

Canal Winchester

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



Meeting Minutes

Monday, September 11, 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 Joe Wildenthaler, that Bill Christensen be excused. The motion carried by the following vote:

Yes: 6 – Gatliff, Richey, Wildenthaler, Konold, Donald, and Vasko

Excused: 1 – Christensen

Approval of Minutes

August 14, 2017 Planning and Zoning Commission Meeting Minutes

A motion was made by Joe Wildenthaler, seconded by Drew Gatliff, that the August 14 Minutes be approved. The motion carried by the following vote:

Yes: 6 – Gatliff, Richey, Wildenthaler, Konold, Donald, and Vasko

Public Comment

Resident Eric Aho spoke to the Commission in regards to the current dirt work that is being moved behind his house in the former community garden site. Mr. Aho voiced his concerns that with the grade changing in that area his property will have flooding issues, as there were flooding issues with the big rain in July 2017.

Public OathPublic Hearings**VA-17-010**

Property Owner: Vicki & Jason Kay

Applicant: Vicki & Jason Kay

Location: 7299 Connor Ave.

Request: Variance from Chapter 1157.04(a)(2) to exceed the maximum 30% lot coverage to install an in ground pool.

Mr. Moore presented the application for Vicki & Jason Kay located at 7299 Connor Ave. Staff updated the commission on the applicants request for the swimming pool in the rear yard and presented the new information that the pool company had provided since the previous month's meeting. The pool company did address staff's initial concern that the pool would protrude 28" out of the ground at the far end and has added several concrete steps to allow a transition down to current grade. In addition the foundation around the house will feature a landscape retaining wall to keep the current grade at the foundation. The applicant's contractor has also indicated as necessary they can install a French drain that will kick out to the drainage easement to move any water away from the house.

Based on the revisions and the applicants willingness to work with staff in constructing a pool that decreases the risk of affecting the flood routing for the neighborhood and increasing the overall safety of the design, staff is recommending that the application VA-17-010 be approved as presented with the understanding that the applicant will need to obtain a new HOA approval letter for the design changes to the pool prior to the pool permit being issued.

Mr. Vasko asked the applicant if he wishes to comment on staff's presentation.

Mr. Kay stated he concurred with staff's concern that the pool was going to be 28 inches out of the ground so they incorporated steps at the end of the pool so that it has a smooth transition to grade. Additionally, the landscape wall will help keep the dirt against the foundation. Should anything move towards the patio, a drain will help move that water to the drainage easement.

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

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

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.

Mr. Moore presented the application for AutoZone Development for property located at 6348 Gender Road. The applicant is requesting a variance from Chapter 1199.03(d) to not comply with the 40% glass requirement between the height of 2 feet and 10 feet on the elevation facing Gender Road. Staff updated the commission that City Council overturned P&Z denial for the AutoZone Conditional Use on September 21, 2017 so this pending tabled application for the variance is back for discussion.

Staff informed the commission that with this variance request, the applicant is looking to remove the three windows on the far left side of the west elevation to conform to the interior layout for the proposed user. The existing three windows comprise of a total of 127 sq. ft., 84.6 sq. ft. is within 2 feet and 10 feet in height. For consistency sake, due to the code chapter regulating window glass between 2 feet and 10 feet in height only, staff will discuss only the figures within that area.

It was discussed that with the proposed changes to Option A, the window glass would be reduced from 84.6 sq. ft. to 24.75 sq. ft. This reduction would result in a total of 67% window glass lost from what is existing. The applicant is requesting that this elevation be modified towards compliance by removing the black spandrel glass and replacing with clear glass, providing a total of 150 sq. ft. of clear glass. With the proposed transom glass and black spandrel removed there would be a total of 174.75 sq. ft. of clear glass with Option A.

The applicant has also presented Option B for consideration. This option would apply frosted film over the existing glass on the left side of the building and still open up the right side black spandrel glass. Staff indicated Option B would result in a total of 150 sq. ft. of clear glass. It was also discussed that the use of frosted glass in this instance is not appropriate and not supported by staff due to it being used to block shelves inside of the buildings main elevation facing Gender Road.

