

# Canal Winchester

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



## Meeting Minutes

Monday, February 12, 2018

7:00 PM

## Planning and Zoning Commission

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

Call To Order

*Time In: 7:00pm*

Declaring A Quorum (Roll Call)

**A motion was made by Mike Vasko, seconded by Brad Richey, that June Konold and Joe Wildenthaler be excused. The motion carried by the following vote:**

**Yes:** 5 –Richey, Donahue, Christensen, Caulk and Vasko

**Excused:** 1 – Konold and Wildenthaler

Approval of Minutes

January 8, 2018 Planning and Zoning Commission Meeting Minutes

**A motion was made by Brad Richey, seconded by Joe Donahue, that the January 8, 2018 Minutes be approved. The motion carried by the following vote:**

**Yes:** 5 –Richey, Donahue, Christensen, Caulk and Vasko

Public Comment

Public Oath

Public Hearings

**FDP-17-004**

Property Owner: Eastside Properties / Westlinks Inc.

Applicant: Grand Communities, Ltd.

Location: 13.8 Acres located along the northwest corner of Lithopolis Road and Gender Road. (PID 184-001055 through 184-001008 and part of 184-002102)

Request: Approval for a Final Development Plan for Section 15 of The Villages at Westchester to construct 46 new residential lots.

Mr. Moore updated the commission on the application for Section 15 of the Villages at Westchester. During the January 8, 2018 P&Z Meeting, the commission tabled staff recommendation #4 so that the applicant could return to P&Z with the Fischer Development Residential Diversity Standards. Staff discussed those standards with the commission and noted that based off of Phase 1 of this section of the subdivision, no more than 30% of a single home type varying between style 1 and 2 could be constructed when following the Fischer home mix guide.

The commission asked staff if there were any more comments on the final development plan. Staff recommended that the application be approved as presented, incorporating the Fischer Home Mix guidelines.

**A motion was made by Joe Donahue, seconded by Brad Richey, that Final Development Plan FDP-17-004 be approved as presented.**

**The motion carried by the following vote:**

**Yes:** 5 –Richey, Donahue, Christensen, Caulk and Vasko

**SDP-17-011**

Property Owner: Jay Jala Hospitality LLC

Applicant: Steven Fox

Location: PID 184-003304 (2.045 acres east of Aldi)

Request: Site Development Plan approval for a +/- 62,000 sq. ft. Hampton Inn Hotel with associated site uses.

Mr. Moore presented the updated Site Development Plan application to the commission. Staff noted that the applicant revised the entire building and material placement to meet the 80% natural material on each elevation. In doing so the applicant has withdrawn the request for a variance for having the north and south elevations below the 80% natural material required by the commercial development standards. Along with the changes the applicant removed the entirety of the yellow brick on the building and went back to the original design concept using two tones of brick, including the Hanson Patriot red brick and a Grey accent brick to be used on the lower features and rear tower element.

Staff recommended that the application be approved based on the amendment to the building elevations provided by the applicant.

**A motion was made by Joe Donahue, seconded by Brad Richey, that Site Development Plan SDP-17-011 be approved as amended.**

**The motion carried by the following vote:**

**Yes:** 5 –Richey, Donahue, Christensen, Caulk and Vasko

**SDP-18-001**

Property Owner: Mountain Agency LLC

Applicant: McGill Smith Punshon, Inc.

Location: 5885 Gender Road (Jeff Wyler Chevrolet)

Request: Site Development Plan approval for a +/- 25,000 sq. ft. Chrysler Dodge Jeep Ram Dealership and service facility.

Mr. Moore presented the application for McGill Smith Punshon, Inc. for property located at 5885 Gender Road, commonly known as Jeff Wyler Chevrolet. The applicant is proposing to construct a new 25,000 square foot automotive dealership with a street front service drive and 14 bay automotive service facility. The new dealership building will accommodate the sales of Chrysler, Dodge, Jeep and Ram vehicles. Approximately 90,000 square feet of new pavement will be included as part of these proposed improvements.

The subject property is zoned EU (Exceptional Use) and currently consists of two properties encompassing approximately 42 acres on the west side of Groveport Road, north of U.S. 33. The EU district allows for exceptional uses not indicated elsewhere in the Zoning Code. The subject properties were rezoned from GC to EU in 2011 to allow for the specific use of automobile sales and services which are not allowed elsewhere in the Zoning Code. However, standards, such as setbacks and height, from the GC zoning district will also apply, as the GC zoning district is the most appropriate.

Staff discussed the construction project maintains the same two access points off of Gender Road on the east side of the site. The new dealership building has been placed on the site to line up with the existing Chevrolet Dealership's setback. Therefore, the same access drive will provide circulation on the site. The drives have been reconfigured to allow traffic to access the main buildings, the three service buildings on the northern part of the site and the used car sales building on the southeast portion of the site. The main access drive on Gender Road currently has a left turn lane to allow safer turn movements from Gender Road.

Approximately 90,000 square feet of new pavement will be constructed with this project. The current site contains 1,170 total parking spaces. 47 existing parking spaces will be removed with the proposed project. 189 parking spaces will be added with the project for a net gain of 142 parking spaces.

The proposed site development plan includes a reconfiguration of the parking areas west of the current building and new parking around the new building and south of the detention pond, west to the flag pole. Per Section 1191.02, off street parking areas shall be screened from the public right of way by a 4 ft. wall or a dense planting of shrubs 4 ft. in height. The applicant has proposed a hedge row of arborvitae along the US 33 right-of-way that will meet this requirement.

A lighting plan has been submitted indicating the type of light used and photometric plan of the site. The proposed pole light has a typical box shaped, LED fixture to match the existing parking lot lighting.

Water service is available from an existing 8-inch public water line that was extended to the west side of the Chevrolet dealership to accommodate future expansion. The existing 8" sanitary sewer line on the west side of the building will provide sanitary service. Storm Sewer structures and lines will direct water to the existing retention basin that is sized appropriately to accommodate the additional impervious surfaces.

The proposed new building will be oriented south towards U.S. 33 in-line with the existing new Chevrolet dealership. The dealership building is broken into two primary architectural design elements on the front. One area of the building

for the Chrysler, Dodge, and Ram portion of the dealership and one are for the Jeep dealership. The most significant portion of the front of the building is window glass with the walls primarily composed of aluminum composite panels. The Chrysler portion of the building has silver metallic panels similar to the Chevrolet dealership. The Jeep portion of the dealership was metal panels that are dark gray, with composite metal trim with a wood-like look around the entrance and the window trim. The same wood-like metal trim is proposed for the area around the service entrance which is recessed from the front wall of the building.

The east and west walls of the building are comprised of the same metal wall panels as the front and of vertical metal wall panels in a dark gray color. This is similar to the existing Chevrolet dealership which has the same material in a white color. The rear of the building is the same dark metal panels as the sides. The dumpster is located to the rear of the building with screening that is undefined. The rooftop mechanical units will be screened by parapet walls, and the electric transformer is located to the rear of the building and landscaped.

Staff recommends application #SDP-18-01 be approved with the following conditions:

1. That nine trees to be removed from the site be replaced with nine trees of 3 inch dbh or greater.
2. That the dumpster screening be to at least the height of the dumpster with a gate and be composed of materials to match the proposed building.

Mr. Donahue asked staff what the property was zoned when it was Bob McDorman Chevy. Staff indicated the previous zoning was General Commercial. The property was rezoned due to the change in ownership and troubles closing on the property because an automotive dealership is not allowed in the GC Zoning district. The only district it is a permitted use is Exceptional Use, due to that district allowing uses not specifically discussed in other zoning categories.

Mr. Donahue asked staff if there was any concern with the EU zoning of the property. Staff indicated that there is no issue and the only way to enact a change would be for the commission or property owner propose a change to the current zoning.

Jim Watson representing the application indicated that they agree with all of the staff recommendations and have nothing further to add.

**A motion was made by Mark Caulk, seconded by Brad Richey, that Site Development Plan SDP-18-001 be approved with the following conditions:**

1. That nine trees to be removed from the site be replaced with nine trees of 3 inch dbh or greater.
2. That the dumpster screening be to at least the height of the dumpster with a gate and be composed of materials to match the proposed building.

**The motion carried by the following vote:**

**Yes:** 5 –Richey, Donahue, Christensen, Caulk and Vasko

**ZM-18-001**

Property Owner: OTP Holdings LLC

Applicant: LN + MK Holdings, LLC

Location: 100 Cemetery Road (PID 184-000752)

Request: Property be rezoned from Planned Commercial District (PCD) to Neighborhood Commercial (NC).

Mr. Moore presented the application for LN + MK Holdings LLC for property located at 100 Cemetery Road. The applicant is requesting approval to rezone the property located at PID 184-000752, which encompasses approximately 1.03 acres from Planned Commercial District to Neighborhood Commercial. Staff explained that due to the expired development text for the Shoppes at Winchester Farms PCD, the property cannot have any exterior modifications unless the zoning is updated via new Preliminary Development Plan, or changed to another zoning classification. The applicant wishes to open a bakery and general retail store in this existing building. As part of the business the applicant needs to expand the cooler storage space for the bakery needs. Due to the limited interior of the existing facility, the new cooler will be constructed on the exterior of the building, which is prohibited under the current expired development text.

The current PCD zoning was part of the Shoppes at Winchester Farms Planned Commercial Development, which was adopted by City Council in January 2008. This PCD rezoned approximately 4.895 acres (containing 3 properties) located at the corner of West Waterloo Street and Cemetery Road from General Commercial and Limited Manufacturing to Planned Commercial District. The subject property (PID 184-000752) was previously zoned GC (General Commercial). The Development Text for the Shoppes at Winchester Farms has since expired, due to no Final Development Plan being filed within five (5) years of Councils approval (Expired January 2013).

With the expired development text, there are no exterior alterations allowed to take place on site due to there being no text to guide any modifications. This situation has allowed the property to continue its use as general retail store due to the Shoppes at Winchester Farms development text allowing “uses as listed in 1173.02(b) for Planned Commercial District, without the following as

prohibited uses: Drive-thru restaurants (i.e. McDonalds and Burger King), discount retail establishments (i.e. dollar stores and discount tobacco stores) and check cashing businesses, except for banks and credit unions.

Section 1173.02(b) allows for permitted uses in the PCD to include all permitted uses and conditional uses, under the NC, GC, and SO (Suburban Office District). Both the NC and GC district allow bakeries and general retail.

The applicant is able to operate the bakery and general retail shop within the existing building without having to go through the zoning change. However, due to the need of adding an exterior cooler onto the property, the applicant needs to rezone the property so that the exterior modification can take place. Any exterior modifications under the NC zoning district would be subject to follow the Commercial Development Standards.

