

# Canal Winchester

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



## Meeting Minutes

**Monday, March 9, 2020**

**7:00 PM**

## Planning and Zoning Commission

*Bill Christensen - Chairman  
Michael Vasko - Vice Chairman  
Joe Donahue - Secretary  
Brad Richey  
Joe Wildenthaler  
Mark Caulk  
Kevin Serna*

Call To Order

*Time In: 7:00pm*

Declaring A Quorum (Roll Call)

**A motion was made by Joe Wildenthaler, seconded by Mark Caulk that Kevin Serna be excused.**

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

**Yes: 6** – Caulk, Donahue, Richey, Wildenthaler, Vasko & Christensen

**Excused: 1** – Serna

Approval of Minutes

February 10, 2020 Planning and Zoning Commission Meeting Minutes

**A motion was made Brad Richey, seconded by Mark Caulk, that the February 10, 2020 Minutes be approved.**

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

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

**Abstain: 1** - Wildenthaler

Public Comment

Public Oath

Public Hearings

**CU-20-001**

Property Owner: Travis Jacks

Applicant: Hilary Jacks

Location: 36 East Waterloo Street

Request: Conditional Use from Section 1187.03 of the Home Occupation section of the code to allow for the conduct of the home occupation to be within a structure accessory to the principal structure.

Mr. Moore presented the application for Hilary Jacks for property located at 36 East Waterloo Street. The applicant is requesting approval to allow for a Conditional Use from the Home Occupation section of the zoning code to allow for the conduct of the home occupation to be within the accessory structure in the rear yard.

Staff discussed that the property consists of .127 acres on the north side of East Waterloo Street and is zoned Old Town Commercial, which allows for both commercial and residential as permitted uses. Properties to the east, west and south are also zoned Old Town Commercial and consist of single-family homes, multi-family homes, and commercial businesses. The purpose of the Home Occupation section of the code is to allow where appropriate, non-residential

activities in residential structures that are compatible with neighborhoods in which they are located. Many Home Occupations are permitted without any approval, only when they go outside of the code standards is when they need to be reviewed. Within the Conditional Uses section of the code, when an accessory structure is used for the commercial business is one instance when it needs certain approvals.

Staff discussed that this application came about in response to a noise complaint from a resident. The resident was concerned with the level of noise being generated with wood working equipment within the accessory structure and asked the city to cease the noise. Staff indicated that there are no specific noise ordinances against using power tools and the resident provided information that the equipment was being used to produce products that were available for sale on the internet. Staff then notified the property owner that the home occupation within the accessory building would require a Conditional Use Approval from the Planning and Zoning Commission.

Staff discussed the applicant's submittal, noting that they state they produce small-scale furniture for sale. The power equipment used for the business involves a miter saw and palm sander. Typical hours of operation are between 10am and 6pm. Possible solutions to reduce any further noise complaints involve moving the power tools to the far side of the garage to lessen the impact from the equipment being used from the western property owner, log the hours of operation and to stick to the strict 10-6 schedule.

During staff's investigation of the home occupation, it was discovered that the business appears to have been in operation since 2008 when the applicant first applied for the business license. From 2008 to about 2019 the trademark name was to an address on East Mound Street and since has been transferred to the current home. The original business license discusses that they create small scale children's art and accessories for online sales.

The applicant has asked that member Mark Caulk be excluded from the discussion as a commission member due to a conflict of interest this evening.

Staff discussed that the subject property is unique in that it is zoned Old Town Commercial where both commercial and residential uses are both permitted. The blend of these uses can be seen along East Waterloo and West Waterloo Street and is not an unusual condition. All of the complaints that staff has received regarding noise from this home occupation has been sited that such noise from the production of furniture was well into the evening hours, sometimes as late as 10pm. Therefore, subject to comments

from abutting property owners, staff recommends that the applicants Conditional Use request be approved with the following conditions:

1. The hours of operation for the business within the accessory structure be limited from 10am to 6pm.
2. The doors and windows on the structure be closed while any equipment is being operated.

*It is noted that Mr. Serna joined the meeting at 7:02 during Staff's presentation.*

Mr. Donahue asked staff how many complaints there have been. Staff indicated that there have been complaints from three different individuals.

Mr. Donahue asked if the conditional use follows the property. Staff indicated that a Conditional Use is specific for the application contents.

Mr. Richey asked staff if there was not a residential home on this lot, what rules would there be to allow for this as a commercial business on the entire property. Staff indicated that manufacturing wood furniture would not be a permitted use if the property was being used strictly for the commercial business. Manufacturing is not a permitted use in the Old Town Commercial District.

Mr. Christensen asked the applicant if there was anything they would like to add.

Mrs. Jacks discussed that she has started logging her work hours, stating that she has never been out there working until 9pm or later. Typically, she is out there on average three hours a day. This past week she didn't even start working in the shop until after 2pm. During a typical day only a palm sander is used.

Mrs. Jacks noted that she does try and wait for the neighbors vehicle to be gone so she knows they are out of the house when she is running equipment.

