

# Canal Winchester

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



## Meeting Minutes

**Monday, July 10, 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 Brad Richey, seconded by Joe Wildenthaler, that June Konold, Joe Donahue, and Mike Vasko be excused. The motion carried by the following vote:**

**Yes:** 4 – Christensen, Gatliff, Richey and Wildenthaler

**Excused:** 3 – Konold, Donald, and Vasko

Approval of Minutes

June 12, 2017 Planning and Zoning Commission Meeting Minutes

**A motion was made by Brad Richey, seconded by Drew Gatliff, that the June 12 Minutes be approved. The motion carried by the following vote:**

**Yes:** 4 – Christensen, Gatliff, Richey and Wildenthaler

Public Comment

Public Oath

Public Hearings

**SDP-17-004**

Property Owner: BrewDog Columbus LLC  
 Applicant: Jason Renneker  
 Location: 96 Gender Road  
 Request: Site Development Plan to add 28 additional parking spaces to the front parking lot.

Mr. Moore presented the application for BrewDog Columbus for property located at 96 Gender Road. The applicant is requesting approval for a Site Development Plan to add 28 additional parking spaces to the front of the parking lot. Mr. Moore presented the application and stated that these parking spaces will be an addition to the existing paved lot, north of the existing spaces. This area was pre-designed for future additional parking. The applicant has expressed the need for the parking due to the primary lot being full during peak hours. These new parking spaces will provide more spaces closer to the building for the public’s use. Due to the parking area being larger than 2,000 sq. ft. in size, it is considered a Major Site Development Plan and has to be approved by Planning and Zoning Commission.

Staff indicated that one tree is required for each 6 parking spaces proposed. There are 5 trees required within proposed parking areas and they are provided

in this plan. The existing parking lot lights are adequate to light the extension of the parking lot so no additional lights will be added.

Staff Recommends that Site Development Plan SDP-17-004 be approved as presented. The current parking lot needs additional parking spaces to handle the shortage of parking at the facility. With the patio now open and the total number of BrewDog employees rising to full staff as the office is completed, the additional parking spaces will be necessary.

Mr. Christensen asked the applicant if there were any statement they would like to make. Mr. Renneker stated that there was not.

**A motion was made by Drew Gatliff, seconded by Joe Wildenthaler, to approve this Site Development Plan as presented. The motion carried by the following vote:**

**Yes: 4 – Christensen, Gatliff, Richey and Wildenthaler**

**Commission member Mike Vasko joined the rest of the commission at 7:10pm.**

**FDP-15-002**

Property Owner: Southgate Company Limited Partnership

Applicant: The MacIntosh Company

Location: 6800 Gender Road

Request: Amendment to FDP-15-002 to modify the approved signage plans.

Mr. Moore presented the application for MacIntosh Company for property located at 6800 Gender Road. The applicant is requesting approval to amend Final Development Plan FDP-15-002 to modify the approved signage plans. Staff indicated that the Planning and Zoning Commission approved FDP-15-002 on August 10, 2015 for the 87,000 sq. ft. two story skilled nursing rehabilitation and assisted care facility that is currently under construction. With the final development plan approval, the plans for the signage indicated it was to be 8 feet in length and 6 feet in height. The signage for the facility will be a total of 23.6 sq. ft. The monument sign will have approximately 18" tall letters max and will be double sided as well as internally lit. Additional signage with directional signs will be provided in the parking lots, at the building entrance and throughout the property to direct visitors, vendors and the public. The applicant has stated that the signage design will be consistent with existing development entry signage in neighboring areas.

The applicant is requesting to modify the existing signage package that was approved with the Final Development Plan text to the provided renderings in the application. This new sign will feature a monument sign that is 12 feet in length and 7 feet in height. The main portion of the sign will be a total of 21 sq.

ft. that will be externally lit by a ground landscaping light. This sign will feature a large stacked stone base with the sign suspended overtop with timber poles. The applicant plans on keeping the sign in the same location as before but is open to moving it north of the access drive if necessary.