The applicant is proposing to continue to use the existing off street parking lot. The parking requirements for the proposed use as a bakery/retail store requires a total of 7 parking spaces. The applicant plans on restriping the parking lot with the update.

Staff recommends the applicant's request for a zoning amendment from PCD (Planned Commercial District) to NC (Neighborhood Commercial) be recommended to Council for approval. The proposed change is compatible with the surrounding area in creates a good transition from the General Commercial corridor along Gender Road to the residential uses heading east on West Waterloo Street. Due to the proposed use as a bakery, the zoning change will allow a use that promotes the convenience and daily staple needs of the surrounding residential area to be met. Additionally, the existing structure meets the character of the NC zoning district in terms of scale and style of structure.

Mr. Richey asked if the applicant has purchased the property yet. Staff indicated that they are in the process of doing so.

Mr. Richey asked staff what permitted uses fall under the Neighborhood Commercial zoning. Staff read off the list of permitted uses in the district. Some of the main differences are max size of 5,000 sq. ft. to a building and the architecture should match the surrounding residential district.

Staff indicated that the property was zoned General Commercial prior to the Planned District. That Planned District was adopted prior to the current commercial development standards, but the planned text had the buildings pulled all the way to the street and designed the structures to look like historic storefronts clustered together. This planned text was very close to the

neighborhood commercial zoning district just with very specific building and site design components.

Mr. Caulk asked staff what the applicant plans on selling at this facility. Staff indicated baked goods, wine, and other general related services.

Melissa Kinder and her husband spoke to the commission in regards to their application. Mrs. Kinder stated that they sell Ohio made products such as honey, jam and jellies along with baked goods. Previously they were the owners of the bakery at smith farm market on Winchester Pike.

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

**A motion was made by Brad Richey, seconded by Joe Donahue that the public hearing be closed.**

**The motion carried by the following vote:**

**Yes:** 5 –Richey, Donahue, Christensen, Caulk and Vasko

**A motion was made by Joe Donahue, seconded by Mark Caulk that Zoning Map Amendment ZM-18-001 be recommended to City Council for approval.**

**The motion carried by the following vote:**

**Yes:** 5 –Richey, Donahue, Christensen, Caulk and Vasko

**ZM-17-007**

Property Owner: Dwight A. Imler Revocable Living Trust

Applicant: Westport Homes

Location: 11.954 acres of property located at PID 184-002994 (Located along the corner of Hayes Road and Lithopolis Road).

Request: Property be rezoned from Exceptional Use (EU) to Planned Residential District (PRD).

Mr. Moore introduced the application and stated that the applicant is requesting to rezone 11.954 acres of the subject property from EU (Exceptional Use District) to PRD (Planned Residential District) and to associate a new development text and development plan with the entire 79.5 acres of property for a new single family subdivision. Staff explained that the EU zoning district is typically a holding category for when new properties get annexed into the city so that any use currently operating on the property can continue until the property is rezoned for development purposes.



Mr. Moore explained that due to this application being directly related to the next application for the Preliminary Development Plan he would like to discuss them both and vote on them at the end separately. The commission affirmed and staff discussed the Preliminary Development Plan Application PDP-17-003 with the commission.

**PDP-17-003**

Property Owner: Dwight A. Imler Revocable Living Trust

Applicant: Westport Homes

Location: 79.488 acres primarily located along Hayes Road and Oregon Road (PID 184-002994, 184-003001 & 184-002998).

Request: Approval for a Preliminary Development Plan and associated development text for 129 Traditional Single Family Homes and 65 Lifestyle Single Family Homes.

Mr. Moore discussed the location of the 11.954 acres of property being rezoned from EU to PRD with this proposal for clarification. The entirety of the project encompasses approximately 79.5 acres, consists of three parcels at the intersection of Lithopolis Road and Hayes Road as well as along the west side of Oregon Road. These properties are zoned PRD, as well as exceptional Use. Properties to the west along Hayes Road are in unincorporated Madison Township and are zoned Rural. Properties to the north consist of single family homes and zoned Rural or EU (Exceptional Use). Properties to the east are farmed and are zoned EU. Properties to the south consist of a single family homes and a farm in the Rural zoning district.

Staff presented a brief history of the site and informed the commission that the property was annexed into the City of Canal Winchester with Ordinance 17-05 on 2-21-2005. A portion of the property was zoned EU at the time of annexation. The remainder of the property consisting of 70.8 acres was zoned PRD via Ordinance 33-05 on 4-4-2005. Exhibits B and C of that ordinance associated a development text and plan with this portion of the property allowed the construction of 133 single family homes and 76 condominiums. This preliminary development plan and text expired on 4-4-2010.

In 2006, Village Council formed a committee to develop standards for residential development in the Village of Canal Winchester to further assist developers and village officials in the preparation and review process of new residential development. This committee presented the Residential Design Standards to Planning and Zoning Commission who then recommended their adoption to Village Council. On November 6, 2006, the Chapter 1130 Residential Development Standards was adopted by Village Council via Ordinance 82-06.

The applicant is proposing a new development text and plan along with the rezoning request. The applicant has proposed specific development standards

for the Planned Residential District. The purpose and intent of Planned Residential Districts is to guide development in an orderly, coordinated and comprehensive manner that preserves natural quality and beauty and provides supporting community facilities in the development of diverse, sound urban environments consistent with accepted land planning, landscape architecture practices and engineering principals and encourage imaginative architectural design and layout.

The intent of the Planned Districts are to guide development in an orderly, coordinated and comprehensive manner that preserves natural quality and beauty. The applicant however is proposing to fill 100-year floodplain areas and to mitigate wetland areas that have been identified on the site rather than designing these areas to be part of a useful pattern of open space and recreation areas. They are not proposing to utilize these natural geographic areas to enhance their development, but rather force this proposed development onto a site that does not promote a development pattern in harmony with municipal land use objectives and priorities.

The applicant is proposing the same models of homes and architectural standards that are currently being built in Canal Cove Subdivision. The standards for Canal Cove were approved nearly 20 years ago and are not progressive and do not encourage imaginative architectural design and layout. The current homes being constructed in the Canal Cove Subdivision do not meet the current residential design standards in Chapter 1130.

Staff discussed that after a review of the proposed Preliminary Development Plan for Middletown Farms, the following code sections described are those that are not being met with the development text.

Chapter 1130.09 discusses the residential development standards, house size and setbacks. Out of that chapter the Lot area, Lot Coverage Maximum, Front Setbacks, Side Setbacks, Minimum Lot Width, Minimum Lot Depth, One Story Ranch Home Finished Floor area and Two-Story Home Finished Floor Area square footages are all not being met. Staff discussed the chapter minimum requirements and the proposed sizes with the proposal.

Chapter 1130.01 regulates architectural diversity within neighborhood design. The code requires that all single-family residential developments shall incorporate architectural diversity whereby (a) the same house model shall not be directly across the street and (b) a minimum 2-lot separation shall be required between the same house model on the same side of the street or diagonal from each other. The applicant is requesting that the diversity within the neighborhood will allow the same model of home constructed next to another but the elevations should not be the same and shall not be directly

across the street and a minimum 2-lot separation shall be required between the same house elevation on the same side of the street or diagonal from each other.

Chapter 1130.06 – 1130.08 regulate garage door design and orientation. Staff indicated that within these three sections, the requirements are the following:

1. All single-family residential developments shall have a mix of front loaded and side loaded garages. A minimum twenty percent (20%) of the lots must be designed for a standard side entrance garage on lots where side-entry garages can be accommodated, typically seventy-five feet wide and wider lots. For corner lots, the garage shall be oriented towards the “lower” defined street classification as determined by the Planning and Zoning Commission. Garage doors shall be a maximum ten feet height. If there is a living area above the garage, the maximum height of the garage shall be thirty-five feet. Otherwise, the maximum height of the garage is eighteen feet.
2. Front Load Garages Shall be located a minimum four feet behind the front line of the livable area of the home. A covered or uncovered porch shall not be considered a livable area of the home, and Garage doors shall not exceed fifty percent (50%) of the house width (frontage). Where more than a standard two car front loaded garage is provided, the additional garage bay(s) shall be offset from and architecturally designed to appear separate and distinct from the two car garage.
3. Side Load Garages may be loaded from an inside court area. (b) The garage elevation facing the street must incorporate design features also found in the front elevation of the home including, but not limited to, windows.

The applicant has put together in the development text several modifications that do not meet the above requirements. The application states that there will be a mix of front loaded and side loaded garages. Twenty-two (22) lots or 16.5% of the lots in Subarea 1 (the traditional single-family homes) will support, and shall be constructed with side entrance garages. For side loaded garages on corner lots, the garage may be oriented towards any street classification within the community but not external streets. Front load garage doors shall be located no more than four (4) feet in front of the most front facing architectural element of the home. Such architectural elements shall include but may not be limited to roof projections, porches with roofs or other appropriate architectural projections. In addition, all garage doors in both subareas shall be ‘architectural’ in design in a manner that integrates the door as a design element with the balance of the home. Architectural garage door elements shall include but shall not be limited to windows, raised panels, board and batten elements, aesthetic hinges and/or other hardware or other similar elements, as

offered by the builder and chosen by customers. No flat panel, plain panel garage doors, or garage doors without architectural features are permitted in either sub area. This change from the applicant would result in a major deviation from the code standards. Six (6) home models shown for Subarea 1 would have more than a two car garage door on the front elevation, exceeding fifty percent (50%) of the front elevation. A deviation from this section was not discussed in the development text. In addition, Subarea 2 does not accommodate any of the required side load garages. With the 194 units proposed, 39 units would be required to have side load garages (20%). The preliminary development text indicates 22 lots will have side load garages. This would equate to 11% of the total lots have side load garages. Staff also noted that it does appear only one (1) home model for Subarea 1 would meet the garage setback standard in Chapter 1130.07. Finally, the applicant has failed to provide examples of what a side load garage home would look like.

Chapter 1170.03 sets development standards for all planned districts. The first standards that the applicant has failed to discuss in the application is which one of the Municipality's residential zoning districts has the Planned District been designed under. Additionally, within the PRD district, 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 requirement and be staggered. The applicant has not indicated that the color diversity requirements shall be met.

Criteria C for Site Development Standards require that the maximum density in a PRD is at four (4) dwelling units per acre based upon the number of units proposed divided by the net developable site. Currently, the plan shows a total of 194 units being proposed. The net developable site would allow for a maximum of 192 units based on the applicant's plans.

