The motion carried by the following vote:

Yes: 6 – Christensen, Gatliff, Donahue, Vasko, Richey and Wildenthaler

A motion was made by Joe Donahue, seconded by Joe Wildenthaler, that the Zoning Text Amendment be approved and recommended to City Council. The motion carried by the following vote:

Yes: 6 – Christensen, Gatliff, Donahue, Vasko, Richey and Wildenthaler

Old Business

New Business

Adjournment

Time Out: 10:18pm

A motion was made by Mike Vasko, seconded by Joe Wildenthaler, that this Meeting be adjourned. The motion carried by the following vote:

Yes: 6 – Christensen, Gatliff, Donahue, Vasko, Richey and Wildenthaler

Date

Bill Christensen, Chairman

Joe Donahue, Secretary