Mr. Moore discussed that the original window configuration the Former Discount Tire had contains 84.6 sq. ft. of clear glass. To comply with current standards, the amount of clear window class needed would be 413 sq. ft. Staff suggested that the applicant leave the left window as is, relocate the 3 interior shelves blocking the window, and open up the right window to clear glass to create a total of 234.6 sq. ft. This option would provide the most clear glass out of the three options and would result in no physical changes to the west elevation triggering the applicant to find a way to get to the 413 sq. ft. requirement.

Staff discussed that the applicant would like the west and north elevation to be consistent. If Option A with the transom glass is preferred they would like to do that on the north elevation to be discussed later. If the frosted glass is preferred, they would like to frost the existing windows on the north elevation. Staff again cautioned the commission on approving frosted glass as a way to get out of code requirements for clear glass and to add it to existing window to conform to a standard interior layout.

Staff discussed the Criteria for Approval to approve the variance request with the commission. It was discussed that the situation to remove the 84.6 sq. ft. of window glass is a situation the applicant has made upon themselves where they have a typical storeroom layout that they do not wish to alter to comply with code requirements. Altering this layout would result in the relocation of three shelving units, based on their interior floorplan.

Staff further discussed that the commercial development standards were adopted to provide an enhanced commercial corridor and protect the

community's character. Allowing a building to reduce the amount of window glass required on a front elevation that is primarily visible from Gender Road is putting those adopted standards at risk.

Staff recommended that based on the proposal for this variance not able to meet criteria for approval as listed by code, staff is recommending denial of VA-17-007 as presented.

Mr. Wildenthaler asked for a recap on the previous variance for AutoZone. Staff indicated that the Planning and Zoning Commission approved the variance for removal of the front door facing Gender Road and denied the variance for the request to use black spandrel glass on the store windows. Mr. Moore further elaborated that Option B is primarily the same as the previous application for Black Spandrel glass only with frosted glass substituted.

Mr. Vasko asked if the applicant wanted to speak on behalf of the application.

Jason Freeman with CASTO stated that they wanted to point out Discount Tire was approved for this building and the current retailer AutoZone is attempting to adapt to an existing building with a different use. CASTO listened to the commission at the last meeting and have incorporated transom windows into the building design per discussion and have also incorporated frosted glass as an option per discussion. Mr. Freeman also pointed out that depending on how you look at the math the black spandrel glass being removed is adding more clear glass to the elevation than what was previously there.

Mr. Freeman stated that AutoZone as created as efficient of a storeroom layout as they can and these two options suits their needs.

Mr. Donahue asked the applicant what their preferred option is. Mr. Freeman stated that the frosted glass option would show off the building better.

Mr. Richey discussed with the applicant the previous meetings they have had in front of Planning and Zoning Commission and how the Commission have stated things they need to see with the building to meet code and that the applicant has not done anything to meet those requirements. Mr. Freeman stated that they have adjusted the shelving heights to the proposed Option A. The challenge is that Discount Tire had constructed the building in this fashion and this general retailer is trying to adjust the existing building to work for them.

Mr. Wildenthaler discussed that he was hopeful that the applicant was going to be more creative with the interior layout to fit code regulations. Mr. Freeman stated that they stacked as high as they could in the stockroom areas and the isle width was modified. Wildenthaler stated that the facility is not compatible

with the proposed user. Mr. Freeman stated that CASTO would like to see this user in the building. Wildenthaler answered the statement by saying the city should not have to make concessions for a user that cannot follow the rules.

Mr. Wildenthaler stated he would like to believe it is AutoZone that is not wanting to adhere to code because CASTO knows what the code is. The front of the building is Gender Road, and the applicant wants to turn their buildings back to Gender Road. Even though the door was approved to be removed, this elevation is highly important and one of the main requirements for the building to look good is the 40% window glass. Mr. Freeman commented that the existing building does not meet that requirement.

Mr. Moore shared with the commission the interior layout of the facility and pointed out three shelves will be placed in front of the existing glass in the far left corner. To retain the existing glass as-is, those three shelves would have to be removed.

Mr. Freeman stated Option A with the transom glass was proposed to retain usable window glass due to the shelving layout.

Mr. Wildenthaler stated that the applicant can figure out where to relocate three shelves. Mr. Freeman stated Option A reduces the height of those three shelves.

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

Resident Nat Floyd spoke in regards to the AutoZone application and stated that he was unaware of the 40% window glass requirement. The resident stated that he would like to see this vacant building filled. Mr. Floyd stated that he understands from an operations perspective how three shelves can make a big difference.

Mr. Vasko asked Mr. Floyd if he had a preference between Option A or B. The applicant stated that they both will look great but Option A is preferred with it wrapping around the north elevation.

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

Yes: 6 - Vasko, Gatliff, Richey, Wildenthaler, Konold and Donahue

Mr. Vasko asked the commission and staff how the vote should occur since there are two options for the elevations.

Mr. Gatliff commented that he preferred Option A with the transom glass over the frosted glass because the frosted glass will just have shelving behind it. The transom glass will still allow for the window to be used as intended with light entering the building. Mr. Freeman confirmed with Gatliff that transom is preferred. Gatliff affirmed and stated frosted glass is not any better than black spandrel glass.

Mr. Moore discussed that in the opinion of staff, the frosted glass is not appropriately used and it is intended to allow sensitive areas such as a restroom be screened will still allowing for the continuity of a glass storefront system. Replacing all usable windows with frosted glass is not appropriate and is just opening up the future applications for other retailers to offer the 40% window glass with only frosted glass.

Mr. Gatliff asked staff about the frosted glazing. Mr. Haire indicated frosted glass was written into the code as being at the discretion of the Planning and Zoning Commission. When the code was written the intent for the frosted glass was for minor exceptions.

A motion was made by Brad Richey, seconded by Drew Gatliff, to approve this Variance with Option A for the Transom Glass. The motion failed by the following vote:

Yes: 2 –Gatliff & Wildenthaler

No: 4 – Vasko, Richey, Donahue & 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.

Mr. Moore presented the application for AutoZone Development for property located at 6348 Gender Road. The applicant is requesting a Site Development Plan approval to remodel the north and east elevations from the former Discount Tire to an AutoZone. Staff discussed with the commission the elevations of the existing building.

Staff discussed that the applicant has applied for the variance to allow transom windows on the Gender Road elevation and it was denied. This leaves the approval for the west elevation to either be frosted glass noted as Option B or to remain as clear glass.

Staff also noted that on the Gender Road elevation the applicant has noted in the elevation sheet that they plan on welding the existing steel door facing Gender Road shut. Staff is concerned that due to the sprinkler riser room door being located on the same side of the building, in an emergency scenario the fire department should not have to guess which entrance it is. Staff is also recommending that the door proposed to be welded shut be removed and filled in with suitable building material.

For the North Elevation the applicant is also requesting to have the option for transom windows to replace the existing full length windows or to cover the existing windows with frosted covering, also noted as Option A and B respectively. The applicant has requested that if the option for frosted glass is chosen, the east and west elevation match with frosted glass so the building looks uniform.

Staff shared Option A for the west elevation showing that the non-usable windows have been bricked in with a similar treatment as the existing west elevation using EFIS and a brick frame to show an "old window" location. Option B has the non-functional windows covered with a frosted glazing.

Mr. Moore discussed the applicant has provided a decorative goose neck lighting fixture example for the exterior of the building to update the current wall packs to a decorative style to satisfy councils previous request for this facility.

The frosted window option in the opinion of staff it is inappropriately used and Option B should not be approved. Option A, minus the Gender Road elevation meets code requirements and could be approved with the change that the Gender Road elevation remain clear glass.

Staff discussed the details of the application and stated that Option A for the north and east elevation is preferred from staff. However, Option A for the west elevation was denied by the Planning and Zoning Commission and Option B is not recommended for approval. With the Gender Road elevation not being shown in a manner that staff agrees with, it is being recommended that the application be tabled so the applicant can decide to either leave the clear glass on that elevation or reach the 40% clear glass requirement in another manner.

Staff also suggested that the application specifically for the west elevation could be approved with frosted glass at P&Z discretion, or leaving the elevation as is with the window glass on the left side to remain the same.

Mr. Richey asked if staff is suggesting the door that is to be welded shut filled in with brick. Staff affirmed.

Mr. Vasko asked the applicant if they have any comments.

Mr. Freeman confirmed with staff that the welded door should be removed from the elevation.

Mr. Freeman asked staff that if AutoZone does not want to remove those three shelves to keep the clear glass then they must apply for a variance. Staff discussed that the variance was denied to reduce the window glass from the 40% requirement and that the frosted option was not a part of the variance request it is a part of the Site Development Plan application because frosted glass is at the discretion of the commission.