This new signage reduces the measurable area of the sign from 23.6 sq. ft. to 21 sq. ft. With this change the total height of the sign is reduced by 1 foot but increased in length by 4 feet. Another notable change is the sign is being modified from an internally lit "cabinet box" sign, that is prohibited by the Commercial Development Standards, to a externally lit ground sign.

The applicant is also requesting that the directional signage be modified to match the monument sign with a black and tan sign that is approximately 4 sq. ft. at 4 feet off the ground. It is also estimated that any wayfinding signage around the site will match the proposed main instructional sign.

Staff recommends that the Amendment to #FDP-15-002 be approved as presented. The new sign is being modified from an internally lit cabinet box sign to an externally ground lit sign that would benefit the adjacent residential neighborhoods.

The applicant indicated that they would like to relocate the sign to the north of the access drive so that it would reduce any conflicts with emergency services.

Mr. Christensen asked staff if the sign location should be added to the motion. Staff indicated that if the commission is comfortable with the option to relocate the sign to the north of the drive that might be the best option to leave it up to the applicant.

**A motion was made by Joe Wildenthaler, seconded by Drew Gatliff, to approve this amendment to the Final Development Plan as presented with the option to relocate the sign to the proposed location, as desired. The motion carried by the following vote:**

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

**VA-17-008**

Property Owner: Central Ohio Transit Authority

Applicant: Central Ohio Transit Authority

Location: Properties located between Gender Road and Winchester Pike (PID 184-000808, 184-000809, 184-000816, 184-000820, 184-000878, 184-000884, 184-000919, 184-000924, 184-000925).

Request: Variance from Chapter 1189.08 (a) to allow more than one (1) freestanding sign.

Mr. Moore presented the application for Central Ohio Transit Authority for 5.06 acres located between Gender Road and Winchester Pike. The applicant is request a variance from Chapter 1189.08(a) to allow for more than one (1) freestanding sign for the COTA Park and Ride. Staff presented the application to the commission and noted that the 5.06 acre site will be subdivided into three parcels. Outlot A is on the south of Trillium Ave and Gender Road and consists of 1.55 acres. Outlot B is on the north side Trillium Ave and Gender Road and consists of .87 acres. The COTA park and ride is on the south of Trillium Ave and Winchester Pike and will contain an open parking lot with 164 parking spaces and a bus stop along Trillium Ave.

In the Site Development Plan, COTA stated that there would be a multi-tenant monument sign on Outlot A and Gender Road that will have signage for COTA and the future tenants of both outlot's A and B. This multi-tenant sign will meet the sign code in terms of height and setback along with the landscaping requirements.

The applicant is requesting to have a second monument sign for just the COTA park and ride. This sign will be 31.25 sq. ft. sign that is 7.66 feet tall and 21 feet from the right-of-way line. This sign is to be constructed out of aluminum with push through internally lit white letters. The applicant is proposing to place this sign between Outlot A and the park and ride location, roughly halfway down Trillium Ave.

Due to the distance the Park and Ride location will be from Gender Road, staff recommends variance application #VA-17-008 be approved as presented. The COTA Park and Ride will be constructed prior to the Outlot's being constructed so the monument sign at the Park and Ride entrance helps identify its use, while the sign at Gender Road helps direct users to the site.

Rick Fay with OHM advisors stated he is available to answer any questions.

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

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

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

**A motion was made by Brad Richey, seconded by Joe Wildenthaler, to approve this Variance as presented. The motion carried by the following vote:**

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

**FS-17-001**

Property Owner: Westport Homes, Inc.

Applicant: Westport Homes, Inc.

Location: Canal Cove Section 4 (Parcel ID: 042-0389430)

Request: Final Subdivision Plat Application for Canal Cove Section 4.

Mr. Moore presented the application for Westport Homes, Inc. for property located at Parcel ID 042-0389430. The applicant is seeking approval for a Final Subdivision Plat for Canal Cove Section 4. Staff presented the application to the commission stating that subject property consists of 8.935 acres on the north side of Hill Road zoned Planned Residential District, and is subject to the Canal Cove final Development Plan Text. Out of Section 1, 2 and 3 of the subdivision there are only 5 unbuilt lots left. Section 4 will consist of 24 buildable lots and 1 reserve for a retention pond. With Section 4, the applicant will construct Duke Drive, which will create a second access point into the subdivision.

Staff discussed the zoning requirements in terms of architecture with the commission and noted that this phase has lots 116-120 that back to Hill Road so those lots will need to have homes that have window grids in the windows visible from Hill Road as part of the development standards.

Mr. Moore discussed the Final Development Plan conditions of approval for Section 3 and 4 of the subdivision that was approved in July of 2015 and noted that many of the items have already been completed. Staff updated the commission on Condition #3, that the walking path design around Reserve D was finalized during the Technical Review process and will be a 4' asphalt path, connecting Section 3 to Section 5. Items that are still to be completed, is Condition #5 for the multi-use path along Hill Road and Condition #1 for the final landscaping design along Hill Road, which is to be installed prior to the Plat of Section 5. Staff recommends that the applicant's request for the Final Subdivision Plat #FS-17-001 be approved as presented and recommended to City Council for adoption.

Terry Andrews with Westport Homes discussed the staff report with the commission and wanted to make a couple clarifications including lot numbers referenced around Reserve A and the multi-use path at Cannon Drive. Mr. Andrews stated that the multi-use path will be constructed with the turn lane at Cannon Drive rather than the street paving for Section 4. Mr. Haire asked the applicant if they would be bonding the multi-use path with the turn lane. The applicant indicated that they have no problem with doing that but it is already bonded with Section 4.

Mr. Richey asked the applicant when will Section 4 be constructed. Mr. Andrews stated that the underground utilities and curbing is completed and the paving will be done as soon as the rain stops.

Mr. Vasko asked staff if the clarifications the applicant made to the staff report are appropriate. Staff stated that the note about the path around Reserve A has already been constructed.

Mr. Richey asked if there were any concerns to have the multi-use path along Hill Road constructed with the turn lane and not the paving of Section 4. Staff indicated that is not a concern. Mr. Gatliff stated it is not a concern with him due to it being constructed this summer regardless.

**A motion was made by Brad Richey, seconded by Joe Wildenthaler, to approve this Final Subdivision application as presented and recommends Canal Cove Section 4 Plat to City Council for adoption. The motion carried by the following vote:**

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

**FS-17-002**

Property Owner: Grand Communities, LTD.

Applicant: Mark Bridwell

Location: Villages at Westchester Section 10 Part I PID: 184-003282)

Request: Final Subdivision Plat Application for Villages at Westchester Section 10 Part I.

Mr. Moore presented the application for Grand Communities, LTD. for property located at Parcel ID #184-0003282. The applicant is seeking approval for a Final Subdivision Plat for the Villages at Westchester Section 10 Part 1. Staff presented the application to the commission stating that the subject property consists of a 13.689 acre lot that consists of the future Section 10 Parts 1 and 2 of the Villages at Westchester Subdivision. The applicant is requesting to Plat Part 1 only at this time, which will account for a total of 13 buildable lots.

The subject parcel is zoned PUD (Planned Unit District). It is currently subject to the Villages at Westchester development text and conditions adopted by Ordinance 59-90, 81-91, 17-01, and 40-02. Sections 1 through 12 phase II Parts I & II of the Villages at Westchester have been developed, with 22 lots remaining for homes to be constructed, out of the 639 single family platted lots. The Planning and Zoning Commission approved the final development plan #FDP-16-002 for Phase 9, 10 and 11.2 in October 2016. This approved plan called for 117 single-family lots that are within the three sections. Section 10 will be broken up into four construction parts containing a total of 63 new lots. Section 10.1 will contain 13 single-family lots with an extension of Conner Ave. These lots conform to the Final Development Plan for the section. Section 10 Part 2 will provide the connection to Cormorant Way as required in the Final Development Plan approval.

Staff recommends the applicant's request for the Final Subdivision Plat #FS-17-002 be approved as presented and recommended to City Council for adoption.

Mr. Christensen asked if there were any questions for staff. No questions were asked.

**A motion was made by Drew Gatliff, seconded by Mike Vasko, to approve this Final Subdivision application as presented and recommends Villages at Westchester Section 10 Part I to City Council for adoption. The motion carried by the following vote:**

**Yes: 5** – Vasko, Christensen, Gatliff, 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, LTD. for property consisting of 17.47 acres located west of High Street and South of U.S. 33. The applicant is seeking approval to rezone the properties from a combination of Planned Residential District, Old Town Single Family, and Low Density Residential to a Planned Unit District for the proposed Turning Stone subdivision. The 17.47 acre project will consist of a 15.8 acre single family residential piece that will contain 84 dwelling units and a 1.75 acre commercial outparcel. Staff presented the amended preliminary development plan to the commission and noted on the changes that have been made from the previous submittal to Planning and Zoning in June.

Staff discussed the Traffic Study for the project that was analyzed by EMHT. The results of that study was that there needed to be some modification along High Street as EMHT found a possible conflict with the existing daycare across the street and possible cars backing up looking to make a left hand turn into that facility. The applicants are proposing to restripe High Street in that area to allow a dedicated right turn lane into the subdivision and a through left for the daycare with the ability to pass a sitting car if necessary. At an initial view staff is comfortable with the proposal but with further review it during the Technical Review process.

The applicant has modified the landscaping plan to have the trees in the mounding at U.S. 33 to be comprised of mostly conifer species and has modified



the recreational path to an 8' multi-use path that connects to the future commercial property per staff's request. With this alteration, staff is comfortable with counting the pond into the open space requirement. With this addition of the dedicated park land and pond the applicant is at 24% open space out of the 25% needed.

Staff updated the commission that the applicant has agreed to staff's request to remove units 1-4 along Carriage Place to preserve that area as a public park. With the preservation the tree's within that area will not be removed with the development. In addition, the applicant has agreed to compensate the city for park equipment monetarily rather than donating equipment. Staff shared photographs of possible park equipment with the commission. The removal of the units 1-4 also lowers the density of the site from 5.74 lots per acre to 5.3 lots per acre.

Mr. Moore discussed the commercial section of the project and updated the commission that the applicant agreed to the landscape conditions that the parking lot islands be designed to be larger in size and that the greenspace be focused around the building and be larger and more comprehensive. Additionally, the applicant will have the grass turf around signage be decorative turf and not typical grass.

Staff updated the commission on the architecture facades on the front elevations and indicated that the applicant has updated the façade types from unit style A & B that was presented last month, to units A through F. With the six façade types the applicant will construct them in a manner where they will not be constructed adjacent or across the street from a similar façade type. These units will be offered in a 1,200 sq. ft. ranch or a 2,000 sq. ft. ranch with a loft. All of the units will have a 2-car garage and the garage doors will have glass inserts in the top panel. There will be no accessory structures allowed on the lots other than patios and pergolas. Staff discussed each unit type with the commission.

The applicant has indicated that the HOA will be responsible for all road maintenance and snow pushing services. The applicant indicated that select exterior maintenance will be performed by the HOA. Staff would like the applicant to clarify if the maintenance is just a code enforcement process or they will be performing the maintenance. The applicant also indicated that the HOA will be turned over from the developer to the residents at the end of the development period, which they estimate to be 6-8 years.

Staff indicated that the applicant has incorporated the commercial design standards for the commercial outparcel but staff requests the applicant to amend the development text to indicate any deviations from the commercial design standards need to go to Landmarks for approval and not Planning and Zoning since the property is in the Old Town Overlay District.

Since last month's meeting, the applicant has complied with all 16 of staff's recommendations and has been working hard to meet all of the city requirements for the subdivision. Staff recommends that the Preliminary Development Plan PDP-17-002 be approved as presented and recommended to City Council with the following recommendations:

1. Revise the Residential Development Standards item #7 to reflect that the exterior designs will alternate whenever possible between Exterior Designs 'A' through 'F'. In no instance two identical façades or color schemes will be placed next to each other in the development.
2. Staff recommends that the applicant provide a spec sheet for the proposed private street lighting for review showing that it is a decorative fixture the same or substantially similar to that along public streets.
3. School Dedication fees are required per Section 1181.04(c).
4. The Commercial Development Standards text be modified so that deviations be approved by the Landmarks Commission and not Planning and Zoning Commission.