Chapter 1173.04 sets standards for Plan Contents and Requirements with a Preliminary Plan submittal. The code requires that a topographic map of the site and adjacent property showing existing natural features including wooded areas and major trees. A description of how the proposed development has planned to utilize the existing site, identifying changes to the existing grading and noting major trees that will be removed as part of the proposed development. The plan submitted does not indicate major trees or note any trees to be removed as part of the plan. Additionally, it does not indicate how the 100-year (1% annual) flood plain is to be filled for the construction of the homes in Subarea 2.

Section 2 in the same chapter requires that a Development Standards Text shall be submitted as part of the Preliminary Plan and should clearly identify any standard that is less than the standards established by this Chapter. These modifications shall be justified by fully stating what adjustments, amenities or

other compensations are provided as part of the Preliminary Plan to offset the use of reduced standards and by demonstrating how the modified standards will result in the best possible development for the site. Unless specifically modified by the Development Standards Text, the standards established by this Chapter shall apply to the proposed development. The applicant's submittal does not list all of the standards that are less than the established by Chapter 1173. Staff also noted that the applicants plans state architectural quality, modern design approaches and interior finishes define the value proposition and how Westport's commitment to architectural standards, a housing mix and a more efficient development pattern... result in a more valuable community. However, many of the architectural design standards that are required in Chapter 1130 are not being met.

As part of the review for a Preliminary Development Plan, any modifications or minimum development standards established by the Zoning Code need to be properly identified and adequately justified in the Development Standards Text as necessary to insure a higher quality in development. The applicants proposal does not properly identify all of the standards that are not being met and it does not justify any deviation as necessary to insure a higher quality in development, but rather is justified by the applicant so that they can develop the site with the current housing products they are offering with little to no modification to meet the adopted residential development standards.

The last criteria that has been failed to be mentioned in the application is the School District compensation. Chapter 1153.21 of the code requires that new single family subdivisions requires a school facility dedication in the form of land or cash-in-lieu of land dedication or a combination of the two. Preliminary conversation with the school district indicate the applicant has not reached out to start this process. This process needs to be finalized prior to approval of the Preliminary Development Plan.

Staff discussed that when looking at the Zoning Map Amendment ZM-17-006, there are several criteria for a rezoning that need to be met. The first criteria is the Compatibility of the proposed amendment to adjacent land use, adjacent zoning and to appropriate plans for the area, including but not limited to the comprehensive plan. For an ease in discussion, the proposal for Middletown Farms indicates that the subdivision is broken down into two different subareas. Subarea 1 would be a similar product style that is available in the Canal Cove subdivision with a smaller minimum lot width. For reference, Canal Cove has standards for a minimum 70x125 lot. Canal Cove was modeled from the R-4 zoning district (this zoning district is no longer in the code) with a goal to create a development plan to make use of a modified Village grid pattern design to complement the existing housing stock in the older areas of the Village of Canal Winchester. Due to the proposed Middletown Farms development being the

furthest property within the city limits from the Historic District, staff does not feel replicating the old standards from February 1995 Preliminary Plan for Canal Cove makes contextual sense.

Subarea 2 has been designed to construct a more dense single-family subdivision that resembles Cherry Landing in terms of lot size and setbacks. However, unlike Cherry Landing where the units have a mix of 1 story and 2 story homes (all with rear load garages and an internal alley system), subarea 2 would have only single story units and the homes would have front loaded garages. The homes in Subarea 2 would also have their back turned to Hayes Road. For reference, Cherry Landing has all of the homes that front West Waterloo Street facing West Waterloo Street.

In the opinion of staff, the Residential Development Standards adopted in 2006 by Village Council was a reaction to create better residential development in the future, learning from previous developments such as Canal Cove and Cherry Landing mentioned above. Reducing the current standards to old standards, or standards less than other previously approved developments should not be approved.

The second criteria that needs to be met for a rezoning application is the Relationship of the proposed amendment to access and traffic flow and utility services including sanitary sewer, water, and storm drainage, as outlined in the transportation thoroughfare plan, comprehensive plan and/or other adopted plans for the area. The traffic study for the Middletown Farms project is still under review from the municipal engineer. However, the preliminary utility services for the proposed site plan do follow the current plans for the area, with the ability to service this site and future off-site development.

The third criteria for approval is that the plan needs to have a positive relationship to the public health, safety, convenience, comfort, prosperity and general welfare, including impact on infrastructure and municipal services. Staff discussed that approving this zoning amendment for the proposed preliminary development plan of Middletown Farm would allow a residential subdivision that would otherwise not be permitted to be developed within the city limits. The proposal calls for a decrease in the established residential design standards, which could negatively impact the public health, safety, convenience, comfort, prosperity and general welfare. As mentioned by the developer at the January discussion with P&Z, this area in Canal Winchester is the next logical location where development to occur, with its access to the business district and freeway. Approving a new residential subdivision that does not comply with the current residential design standards sets a negative pattern for future development requests.

The final criteria for a zoning amendment is that the proposed use is adequate to the available services and to general expansion plans and planned capital improvements. The proposed use of a residential subdivision does meet the plans for the area. The city has anticipated future residential growth in this area and has planned for community level goods and services. However, at the current time the applicant has not indicated in the application if they have worked with the school district to determine that the requirements in Chapter 1153.21 are being met.

Staff recommends that the Zoning Map amendment ZM-17-006 be denied as presented. The applicant has not shown that they meet the purpose and intent of a Planned District as set forth in Section 1173.01(c) with this application.

Staff also recommends Preliminary Development Plan PDP-17-003 be denied as presented. The applicant has failed to meet the following sections of the zoning code.

1. Chapter 1130.01 – Architectural Diversity
2. Chapter 1130.06 – Side load garage requirements
3. Chapter 1130.07 – Front Load Garage standards
4. Chapter 1130.09 – House Size and Setbacks
5. Chapter 1173.03 (b)(3), the indication of the preliminary plan zoning district designation.
6. Chapter 1173.03 (b)(4), front yard setbacks and color diversity standards.
7. Chapter 1173.03 (c)(4), Maximum density allowed in a PRD.
8. Chapter 1173.04 (a)(1)(A), indication of major trees on site and plans on how the 1% annual flood plain is to be mitigated for future development of single family homes.
9. Chapter 1173.04 (a)(2), listing all the standards in chapter 1173 that are not being met, and providing information on what adjustments, amenities or other compensations are being provided with the plan to offset the use of reduced standards and demonstrating how the modified standards will result in the best possible development for the site.
10. Chapter 1173.05 (a)(4), listing all of the standards in the zoning code that are not being met and justifying deviations from those standards.
11. Chapter 1153.21, not communicating with the school district on land dedication or cash-in-lieu of land dedication prior to filing for the Preliminary Development Plan.

Mr. Donahue asked staff if they are discussing both applications jointly. Staff discussed that they felt that would be helpful as they both are directly related. However, for the vote they have to be done separately.

Mr. Vasko asked staff if the applicant has seen the staff recommendations. Staff indicated that the applicant asked for a copy of the staff report on Friday evening and a copy was sent Monday.

Mr. Christensen asked the applicant to approach the podium.

Tom Hart representing Westport Homes introduced himself to the commission. Mr. Hart stated that the staff report was received today at noon and there are a lot of detailed questions they have. However, they are ready to discuss many of the conclusions in the staff report and address them. Jack Mautino from Westport is here to make a presentation after and Mr. Hart explained they would like to present why this development is positive and does meet the planned district code.

Mr. Hart indicated that he thinks it is very important to state that the proposal is under Planned District Law and that the staff report was surprising because base code standards do not need to be met. Planned District's in the state of Ohio allow specific standards for a particular site. This plan is not trying to follow base code but write standards that fit this site and the market. While the code requires the comparison of the Planned Development text to chapter 1130, it does not require it be followed. The standards that have been written are under PUD law for the site.

Mr. Hart indicated there is a key section in 1173.03 (b)(3) which staff discussed part of. The part that was not discussed was that at the time of the application the municipality has the ability to negotiate development standards. This is to allow a compromise to come up with something different from the base code. The base code goes back to 2006, which has a very different housing market and needs. The 2006 code is ancient by today's standards. This code would not allow empty nester housing as today's market calls for.

Jack Mautino with Westport Homes discussed the application with the commission. Mr. Mautino stated that he recalls the 2006 market distinctively. In 2004 the housing market was booming and lots of homes were being constructed at a rapid pace. In 2006 the bottom fell out and many communities were concerned with the amount of growth that was going on. This growth was overtaking schools and the homes were designed to be constructed as quickly as possible. The architecture suffered for that reason. Garages stuck out anywhere from 18-20 feet, front porches were removed to minimize cost, garage doors were typically a white twelve panel garage door. In 2006-2014 the bottom fell out and the community had no new residential development that was approved or constructed under the 2006 standards. More than a decade later, the current standards are not applicable and the market has changed considerably. The architectural style of a home is tremendous. Many of those styles of diversity have been met in Villages at Westchester and Canal Cove. The Villages at Westchester has an average sale price today of \$348,000 and Canal Cove is at \$310,000.



Mr. Mautino stated this plan is for a PRD on 79 acres. This development has 132 Traditional Single Family Homes and 62 Age Targeted Lifestyle Homes. These would be fee simple homes owned by the home owner.

Mr. Mautino passed out a package of the home styles to the commission.

In Subarea 2, the product meets the demands of a more mature demographic that is sophisticated in their requirements. These are residents of Canal Winchester, Pickerington, Groveport that want this detached lifestyle home that has maintenance included such as mowing, mulching, and pruning. The maintenance of the exterior of the property is included. A mater association would be in charge of all of the open space but the residents in Subarea 2 would pay an additional fee for the maintenance services. Residents in the lifestyle buyers want this product to stay in the community. Today's housing stock is not meeting these requirements.

This development has the advantage for allowing multiple housing options to a particular area which in turn adds value to the community. It is anticipated the average sale price in Subarea 2 is going to be between \$265,000 and \$285,000. In subarea 1 it is anticipated at \$315,000 to \$350,000.

Mr. Caulk asked what the minimum house sizes are in this area. Mr. Mautino indicated in Subarea 1 they are looking at a minimum of 1,400 square feet with an average mimicking Canal Cove with 2,700 sq. ft. In Subarea 2 the ranch homes would have a 1,400 sq. ft. up to 2,300 sq. ft. There is a loft option that allows a bonus room but no bathroom on the second floor.

Mr. Mautino stated that there is roughly 40% open space being provided within this community. The current home buyer does not want a large yard to maintain, they want to be near provided open space. The current home buyer have more important things to do than mow yards and maintain mulch beds, which is what current code standards require. Westport feels they have done a wonderful job with the open space and maintaining sensitive areas in this subdivision.

Mr. Mautino discussed the garage door designs for the community and how they enhance and make the home models more attractive. While typical subdivision design use standard 12 panel white doors. Mautino touched on the current code standards and how the way they are set up prohibit a third car garage on new home designs by limiting the garage to be a maximum 50% of the home frontage. Westport's proposal with a 68 foot lot width at the build line, would allow a three car garage but not meet the 50% frontage standard. People want a three car garage not for vehicles, but for their stuff. Limiting the front elevation to more than 50% garage creates a larger home site with more yard.

Mautino discussed proposed building design standards with the commission and stated that every home being proposed in the subdivision would have a front

porch. In addition to the premium garage door design, each home will have a fiber cement siding on the front elevation, similar to Canal Cove. Westport has no problem meeting the duplication or color standards discussed this evening and the four sided architecture requirement will be met.

Mr. Caulk asked Mr. Mautino if they have any elevations for what the sides and rear of the homes look like. Mr. Mautino stated he does not but he can provide them for review.

Mr. Mautino stated in 2017 in Canal Winchester there were 140 single family homes that closed in Canal-Canal. The applicant stated that Canal-Canal is the Canal Winchester Corp limits and Canal Winchester school district boundaries combined. Within that area they were all four bedroom homes that closed at an aggregate at \$235,000. With this new project, they are showing they will be 50% above that market price and they are being told by staff they do not meet the high quality standards Canal Winchester has set in place.

As a wrap-up, Canal Winchester needs Subarea 2 with the lifestyle homes. If that particular product is not constructed in Canal Winchester, those future residents will move elsewhere. In regards to Subarea 1, Canal Cove is almost sold out. Section 4 has been constructed and is almost completed, and then there is only Sections 5, 6 and 7 remaining and it is gone. Additionally, the Villages at Westchester is about wrapped up in their construction. If Middletown Farms was approved today, they would experience the first resident moving into that area until late 2019. Does Canal Winchester want to continue to grow.

Mr. Mautino stated he did talk with the school super intendant. Staff was unaware of that happening but they did talk and they would like the fee in-lieu of land dedication.

Mr. Mautino discussed that this development would feature common mailbox units. These units would be dedicated in the provided open space and there would be off-street parking provided.

Mr. Richey asked the applicant if a study has been performed on the 100 year floodplain and what is going to be done to remove that from the site. Steve Schell with EMHT discussed that Canal Winchester has a process to fill a floodplain and that process will be followed in this area with the floodplain development permit. That study has not been done at this time and is usually done during Final Engineering when lot and road grades will be set.

Mr. Caulk asked the applicant approximately how much fill will be needed. Mr. Schell indicated the fill will be 1-2 feet in various areas. The way the application works is based on volume across the site and a no rise study is required as part of the application process with the city. One way that no-rise is achieved is to do compensatory cuts. All of these items will be part of the review.

Mr. Schell noted that there is 1,800 feet of stream on the site that is not being impacted along with the majority of 2 acres of wetland is being avoided on the site design.

Mr. Christensen asked if the purple area on staff's illustration flows into the ditch. Mr. Schell affirmed and stated they would maintain that flow with the site design and floodplain fill.

Mr. Caulk asked where the market study shows new home buyers are coming from. Mr. Mautino stated based off Canal Cove, many new residents come from areas they identify as Canal Winchester. They are moving within the school district but are looking to upgrade their current home from where they were previously.

Mr. Mautino passed around a flyer to the commission showing a couple homes that Fischer Homes builds that they would be proposing in this subdivision. Neither of which, would be permitted under the 2006 guidelines. Mautino commented on increasing the lot coverage over 30%. As people are aging, they want large ranch homes with all of the inside amenities without the outside maintenance. On a price per square foot, that buyer is spending more money for what they want. Lot coverage should be flexible to allow large houses on smaller lots so you get more house for your money.

Mr. Donahue commented on how the applicant noted that people are moving from areas like Lehman Road towards the center of Canal Winchester to be part of the central community, however this site is probably the same distance away from town as the areas he mentioned. As a resident and commission member, there is a hard time looking at a project on paper that fails to meet development standards. The south end of Canal Winchester is the last part of the community where there is space to grow. If a project is planned carefully, it can work but there is a lot of variation with the current proposal that will need some convincing to support the project. Mr. Mautino stated good responsible development and architecture is met by market demand. The market is really accepting and wanting the style of architecture that Westport and Fischer homes is designing. With current home design, the garage is the new front door. What sits behind the garage is equally as important, such as a mud room or transition area.

Mr. Mautino asked if staggering setbacks would help in the diversity of the neighborhood. Another option to increase the style of the neighborhood would be to require no less than 100 sq. ft. to a front porch.

Mr. Hart commented on Mr. Donahue's recent discussion saying that the biggest difference between Chapter 1130 of the code and what is being proposed is lot size. Every other modification is a direct relation to lot size. Conservation development is defined by 50% open space, this development is approaching that. Mr. Hart commented that they would like time to analyze the staff report to make sure it is accurately reflecting the proposal before them.

The large open space is achieved by clustering homes together. This open space is more important than a big lot in today's market. It is a fact that if you stay with 14,000 sq. ft. lot sizes, there is no way age targeted housing options work. The developer is not trying to meet chapter 1130, they are trying to meet development type that is expected with current home buyers.

Mr. Richey commented that some of the issues brought up by the developer was the limitation of 50% garage doors and not allowing a third car garage. If more homes had side load garages, then a third garage could be accomplished facing the street. That fixes that problem. Richey commented that he is concerned by the comment that the garage can stick forward 4 feet from any architectural feature. That could mean many things, possibly even mean a feature that is not part of the house. Also, the deviation that the same model can be constructed next to one another but just use different elevations does not mean much on paper. That could result in a different paint color. There are things that are specifically written in the development text that are troublesome because they could be misread to meet the code when they actually will not. Mr. Hart commented that the word model is very different than elevation. Each home model has multiple elevation options but having said that the developer is more than happy to make the intent much more clear.

Mr. Hart commented that at the core of the planned district concept is value. Staff is saying that this development is not meeting the public health, safety, convenience, comfort, prosperity and general welfare for the community and that they strongly disagree with staff's opinion. Home values will be very competitive with Canal Winchester and surrounding neighborhoods. The development text provided is above and beyond what the planned district text requires. If you read the modifications section and rationale, that justifies the changes being proposed.

Mr. Christensen asked if there were any more statements they would like to make.

Mr. Mautino commented the 14,000 sq. ft. home sites and side load garage requirements that the code requires would result in a minimum \$350,000 to \$400,000 homes. Not saying the community can't support that, but the absorption of that price point is very slow.

Mr. Christensen opened up the application for public comment.

Resident Bruce Kelly spoke to the commission in regards to his concern with the project. One of the major concerns with the proposal is that rear of the units is facing the main road. Mr. Kelly spoke that turning the rear of the units to the street is a disgrace due to the units looking plain. All of the people that live along these rural roads are retired and moved there 20 plus years ago to live in the country. All of a sudden, 200 houses are getting thrown in and the rear yards are facing the street.

Mr. Kelly asked if a traffic study was performed and does it show that current roads can support that many homes. Unfortunately, Fischer homes was just approved to construct another 46 homes behind his house. How will these two areas impact each other. More traffic accidents will most certainly be a result.

Mr. Kelly discussed the floodplain for the site and how private storm sewer was installed on the side of Lithopolis Road to mitigate flooding on the residents front yards and basements. The golf course previously dammed up the drainage for the area and all of the surrounding homes had basement damage as a result. What will be the result with this development.

Mr. Kelly also commented on his concerns with crime with this development and how will the current police force handle this size of a development. This development does not match what Canal Winchester has strived to accomplish and does not fit the community.

Resident Michael Quick spoke to the commission about the proposed project. Mr. Quick commented his biggest concern is with the floodplain in the area and currently that property is marginal farm ground. It will take a lot of dirt to mitigate this area. While the ponds are a good idea, he does not believe it will be enough and basements in this area will not be practical for the lifestyle homes due to the property constraints.

Mr. Christensen asked if anyone else from the public has comments.

**A motion was made by Mike Vasko, seconded by Joe Donahue that the public hearing be closed.**

**The motion carried by the following vote:**

**Yes: 5 –Richey, Donahue, Christensen, Caulk and Vasko**

Mr. Christensen informed Mr. Mautino that he can respond to the commission with items brought up by the public. Mr. Mautino stated that the homes that back up to Hayes Road will feature extensive mounding, landscaping and fencing. Another concession would be 1/3 of the homes backing up to Hayes would feature a screened porch or sun room area or other three season type room to add to architectural diversity in the area. Those items plus the change in setbacks would help remove the visual barrack style to the development.

Mr. Moore asked the chairman to clarify if the Public Hearing was for only the Zoning Map Amendment or both applications. Mr. Christensen indicated the public hearing is for both applications.

Mr. Hart asked the chairman if they could table the application to revisit the application at the next meeting to discuss the staff report and traffic study results with the city. Mr. Vasko commented he feels that is the best option based on the number of negotiation points with the city.

**A motion was made by Mike Vasko, seconded by Mark Caulk to table application ZM-17-007 and PDP-17-003.**

**The motion carried by the following vote:**

**Yes: 5 –Richey, Donahue, Christensen, Caulk and Vasko**

Old Business

New Business

Mr. Moore updated the commission on Administrative Variance AV-18-001 that was approved for 17 East Columbus Street. Staff explained that this variance was to demolish an existing detached accessory structure that was encroaching an adjacent property by 1 foot. In addition, the new structure will exceed the maximum 15 foot height for a new accessory structure. Staff discussed that the Landmarks Commission reviewed the application CA-17-049 and approved that application at their January 22, 2018 meeting. Mr. Moore explained that the Old Town Area allows for administrative variances if the criteria listed in the code are being met. Staff discussed that the Landmarks Commission found all of these conditions were met and staff concurred approving the application.

Mr. Moore informed the commission that the Canal Winchester Housing Council has P&Z's appointed member Bill Christensen term expiring in March. P&Z needs to either reappoint Bill Christensen or a new member to join the annual tour for CRA abated properties in the city. This board does the annual tour on March 14<sup>th</sup>.

**A motion was made by Mike Vasko, seconded by Joe Donahue to reappoint Bill Christensen to the Canal Winchester Housing Council.**

**The motion carried by the following vote:**

**Yes: 5 –Richey, Donahue, Christensen, Caulk and Vasko**

Adjournment

*Time Out: 9:08pm*

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

**Yes: 5 –Richey, Donahue, Christensen, Caulk and Vasko**

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Date

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Bill Christensen - Chairman

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Joe Donahue - Secretary