Staff did note the commission for clarification that if the property owner was not producing a product that was for sale there would be no application this evening.

Mr. Vasko asked the applicant how long they have operating at this location. The application noted the past four years. Vasko asked if they have been conducting this business for the past four years. The applicant indicated on and off. Vasko asked if the business has changed recently. The applicant indicated it has not. Vasko further asked if they knew why now after four

years of operation there is a sudden influx in complaints. The applicant stated they were unsure.

Mr. Donahue asked the applicant if the adjacent neighbors have complained to them directly. Mr. Jacks discussed that is a big concern because nobody has complained directly to them.

Mr. Richey discussed the staff comments with the applicant, the first being the self-imposed hours of operation, the second in having the structure closed during operation.

The applicant asked staff to define what an accessory structure is. Staff indicated that an accessory structure is a structure that is an accessory to the principal use. The principal structure or use in this case is the residential home. The accessory would be the detached outbuilding to the rear of the lot. A Primary structure is what is listed in the zoning code as uses or structures permitted. Anything subsidiary would be the accessory.

Mr. Donahue asked the applicant if there were any concerns with the two conditions staff had outlined. The applicant indicated they do not have any issues.

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

Adjacent resident Mark Caulk spoke to the commission in regards to the application. Mr. Caulk noted that he is excusing himself as a member of the commission with the application as he is an adjacent property owner. Mr. Caulk first state that he nor his wife have contacted the city to complain about the workshop next door, nor have the complained to the neighbors. He does support the application from a private property owner standpoint but requests that the applicant be restricted form operating the business on the weekend as it would interfere with the time he uses to enjoy his property.

Adjacent resident Lysa Blasing noted that she lives next door to the subject property. Mrs. Blasing discussed that she is concerned with the noise and the times of day with the noise associated with the business. They have been in the shop working during the evening hours, on the weekends and even during the festivals. Mrs. Blasing proposed the applicant install a sound barrier interior of the structure to help deaden the noise.

**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, Richey, Serna, Wildenthaler, Vasko & Christensen

**Abstain: 1** - Caulk

Mrs. Jacks discussed with the commission her concern that as a property owner they choose to live within the Old Town part of Canal Winchester where it is a mixed-use zone. Why is it that they have to get approval for the commercial business operations because it makes noise. Staff indicated that this property is zoned Old Town Commercial. The OTC zoning district allows for both residential and commercial uses to be primary uses. Once the primary use is residential it can not allow for the commercial component unless it is a home occupation. Likewise, if the property is primarily commercial it can not allow for residential uses unless it meets the mixed-use section of the code. The Old Town Commercial district allows for the flexibility of either use to the primary use due to the naturally evolving elements in a historic area. The home occupation section of the code does not have any requirements for limiting hours of operation. The limited hours of operation was a suggestion on the application to reduce the potential complaints on the noise derived from this business. The resident's comments to further limit the hours of operation was merely a suggestion for the commission to take into consideration.

Mr. Vasko asked the applicant how often they work in the shop during the weekend. Mrs. Jacks stated that she has her two kids every other weekend so she tries to not be working when they are over. The kids take up most weekend time. Mrs. Jacks stated she tries to be done working before the evening most days.

Mr. Serna asked staff what the recourse could be for non-conformance to the conditions of the approval or scope of the application. Staff indicated that the Conditional Use approval could be revoked and the use would no longer be permitted.

Staff did discuss that based on the mix of uses within the Old Town Zoning district and based on the information obtained from the applicants Etsy page, the number of products that have been sold in the past 10 years are limited and staff does not believe that this business seems to affect the normal character of the residential property. If the product was not for sale nothing is prohibiting any other resident from running similar equipment in a garage.

**A motion was made Joe Donahue, seconded by Mike Vasko that Conditional Use Application #CU-20-001 be approved with the following conditions:**

- 1. The hours of operation for the business within the accessory structure be limited from 10am to 6pm.**

**2. The doors and windows on the structure be closed while any equipment is being operated.**

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

**Yes: 6** –Donahue, Richey, Serna, Wildenthaler, Vasko & Christensen

**Abstain: 1** - Caulk

**SDP-20-002**

Property Owner: Waterloo Crossing, LTD

Applicant: Bank of America

Location: PID 184-00308 (6.164 acres located on the south side of Winchester Blvd)

Request: Site Development Plan for a 3,960 sq. ft. commercial bank.

Mr. Moore presented the application for Bank of America for property located at PID 184-00308. The applicant is requesting approval for a Site Development Plan for a 3,960 sq. ft. commercial bank. Staff discussed that the applicant received plan approval for the commercial bank back in September 2019 but has since redesigned the building, thus requiring new approvals.

Staff overviewed the site layout with the commission noting that the majority of it was identical to the previous plan, minus the building footprint. The change in the building elevations do meet the requirements of the commercial development standards and the shopping center requirements. The changes were noted to include removing the architectural arch at the front of the building for a more simplistic entry with a false brick arch on the right hand side where the entry has been relocated. The building is still primarily brick but with a more predominant shopping center look to the front glass and a cmu water table. The side and rear elevations have been changed more significantly by reducing the total square footage of window glass to much smaller thin windows. This building design still conceals the rooftop mechanical units.