Mr. Richey asked staff for more information on the playground equipment and what that entails. Staff responded that the pictures that were provided were chosen by staff to show what we would like to install. The applicant has indicated they prefer a monetary donation so the city can purchase the equipment. The photographs in the PowerPoint are from the city's playground equipment provider. Mr. Richey asked staff if staff has discussed with the applicant what the payment would be. Mr. Haire indicated we have not but final details will be discussed prior to Council's approval.

Mr. Wildenthaler stated that the HOA is responsible for all lawn care and snow pushing services but who is responsible for the street maintenance. Staff indicated that the HOA would be responsible for maintaining the private streets. Staff further explained that the streets are private due to the applicant wanting to construct two long cul-de-sacs and staff informed the applicant we would accept the streets as public if they were looped but cul-de-sacs have much more aggressive maintenance required.

Mr. Wildenthaler stated his concern with the traffic study and how it does not address the future condition on Pfeifer Dr. or Carriage Place. The only location that a traffic study was performed was on High Street and nowhere else that could be effected by the development. Mr. Christensen commented that Pfeifer Drive was designed to be a cut through street. Carriage Place was not designed for that cut over.

Mr. Wildenthaler stated he has an issue with allowing an HOA be responsible for the repair of streets. There are already some private streets in the community

that have already started to deteriorate and complaints about the private street condition will come back to the city.

Mr. Christensen asked the applicant if there are any comments that he would like to make.

Jason Wisniewski, representing the applicant approached the stand to discuss the application with the commission.

Mr. Wisniewski discussed that staff did a good job with the presentation and has worked hard with the applicants on creating a good product for the city.

In regards to the HOA maintenance responsibility, Mr. Wisniewski stated that it will be more of an enforcement and violation notice roll rather than performing the repair. Although the landscaping will be taken care of by the HOA.

The applicant indicated that they have discussed with staff the playground equipment somewhat, but through brief discussions the applicant has an idea of where to land.

Mr. Wisniewski stated that they are also in agreement with all of staff's recommendations and are here to mainly answer any questions from the commission.

In regards to the traffic study, the areas that were studied, were studied because staff had asked the applicant to look at those areas. The other intersections that were not analyzed were not done so by direction of staff. Mr. Wildenthaler stated he agrees with that but after every resident that came into the public hearing complained about traffic on Pfeifer Drive and Carriage Place, he expected the applicants to provide new information on traffic in those areas. Mr. Wisniewski clarified for the commission that a traffic impact study looks at the level of service at a given entrance and turning movements at different access points. The applicant added that only one time a traffic study was asked to be done on residential subdivision streets the municipality engineer questioned the commission's request because the only thing a traffic impact study will show you is that it will carry more traffic but not yield any result to warrant turn lanes. Wisniewski added that he has confidence that no traffic study will say the stop sign in the subdivision is not working effectively. There will be more cars and no disputing that, but they will not warrant traffic movements. Mr. Wildenthaler agrees but he would like to look at something that would put the residents at ease. Mr. Wisniewski added that the applicant did not want a connection at Carriage Place and could live without it, but city staff is requiring that connection be made.

Mr. Wildenthaler asked the applicant how many vehicles they are estimating in this new development. Mr. Wisniewski stated that a traffic study deals with trips made. Trips made are generally 10 trips per household per day. These trips can vary in times but with 840 units, you are looking at 8,400 trips per day. Out

of the 1,440 minutes in a day, they take those minutes and look at peak hours of traffic. Essentially, there will be one trip generated every couple of minutes.

A member of the public asked the Chairman if they could ask any questions to the developer.

Mr. Christensen opened up the application for Public Comment.

Mr. Chris Bricker asked about parking for the public park that will be developed with this plan and if there will be on street parking only or off street parking available for people visiting the park. Staff responded to Mr. Bricker's question and stated that the park has not been designed yet so there is no answer to how the parking will function for the park at this time. Mr. Bricker voiced his concern about parking on private streets and the already crowded streets along Carriage Place and Jones Place. Mr. Vasko responded to the residents question stating that the intention will probably result in a walkable neighborhood park where those immediately adjacent would utilize it by walking or bicycle and not a destination park where people throughout the city would have to drive to visit. Mr. Bricker commented that the park is in a very visible location off U.S. 33 and people who drive by will want to visit it. Mr. Wildenthaler stated that the park would not be readily visible from High Street or U.S. 33 as it is in the middle of a subdivision. Mr. Christensen agreed that it would not be visible from High Street.

Mr. Bricker asked the commission again about parking on the private roads in the development. Mr. Richey stated that Madison Township Fire Department has requested that there be no parking on the private streets due to the size of the roads. Staff stated that is what the Fire Department wants, but would like to clarify that the size of Carriage Place and Jones Place roads are nearly the same as the private streets in the development. The design proposed is the width for the cities smallest residential street design. With that street design, the city typically restricts parking on one side of the street.

Mr. Richard Stone discussed with the commission his concerns with the traffic volume increase and safety issues that will arise with this development. The neighborhood is quiet now and with the proposed development there would be a lot of traffic that would be generated. Mr. Stone does not agree with the need for a commercial parcel for the project, but agrees the developer may need it to get the project to work. Mr. Stone discussed his concern with increased traffic at the intersection of High Street and Pfiefer Drive with all of the postal workers utilizing the on street parking now, causing congestion issues. As a last comment, Mr. Stone discussed his concern with the density of the project and how close the homes will be to the next and that if a fire happened they would catch adjacent structures on fire.

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

Jonathon Wilcox, representing the developer of the property approached the podium to discuss the project with the commission. Mr. Wilcox stated that he has been involved with the property owners with this property since June 2016. While working with the property owners they found out that traditional single-family will not work on this site due to the shallow sewer depth, limiting the buildings to no basements. Since that time he has looked at developing this property in many different ways from multi-family apartments, assisted living and nursing home, and even had a self-storage company interested. Mr. Wilcox further explained that he is trying to fill a need in the community. His company developed the Villas at Charleston Lake, which is a successful EPCON development near Wal-Mart. Since that project there has not been any new development that fits that demographic profile with no yard maintenance, first floor master, and single-family style living. That is how ultimately this user and building design was chosen for this site.

Mr. Wilcox explained that his how Fisher Homes got involved in this process. They are established in the community and they build a nice product. Since working with Fischer they have met with staff, held community meetings with residents, and really tried to answer all questions they had and mold the project into something everyone would be satisfied with.

**A motion was made by Brad Richey, seconded by Mike Vasko, to approve this Zoning Map Amendment and Preliminary Development Plan for Turning Stone and recommend it to City Council for adoption. The motion failed by the following vote:**

**Yes: 3** – Gatliff, Richey and Wildenthaler

**No: 2** – Vasko and Christensen

**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 applicant John Damrath for property located at 880 West Walnut Street. The applicant is requesting a Conditional Use approval to construct a Certified Oil Convenience Store and Fueling Station on the property. The applicant is requesting a conditional use in the Limited Manufacturing district to allow a gas station on the property. Mr. Haire discussed the changes to the application since last months is meeting with the commission. The site plan shows a 4,500 sq. ft. convenience market with 20

parking stalls with 8 fueling stations housing 16 pumps. The fueling canopy has been separated into two canopies with 4 fueling stations under each. The proposed access will have deceleration lane with a right-in only at Gender Road and a full access point at West Walnut Street. The applicant has indicated that the access point location on West Walnut Street has been designed to be past the 95<sup>th</sup> percentile for queuing of traffic along the road. The applicant has designed that access drive to be 35 feet wide. Mr. Haire indicated that per code the maximum a drive width can be per code is 25 feet wide, so if the applicant would like to retain the access at 35 feet wide they must seek a variance from that requirement.

The traffic study and site plan have been updated to reflect no future development on the vacant ground of the parcel. Certified Oil has indicated that they will be the only user on this 3.7 acre site. Staff shared the rendering for the truck traffic that the applicant has provided showing that the vehicles will enter and exit along Walnut Street.

Mr. Haire discussed the criteria of approval with the commission. Staff does not feel that the application is compatible with adjacent land uses or compatible with the plans for the area. This property has been an industrial site for a long time and has been designed as the gateway into the industrial park with tax abatements on the property. The comprehensive plan lists this property as retaining an industrial use. The Gender Road access management plan states that this specific property should not have any access along Gender Road due to reasonable access along Walnut Street. This study discussed the optimized signals in the corridor and that allowing any access in that corridor that has not been planned for will compromise the traffic signal operations along Gender Road.

Mr. Haire discussed a previous settlement agreement the city has made in 2001 to the property owners that the city would not object to access along Gender Road if it was allowed by ODOT. It is the city's understanding that a council can not bind the governmental functions of a future council, making that agreement not valid at this point 16 years later.

Staff discussed the location of the driveways and how the proposed location has considerable impacts on public roadways and safety concerns with safe travel on those corridors. Currently the city is working on Phase 4 of the Gender Road corridor improvements which encompasses changes just south of this site at the intersection of Gender and Groveport Road. The city has been diligent in adhering to traffic management plans and anything that goes against those is in direct conflict in the millions of dollars that is spent on improving the functionality of the Gender Road corridor.

Public Safety, convenience, comfort, and general welfare is at risk with ignoring the studies and plans that the city has constructed for this area in regards to the traffic and the industrial park. From a staff perspective an industrial user has very little need for public safety, while an automobile convenience market has a

significant need for police force. We feel that this use in this location would be a drain on public resources, effecting the prosperity of the entire community.

EMHT performed a traffic study on the proposed modifications to the site plan. They reiterate that this plan is in direct conflict with the 2004 Gender Road access plan. This plan however, does meet the thoroughfare plan with the revision of the right-in only at Gender Road. The thoroughfare plan does not discuss a right-in only but a right-in/right-out. EMHT's third recommendation is that the traffic signal at Gender and Winchester Pike be modified to a dedicated left turn lane and 5 section signal head with a left turn arrow. The right lane will turn into a right/through lane and have the right lane extended 125 feet to HFI's second access drive at West Walnut. This extension would eliminate concerns with stacking in this area.

The applicant has not shown in the submitted application materials that they can meet the conditional use requirements as stated in 1145.03. This is due to the adverse impacts to the comfort, safety, public service, and general welfare of the entire community, as well as being incompatible with the approved plans for the area. Staff is recommending that Conditional Use CU-17-002 be denied as presented.

Mr. Christensen asked if there were any questions for staff.

Mr. Vasko asked staff for clarification on the number of employees at the existing building on the site. Mr. Haire indicated that HFI uses the existing building for warehousing and shipping and has around 20-30 people working in that building. HFI as a company employee's 300 people.

Mr. David Hodge spoke to the commission on behalf of Certified Oil and commented that he appreciates an empty room in regards to the Certified Oil Application.

Mr. Hodge stated that he disagrees with the staff report. Various reasons were discussed last month, but the high points are Certified Oil is an Ohio company that has been in business nearly 80 years. Hodge stated again that a Conditional Use under the law is a species of administrated permission that allow a property owner to use their property for a use that is expressly permitted under conditions specified in the zoning regulations. While the issuance of the conditional use is not a matter of right, in the same sense that a permitted use is, the authorization of such a use in such an ordinance means a community cannot arbitrarily deny conditional use applications simply because the use is not desirable. This proposition of law is Consistent with Canal Winchester Zoning. The use proposed is a permitted conditional use of this zoning district.

Mr. Hodge commented that every property owner has the right to develop his or her property in a responsible way. Developing this property with a commercial use which is a permitted conditional use in this zoning district, in the way they are proposing it, is certainly responsible.

Mr. Hodge stated that this use is a permitted conditional use. There is an issue with the Gender Road access point but that will be discussed later in the application.

Mr. Hodge commented on the use and its conformance to the zoning and plans for the area and stated that this property is in a decidedly commercial corridor in Canal Winchester. Introducing a commercial use to this property is consistent with surrounding properties which are either commercial or industrial in nature. With reference to appropriate plans for the area, the comprehensive plan is 20 years old and therefore outdated. The traffic study they performed on the site stated that this site can be accessed in a safe manner from Gender Road.

Mr. Hodge discussed the agreed legal settlement for this property and entry from Gender Road. In 1998 Canal Winchester negotiated with the property owner and settled that Canal Winchester would not oppose a right in access from Gender Road. Mr. Hodge stated that staff said that from advice from council, future administration cannot be held to agreement that a previous legislative body has made. Mr. Hodge disagrees with this agreement and an agreement is an agreement in place and binding, for both the property owner and Canal Winchester.

The staff report also discusses economic development opportunities and Certified Oil has committed to applying the Tax Increment Finance (TIF) district to this property to generate \$950,000 for the city.

In conclusion, with reference to the Conditional Use criteria, Certified Oil meets them all. Hodge stated that he appreciates the discussion last month and that the site plan has been modified accordingly to meet the commission's requests. Mr. Hodge further stated that there is much discussion on the right-in/right-out and its design. Based on comments from last month the applicant has redesigned the site to be a right-in only. The design for the right-in only would be designed to prohibit a left in or a right out of the site.

The discussion of the adjacent vacant property that is to be left on the site, the applicant has committed that it will not be developed. Nothing to the north or west will be developed and will remain as is.

Mr. Moore asked Mr. Hodge for a clarification in regards to the previous settlement in 1998 on this property in regards to the right in access. Further, clarifying that previous council can make agreements with property owners and that future council have to adhere to those agreements. Mr. Hodge affirms that is what he was stating. Mr. Moore further asked Mr. Hodge if they therefor agree to the 1992 settlement, which stated that this property must follow the 1972 zoning code, where an automobile convenience market is not a permitted or conditional use on the property. Mr. Hodge stated he did not know about the previous agreement.



John Galager discussed the traffic study with the commission. In regards to EMHT's comment on the traffic signal modification, he questions the protected arrow for the shared left turn lane. Staff gave the traffic engineer an illustration to the traffic engineer showing the left lane changes to a dedicated left lane while the existing right lane turns into a right/through lane. Mr. Galager commented that EMHT's analysis does not show the protected left is necessary so it is not a requirement per typical traffic engineering but it appears to be a suggestion.

Mr. Hodge passed around a modified site plan to the commission that included a recycling facility on this site along with a modified right-in. It is the applicants understanding that the recycling center is not staff's preference, but the applicant is certainly willing to commit to doing. Mr. Hodge also stated that the parking has been rerouted to eliminate the conflict at the West Walnut Street access point. Finally, the canopy columns have been bricked all the way to the top of the canopy rather than a 5 foot section like the original plans.

Mr. Galager also noted that the right-in drive was moved south at Gender as far as possible with the removal of the right-out.

**A motion was made by Mike Vasko, seconded by Drew Gatliff, to approve this Conditional Use application. The motion failed by the following vote:**

**Yes: 3** – Gatliff, Richey and Vasko

**No: 2** – Wildenthaler and Christensen

**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 commented that the Site Development Plan is Moot as needs to be tabled.

**A motion was made by Mike Vasko, seconded by Brad Richey, to table this Site Development Plan application. The motion carried by the following vote:**

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

Old Business

New Business

Mr. Haire commented that the city is going through the process to adopt a Parks Master Plan and the City has hired OHM, who did the Old Town Plan to help through the process as a consultant. The city would like someone from Planning Commission serve on the committee.

Mr. Vasko asked if this is to plan for a citywide park. Mr. Haire stated it is to look at all of the existing parks and park amenities and any future park needs. This plan will not include a recreation portion but park and park facilities.

Mr. Vasko volunteered to the serve on the parks planning taskforce.

Mr. Moore updated the commission that the public hearing for AutoZone appeal and the 18 East Columbus Street amendment will be on August 7<sup>th</sup> at 6:30pm.

Adjournment

*Time Out: 9:07pm*

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

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

\_\_\_\_\_  
Date

\_\_\_\_\_  
Bill Christensen, Chairman

\_\_\_\_\_  
Joe Donahue, Secretary