Mr. Vasko asked the applicant if he wishes to table the application to sort out the differences. Mr. Freeman responded by saying they can keep the clear glass on the west elevation if it gives them approval this evening.

Mr. Haire indicated that again, it is the discretion of the frosted glass should be approved at all. Mr. Freeman affirmed and stated that if the commission does not want frosted glass then approve it with clear glass and they will tell AutoZone what they are approved to do.

Mr. Vasko confirmed with staff that the recommendation is Option A for the north and east and Option B for the west with clear glass rather than frosted. Staff affirmed and also noted for the welded door to be removed.

Mr. Vasko confirmed with the applicant that they are okay with staff's recommendation if approved. The applicant affirmed.

A motion was made by Brad Richey, seconded by Drew Gatliff, to approve this Site Development Plan with Option A for the north and east elevations and Option B for the west elevation with clear glass and the welded door removed and filled in with building material. The motion failed by the following vote:

Yes: 6 –Gatliff, Wildenthaler, Konold, Donahue, Richey & Vasko

VA-17-012

Property Owner: Eric Campbell
Applicant: Eric Campbell
Location: 153 Washington Street
Request: Variance from Chapter 1161.02(c)(1)(D) & (E) to encroach the 5' side yard setback and established front yard build-to line.

Mr. Moore presented the application for Eric Campbell for property located at 153 Washington Street. The applicant is requesting a variance from Chapter 1161.02(c)(1)(D) to encroach the established build-to line for the construction of a new front porch, and Chapter 1161.02(c)(1)(E) to encroach the 5' side yard setback for a building addition.

Staff presented an overview of the property with the commission and noted that it is within the Landmarks Preservation District. The applicant has been before the Landmarks Commission with a preliminary request for approval of the addition and renovation and received a recommendation for the variances to be approved on August 28th. The Landmarks Commission tabled the addition request to wait for the P&Z hearing results. With the renovation the applicant plans on removing a deficient 1-story addition currently to the rear of the property to construct a new 2-story addition that will have an attached garage on the south side of the property. This addition would come within 2.8 feet from the side property line, putting the addition 18 feet away from the adjacent property.

The new addition will have a 2 car garage that will be constructed on the south side of the property. With the new garage the applicant will need to construct a new driveway in that location. Staff shared photographs of the current gravel driveway on the north side of the property and discussed the challenges of keeping the driveway in that location, noting the gas utility meters and electric pole that is in the way. With the driveway being relocated that applicant plans on reseeding that gravel area after raking over the gravel to the neighbors side.

The applicant would also like to reconstruct a front porch on the home. Staff discussed that this home used to have a front porch that was closer to the street than what is being requested within the last few years. However, due to the previous property owner not repairing damage to the porch it was ordered to be removed by the city because it was deemed a safety hazard. Mr. Moore indicated normally within 12 months of the previous porch's removal, something new could have been constructed without a variance, but due to that time elapsing it would no longer be considered reconstructing the porch but a whole new porch system. The new porch

proposed would be 8.5 feet from the right-of-way while the existing porch was 7.5 feet from the right-of-way line.

The Landmarks Commission on 8/28/17 reviewed the preliminary plans for the buildings renovation and new addition and recommended that the Planning and Zoning Commission approve the variance requests. Two of the commission members noted that they have been inside of this property and the existing addition is not in good condition and needs to be replaced. Other discussion by the members supported the design for the forward facing garage due to a very limited lot width to accomplish a side load garage. It was also noted that the front porch design and addition was complimentary to the existing house. The landmarks commission tabled the application and is requesting that the final design for the addition and renovations be approved after the variance hearing.

Staff recommends that Variance Application #VA-17-012 be approved as presented. Due to the limited lot width and challenging grade changes in the rear yard forced the applicant to design the addition to protrude into the side yard rather than going linearly back behind the building. With those limitations, the garage must face forward rather than a traditional side load garage for the street. With the forward facing garage construction, the variance from the side yard setback is required to get the structure to fit. Additionally, the previous property owner was required to remove the existing front porch by the city and the proposed front porch is 1.5 feet short of what was previously there.

Mr. Vasko asked staff if the existing barn to the rear of the building was going to be removed. Staff informed that commission that the structure fell over during the transition period of the property switching hands.

Mr. Donahue asked staff if the existing driveway will remain with the new driveway on the south side of the property. Staff stated that the applicant's intent is to remove the current gravel on the north side of the property and will plant grass seed. Donahue asked staff if the neighbor is okay with the driveway being narrowed. Staff indicated that it a large shared driveway where they come together currently, but what is planned to be removed is only on their property.

Brian Campbell commented that he likes the forward facing garage because it is more feasible and retains the rear yard as much as possible.

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

Mr. Bennett spoke to the commission on behalf of the adjacent neighbor to the north. The neighbor is concerned with the removal of the existing driveway and how that will affect her driveway. Mr. Campbell explained that the telephone pole is right on the property line but if the concern is limiting the width they can look into retaining some gravel on their property so she has more room.

Mr. Richey asked Mr. Bennett if the neighbor has to exit on the applicant's property or if she can use her own driveway. Mr. Bennett stated that she only uses hers and has no problem leaving her driveway in either direction.

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 - Vasko, Gatliff, Richey, Wildenthaler, Konold and Donahue

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

Yes: 6 – Gatliff, Wildenthaler, Vasko, Richey, Donahue & Konold

VA-17-013

Property Owner: BrewDog Columbus LLC

Applicant: BrewDog

Location: 96 Gender Road

Request: Variance to section 1189.08 (a)(1) & (3) to install a 80 ft. flagpole with a 600 sq. ft. BrewDog "Shield Logo" flag.

Mr. Moore presented the application for BrewDog Columbus for property located at 96 Gender Road. The applicant is requesting approval for a variance from Chapter 1189.08(a)(1) & (3) to install a 600 sq. ft. BrewDog Shield Logo Flag that is hung 80 feet in the air.

Staff informed the commission that due to the flag containing advertisement for the brand it is considered signage and is not an exempt flag that is otherwise covered by code to be flown without a permit. The flagpole was permitted and inspected by the building department and the only request for the flagpole itself was that it be setback greater than 80 feet from Gender Road so that if it falls it does not land in the street. The applicant has requested that this variance be approved to help in directing national tourists to the location of the Brewery.

Staff discussed how the maximum size for a sign allowable by code is 142 sq. ft. if it is placed 65 feet off the property line or further back and the maximum height is 12 feet tall if it was placed 22 feet away from the property line or further back. The request is for a sign that is 600 sq. ft. at 80 foot tall.

Staff recommends variance application #VA-17-013 be denied as presented. The applicant has expressed interest in having a manual changeable copy sign or Cinema Board Sign as the primary monument sign in front of the building, which has an open pending variance application #VA-16-021. Staff's preliminary review of the Cinema Board Sign has determined that it will require an additional height variance, size variance, setback variance. If the flag is approved then a number of monument sign's variance.

The applicant can still utilize the current flagpole by flying a flag that is permitted by code. Staff suggests that the P&Z Commission allow the applicant to fly the BrewDog flag on weekends where they have a Special Event Permit with the city, such as 4th of July fireworks, Annual AGM party, etc., rather than having the flag erected as permanent signage.

Mr. Donahue confirmed with staff that the flagpole location and height of the flagpole is not a concern, but that they are flying a BrewDog logo. Staff affirmed but stated the flag they are flying would take into account the height of the pole because that is the height the "sign" is at when it is being flown.

Mr. Haire explained that regardless of the size of the flag, code states that you cannot have any flag containing advertisement.

Mr. Gatliff asked staff what constitutes as a Special Event Permit. Staff indicated that a special event permit gets filed with the city when an event that involves city staff coordination is involved. A typical business function does not receive a special event permit. Mr. Gatliff stated he asked to clarify if they would be allowed to file for a special event permit every week.

Mr. Gatliff asked staff how many special events has Brewdog had so far this year. Staff indicated 2 special event permits have been filed this year. Mr. Gatliff indicated that he would like to put a limit to the number of special event permits.

Staff indicated that the applicant is requesting this variance so that when they do have large events with a number of people who do not typically frequent the facility are trying to find their way they do not get lost. There have been several challenges with the site as people do not associate an industrial warehouse with a brewery/restaurant and the setback of the building from the street does not make it easy to spot for first timers. Staff agrees with the applicant but believes the monument sign they will be requesting will accomplish the desire to help point people in the right direction, and the large flag will help when there is a large crowd that is out of the norm trying to locate this tourist destination.

Mr. Vasko asked what staff would propose the commission approve to allow the staff recommendation to occur. Mr. Moore indicated that the request should be modified to not allow the flag as permanent signage but to allow the flag to be flown with an active special event permit.

Mr. Donahue asked if they can put a limit on the number of special events. Staff discussed further that a special event takes city coordination so typical business at the brewery such as showing the OSU football games, or a typical weekend open would not be a special event. Those events are ones where they involve the sheriffs for special duty or need to use Hanners Park for overflow parking, etc.

Mr. Richey asked staff where the applicant is on the Cinema Board sign. Staff indicated that the applicant has submitted the sign for preliminary review to staff but will be on the October Agenda. Mr. Richey commented it might be beneficial to table the flag in order to review the flag and Cinema Board sign at the same meeting.

Mr. Gatliff asked staff about the recommendation because it is confusing. Staff indicated that allowing them to fly the flag as permanent signage is not appropriate and that should be denied. But if the applicant is willing to fly the flag with a Special Event Permit only, then that is something staff is comfortable with.

Mr. Haire indicated that the Madison Township Fire Department has indicated that there are people weekly that pull up to the firehouse and ask for help finding BrewDog.

Mr. Donahue asked about permitting the flag to be flown until the October meeting to hear further info on the updated monument sign. Mr. Haire indicated that they cannot grant a time limited variance.

Mr. Vasko commented that his thoughts the flag should be tabled and discussed the same meeting as the monument sign.

Mr. Vasko asked if the applicant had anything they wanted to add.

Keith Bennett with BrewDog discussed the application with the commission and stated the reason for the flag is to help members of the public traveling across the country find the Brewery. There is still a difficulty in people locating the site and with the national visitors, international visitors, third party vendors and Uber drivers trying to locate the site, ease of access is important. Bennett added that they would like to fly this flag whenever they see fit and not just with a special event permit.

Mr. Donahue asked if they have a time frame where they would apply for the monument sign. Mr. Bennett stated the plan is to submit the monument sign for approval at the October meeting.

Mr. Richey commented he would like to see this variance tabled to the October meeting to discuss them both at the same time. Mr. Bennett confirmed that is a good suggestion.

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 - Vasko, Gatliff, Richey, Wildenthaler, Konold and Donahue

A motion was made by Drew Gatliff, seconded by Brad Richey that this Variance application be tabled. The motion carried by the following vote:

Yes: 6 - Vasko, Gatliff, Richey, Wildenthaler, Konold and Donahue

CU-17-004

Property Owner: Crossroads Christian Life Center, Inc.

Applicant: Joe Miller, Executive Pastor

Location: 6450 Gender Road

Request: Conditional Use to allow for a proposed church in the AR-1, Multi-Family Residential District.

Mr. Moore presented the application for Crossroads Christian life Center, being represented by Executive Pastor Joe Miller, for property located at 6450 Gender Road. The applicant is requesting a new Conditional Use approval for the property previously approved for Crossroads Church to make modifications to the previously approved Conditional Use Permit.

Staff discussed the modifications to the previously approved plans and noted that the major change that prompted the need for a new approval is that the previous 1.2 acre outparcel along Gender Road has been increased to 4.7 acres. The applicant found while marketing the site, that increasing it to around 5 acres would attract more potential buyers and the 1.2 acre site was not feasible to most markets.

Staff recommends that Conditional Use #CU-17-004 be approved as presented with the following conditions:

- 1) The applicant complies with all approved recommendations of the traffic study and incorporates them into their site development plans.
- 2) The applicant makes the connection to Bigerton Bend from the proposed Canal Street extension with the development of the church facility.
- 3) The applicant performs the necessary Environmental Impact Studies and complies with all approved recommendations.

Mr. Vasko asked if the applicant had anything they would like to add.

Pastor Joe Miller discussed the application with the commission and stated that the only change is to shift the church development east to have more area for future commercial development. After having different people look at purchasing the property, the 1.2 acre site was not enough for the interest they have had.

Mr. Donahue asked what the previous outparcel size was. The applicant indicated 1.25 acres.

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

A resident spoke to the commission in regards to his concerns about traffic on Bigerton Bend. The major concern is that this connection to Gender Road will make this neighborhood a pass through street. Currently there are a lot of small children on bikes playing in this neighborhood and the safety of the neighborhood is at risk with the cut through.

Resident Richard Swank spoke to the commission and asked staff what the plans are to combat the increased traffic with the connection to Gender Road. Mr. Moore explained that Bigerton Bend has always been designed as an alternative access to Gender Road from Waterloo. Bigerton Bends connection to Gender Road was designed long before Cherry Landing was actually constructed to provide alternative means for people to get from the Historic Downtown to Gender Road. Staff discussed that the design of the connection has been done in a way to help deter speeding concerns.

Mr. Swank commented he just wanted to ensure that traffic and speeding will be analyzed. Staff indicated that the road will be looked at carefully.

Resident Craig Burger spoke to the commission his concern about the increase of traffic through the neighborhood and the risk of the speeding.

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

Yes: 6 - Vasko, Gatliff, Richey, Wildenthaler, Konold and Donahue

A motion was made by Joe Donahue, seconded by Brad Richey that this Conditional Use application be approved with staff recommendations. The motion carried by the following vote:

Yes: 6 - Vasko, Gatliff, Richey, Wildenthaler, Konold and Donahue

SDP-17-006

Property Owner: Crossroads Christian Life Center, Inc.

Applicant: Joe Miller, Executive Pastor

Location: 6450 Gender Road

Request: Site Development Plan for 58,488 sq. ft. church facility with associated parking and 4.733 acre future outparcel.

Mr. Moore presented the application for Crossroads Christian Life Center for property located at 6450 Gender Road. The applicant is requesting approval for the updated Site Development Plan which shifts the previously approved plan for 58,488 sq. ft. two-story Crossroads Church. This update will shift the church building and parking lot east towards Cherry Landing and will allow the future outparcel along Gender Road to increase to 4.77 acres. Staff noted that the only other change with this design is that the applicant has increased the number of parking spaces from 706 to 784.

The applicant's engineers are re-evaluating the Tussing-Bachman Ditch to provide a H&H study for FEMA to review. This review is in hopes that they can design a cost effective structure that crosses this ditch into the project site. Once FEMA has approved the study the city will have a chance to review to ensure it meets city standards.

Staff discussed the other miscellaneous site changes such as the relocation of the retention pond and the updated landscaping plan and lighting plan to account for the shift in the site.

The applicant is resubmitting the Site Development Plan application due to the changes in the layout of the site, specifically the larger +/- 4.7 acre future GC (General Commercial) outparcel. Staff feels that the increase in the outparcel size is a positive change and allows for a more versatile site layout and would visually help the continuation of the commercial corridor down Gender Road. Staff recommends that the application be approved with the following conditions:

1. The applicant receives approval for the NWP and CWA permits from the USACE and OEAP prior to the Civil Engineering plans being approved.
2. The applicant submits a complete H&H study for engineering review. The approval of the Civil Engineering Plans will be contingent on an approved H&H study. If there is any rise shown in that study, the applicant must submit a CLOMR to be reviewed and approved by FEMA.

A motion was made by Brad Richey, seconded by Joe Wildenthaler that this Site Development Plan application be approved with staff recommendations. The motion carried by the following vote:

Yes: 6 - Vasko, Gatliff, Richey, Wildenthaler, Konold and Donahue

Old Business

New Business

Mr. Haire discussed the ongoing parks planning process and informed the commission that a community meeting will be held on September 19th at 6:00 PM, held at the community center. This process will be similar to the Old Town Plan for those that attended. There is also a survey on the City Website to take for that process as well.

Mr. Gatliff asked staff about the status of Certified Oil. Staff indicated their appeal is before City Council for a Public Hearing on September 18th at 6:30 PM.

Mr. Vasko asked staff about the member of the public that commented on the water issue at his property. Staff indicated that the property known as the community garden site has a grading permit and is being filled for future development. However, offside drainage was reviewed as part of the permit.

Mr. Vasko asked if there has been a previous complaint. Mr. Haire indicated that there was a previous complaint that has been investigated.

Mr. Vasko stated that this site is a hard site to develop and changing the grading for development would cause the water to runoff elsewhere. Staff indicated that will be reviewed as part of any development but preliminary plans show inlet to

an existing storm pipe on the property. Currently, there is no inlet to that storm pipe on the property.

Adjournment

Time Out: 8:58pm

A motion was made by Joe Donahue, seconded by Drew Gatliff, that this Meeting be adjourned. The motion carried by the following vote:

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

Date

Bill Christensen, Chairman

Joe Donahue, Secretary