The signage on the building is still shown as conceptual at this time. The front entry feature has a hardi-board sign panel that is fished both front a back.

Staff has reviewed the modifications to the proposed site plan and has found that they meet the appropriate development standards for the Waterloo Crossing shopping center and other applicable zoning requirements. Based on feedback from the P&Z Commission, staff recommends that SDP-20-002 be approved as presented.

Mr. Donahue asked staff if the two conditions outlined in the staff report have been satisfied. Staff affirmed.

Mr. Vasko asked the applicant if they are going to have live tellers in this facility. The applicant indicated that the atm's will be tellerless. There will be people working at the facility if a customer requires an interaction.

**A motion was made by Joe Donahue, seconded by Joe Wildenthaler that Site Development Plan #SDP-20-002 be approved as presented.**

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

**Yes: 5** –Donahue, Richey, Serna, Wildenthaler & Christensen

**No: 2** – Vasko & Caulk

**FDP-20-002**

Property Owner: Pifer Tract Five Limited Partnership

Applicant: DDC Management

Location: PID 042-0388600 & 042-0388500

Request: Final Development Plan for a 191 unit detached condominium community.

Mr. Moore presented the application for DDC Management for 46 acres located at Parcel ID 042-0388600 & 042-0388500. The applicant is requesting approval for a Final Development Plan for a 191 unit detached condominium community.

Staff discussed that this property consists of 46.17 acres on the west side of Hill Road. This property is part of the original Planned Residential District for the GreenGates development from 2001. The preliminary development exhibit for the site indicates that it was planned for 246 detached condominiums. To the north of the site is Busey Road Park. To the west is Phases 1 - 4 of the Winchester Ridge community that contains 329 multi-family units. To the east is undeveloped land within the PRD designated for an Assisted Living/Independent Living Condominiums. To the south is the Meijer Shopping Center zoned Planned Industrial District.

The GreenGates development text and conditions were adopted by Ordinance 52-01 which approved the site for a maximum 246 detached condominium dwelling units. The Preliminary Site Plan had a number of conditions which is being met by this current proposal. One of those conditions was that all Final Development Plans go to Planning and Zoning Commission for a recommendation by City Council for approval.

Staff discussed that the proposed development is for 191 detached condominium units that will have primary access from Hill Road with the construction of Greengate Blvd. Greengate Blvd was designed as part of the PRD to be an east to west connector from Hill Road to Diley Road. The layout of this project is a typical grid pattern with public roads varying in width by travel intensity. The applicant is requesting seven phases for the development.



An eight-foot asphalt path to be located on the north side of the Greengate Blvd and along Hill Road. Additional eight-foot asphalt paths have been provided around the retention basin and open space to the south along with two asphalt paths stubbing to Busey Road Park to the north. A five-foot pedestrian sidewalk is provided elsewhere on all streets.

All residential dwellings will have an attached front loaded two-car garage and will face the public streets. The spacing provided between driveways is 18 feet to provide for additional on-street parking on all roadways. The architecture of these units consists of two-story detached condominiums varying in elevation styles. The elevations shown in the development proposal are indicated as samples of the products proposed for this development. The indication of a product sample allows for future building designs to be incorporated into the development as necessary.

The landscape plan provided shows that with the development there will be the removal of 61 trees. Based on our landscape code requirements the applicant will be planting 101 2.5" caliper trees on site to make up for what is being removed. The applicant is showing the replacement trees in strategic locations on sheets G1 through G3. Additionally, the landscape code requires 1 tree per 500 sq. ft. of building ground coverage. The applicant is showing an estimated three trees to be planted per unit to meet the landscape requirements. Corner lots are shown to have an additional three trees for a total of six trees to make up for some of the additional planting requirements. The applicant is proposing landscape screening along Hill Road meeting the development text for the GreenGates/Pifer zoning exhibit.

The applicant is proposing a residential identification monument sign along Hill Road for the development. The signage submitted with the plans meets both the Violet Pointe Overlay District and the GreenGate development text requirements.

The applicant has submitted a traffic study as part of the development requirements. The traffic study shows that this project warrants a left turn lane on Hill Road into the site. The turn lane is designed to have 125 feet of storage plus a 50 foot taper. A portion of Hill Road right-of-way is within Fairfield County and the plans show the need to obtain additional right-of-way to the west within the County. Fairfield County was provided a copy of the traffic study for review.

The traffic study notes that the improvements along Hill Road for the turn lane are to be completed by 2023 based on a previous phasing plan for the subdivision. Staff has asked that the Hill Road improvements be installed with

Phase 2 of the development, when Greengate Blvd construction through this site is completed to the western property line. The plan the applicant has submitted does not show the applicant has the ability to construct the necessary improvements along Hill Road due to it requiring additional right-of-way being obtained from a property owner to the west. The additional right-of-way needs to be obtained for this project prior to the Final Development Plan being approved.

The traffic study submitted does not show any connection to Diley Road in the scope of the study. