

Canal Winchester

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



Meeting Minutes

Monday, June 11, 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 Joe Donahue, seconded by Brad Richey that Joe Wildenthaler be excused. The motion carried by the following vote:

Yes: 6 – Donahue, Christensen, Konold, Vasko, Caulk and Richey

Excused: 1 – Wildenthaler

Approval of Minutes

May 14, 2018 Planning and Zoning Commission Meeting Minutes

A motion was made by Brad Richey, seconded by June Konold, that the May 14, 2018 Minutes be approved. The motion carried by the following vote:

Yes: 6 – Donahue, Christensen, Konold, Vasko, Caulk and Richey

Public CommentPublic OathPublic Hearings**VA-18-005**

Property Owner: Steven E. Crist

Applicant: Steven E. Crist

Location: 260 Cherokee Drive

Request: Variance to Chapter 1181.01(b) to locate an in-ground swimming pool to the side of the principal structure.

Mr. Moore presented the application for Steven Crist for property located at 260 Cherokee Drive. The applicant is requesting a variance from Chapter 1181.01(b) to allow an in-ground swimming pool to the side of the principal structure.

Staff discussed that the lot was platted in 1964 as part of the Winchester Manor Subdivision and was zoned as R-2 (Residential District Single Family Dwelling) at the time of platting. At the time of platting, the front yard setback was 30 feet and the rear yard setback was 25 feet. When the property was platted there were no regulations on private swimming pools. The home on the subject property was constructed later in 1985. At the time of construction, front and rear setbacks for the R-2 zoning district were 30 feet each. It is unclear why the current home does not meet the 30 foot rear yard setback. Note: It does appear that the current home could have met setbacks if it was shifted over to the center of the lot. At the time of construction, Canal Winchester zoning code would have permitted a pool to be constructed in the side yard), which simply

stated the pool needed to be enclosed with a fence. The subject property was rezoned to R-3 (low density residential) in 1990.

The applicant is seeking a variance from chapter 1181.01 of the zoning code to install a in-ground swimming pool in the side yard, replacing the current basketball court. Based on the subject property, the side yard is acting as the rear yard with the most open space on the lot. The subject property is located at the end of a cul-de-sac, giving it an irregular lot shape. With the current yard space (or lack thereof) to the rear of the property, no accessory structure could be placed (including a pool) in this area and meet setbacks.

Section 11891.01 (b) of the Zoning Code, which regulates residential swimming pools, states: "The pool shall be located completely to the rear of the principal structure and may not be located closer than seven (7) feet to any lot line of the property on which it is located."

The applicant has indicated that the future pool would not be located closer than seven (7) feet to any lot line of the property, and the variance request only applies to the location of the pool to be in the yard space to the south of the principal structure instead of the to the rear. The applicant plans on installing a fence around the rear yard.

Staff recommends variance application #VA-18-006 be approved as presented. The regulations at the time the home was constructed did not prohibit a side yard pool and due to the irregular shape to the property the side yard in this specific case acts as the rear yard. In addition, the shape of the current property would not allow a swimming pool, or any accessory structure fit to the rear of the home.

Mr. Christensen asked the applicant if he had anything he would like to add. Mr. Crist had nothing to add.

A motion was made by Joe Donahue, seconded by Mike Vasko, that this Public Hearing be closed.

The motion carried by the following vote:

Yes: 6 – Donahue, Christensen, Konold, Vasko, Caulk and Richey

A motion was made by Brad Richey, seconded by Mark Caulk, that application VA-18-005 be approved as presented.

The motion carried by the following vote:

Yes: 6 – Donahue, Christensen, Konold, Vasko, Caulk and Richey

FS-18-002

Property Owner: Grand Communities Ltd.
Applicant: Grand Communities Ltd.
Location: PID 184-003282 & 184-000866
Request: Final Subdivision Plat Application for Villages at Westchester Section 10, Part 2

Mr. Moore presented the application for Grand Communities Limited for 10.533 acres of property located at PID 184-003282 and 184-000866. The applicant is requesting approval for the Final Subdivision Plat for the Villages at Westchester Section 10, Part 2. This section of the subdivision will account for 28 buildable lots and 1 reserve lot for a retention pond.

Staff discussed that out of the 652 platted lots for the Villages at Westchester only 12 lots are available. The previous section 10, Part 1 only has 2 lots available putting the pressure on the developer to open up more lost in the next section. The final development plan was approved in 2016 and ensures the conditions for the subdivision are being followed.

With the expansion of Connor Avenue, section 10 will connect to Cormorant Way which provides a second access point into the subdivision. This connection was required with the approval of FDP-16-002 which approved sections 9, 10, & 11 of the Villages at Westchester.

Section 10 Part 2 will also include a new wet detention pond north of lots 727-732. This detention basin will serve this future development and will have public access between lots 732-733 via a 10' reserve access easement.

Staff recommends the applicant's request for the Final Subdivision Plat #FS-18-002 be approved as presented and recommended to City Council for adoption.

A motion was made by Joe Donahue, seconded by Mike Vasko, that Final Subdivision Plat FS-18-002 be approved as presented and recommended to City Council for adoption.

The motion carried by the following vote:

Yes: 6 – Donahue, Christensen, Konold, Vasko, Caulk and Richey

Old BusinessNew Business

Mr. Moore discussed that Jonathan Wilcox with Wilcox Communities is here this evening with Joel Trewartha representing Ryan Homes. They would like to discuss a proposed change to the Turning Stone PUD Preliminary Development Plan and see if it would be classified as a major or minor change. Staff briefly discussed the changes and noted that a major change would reset the rezoning

process and require going back to City Council for approval while a minor change just requires the applicant to file for a new Final Development Plan for approval only at P&Z.

Jonathan Wilcox introduced himself to the commission and provided a brief recap of the previous plan. Wilcox noted that the previous home builder Fischer Homes has since walked away from the project and Ryan Homes is here this evening trying to fill in the gap and develop the residential portion of the site.

Wilcox commented that he is looking to get feedback from the Planning and Zoning Commission in regards to the layout Ryan Homes is proposing along with the product. The layout is different to fit Ryan Homes needs, and if a rezoning process is required to change the road configuration the project probably will not go any further. Generally speaking, all of the changes from a product standpoint are positive. Fischer was approved for 80 duplex units, while Ryan homes is looking to do 78 units that are larger. One of the biggest benefits is that Council had concerns about the loft option Fischer offers, Ryan homes does not offer a loft option so they are all strictly a ranch style.

Wilcox commented that the main changes are the change in layout, lower density, and higher price point. If Planning and Zoning comments it is a minor modification they will come back in a few months with a full blown final development plan for review. The concern is that these changes will require a major modification which will relate to a rezoning.

Mr. Donahue asked the applicant if the commercial outparcel along North High Street will still exist. The applicant confirmed. Wilcox added that other major characteristics will remain the same such as the park location and the emergency access road Council requested replace the second access to Carriage Place.

Mr. Donahue asked to elaborate about the emergency access gate. Staff indicated that due to the adjacent neighbor concerns about an increase in traffic they made the second access point to the neighborhood emergency access only. The road will feature a gate with a Knox box for emergency access.

Mr. Donahue commented that the new loop street appears to flow better to get throughout the entire site without being stuck at the end of a cul-de-sac like the previous plan. Donahue added that this plan does not appear to be drastically different than Fischer's plan.

Mr. Donahue asked what the differences in the home sizes are. Mr. Haire indicated the previous Fischer Homes plan had a minimum of 1,250 sq. ft. and

Ryan homes is proposing 1,320 sq. ft. Mr. Wilcox indicated that the previous plan had a minimum square footage while Ryan Homes plans to exceed that.

Mr. Christensen asked the applicant if the new plan will feature walking paths like the previous plan. Wilcox stated that the Fischer Plan did provide more walking paths but that was due to the cul-de-sac design. The new Ryan Homes plan would probably have walking paths within the new central green space design.

Mr. Caulk commented that the plan appears to show only sidewalk constructed on one side of the street. Mr. Haire indicated that the sidewalk on one side was approved previously due to the private road layout and the proximity of the driveways.

Mr. Caulk asked the applicant where the park is proposed to be located. Mr. Wilcox shared with the commission member the proposed park location.

Mr. Wilcox stated he thinks any site details can be worked out with the Final Development Plan.

Mr. Richey added that items like the emergency gate and park amenities will come later for discussion. The topic of conversation this evening is the new layout and home model and if those two items create a major modification to the previous plan. Based off what the code says there is no indication this is a major change. The new road layout is closer to what P&Z was trying to get Fischer to do with a loop.

Mrs. Konold and Mr. Caulk comment stating they are fine with the changes they see before them as being a minor change to the previous plan.

Mr. Vasko stated that he voted no on the previous plan due to the cul-de-sac layout and this layout appears to be better. The main concern is political and there is a belief at least one council person lost her seat based on her vote on this particular development last fall. How a council person can go from 3-4 terms and then get the lowest number of votes out of any running. Now P&Z is being asked to make a judgment call that the controversial plan that now has changes are not changes that need to be reviewed by City Council. It would be easier if the code provides a definition of a major vs minor modification but it does not and now P&Z is asked to make a political decision when they are not a political body. This is just information to share, but fundamentally the route has changed, but the size and character is that same of what was already approved by City Council. More details on the plan are encouraged to be brought back for review as it appears to be a better alternative than what was seen before.

Mr. Donahue asked what would happen if the Final Development Plan was submitted without the emergency access road. Further elaborating that he is having a really hard time understanding how that road as emergency access making any sense because a fire truck would have to drive through a neighborhood to get to this spot when they can come off U.S. 33 or High Street. Staff indicated that the Ohio fire Code requires more than one access over a certain density so the emergency access will be provided in some capacity.

Mr. Vasko stated that the roadway connection was a concern of the neighbors that live on Jones and Carriage Place so Council made a compromise to make it emergency access only.

Mr. Donahue asked if the emergency access road is public or private. Mr. Haire indicated the only public portion of the road is the area right in front of the commercial outparcel.

Mr. Wilcox stated that the second roadway was the means of opposition for the entire plan. Wilcox added that as part of the agreement there are two speed feedback cameras that will be donated to help alleviate speeding in the existing development. However, the changes that are being proposed are all good changes including less density and potential higher price points.

Mr. Caulk stated that he was not involved in the previous plan, but asked the applicant if the property is managed by a Home Owners Association and same with the park. Mr. Wilcox confirmed the neighborhood will be maintained but the park will be dedicated as a public park.

Mr. Donahue stated he sees no issue moving forward.

Mr. Joel Trewartha representing Ryan Homes asked if there were any questions about the new product. No questions were asked.

Mr. Wilcox thanked the commission for their time and stated they would be back shortly with a new full plan for submittal.

Mr. Moore indicated in other new business City Council has created a committee to review the current residential design standards for new development within the city and have invited members of the public, Council, Planning and Zoning, and Landmarks Commission to take part in the conversation. The first meeting will be June 20th and will be held at the Interurban building.

Adjournment

Time Out: 7:43 pm

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

Yes: 6 – Donahue, Christensen, Konold, Vasko, Caulk and Richey

Date

Bill Christensen - Chairman

Joe Donahue - Secretary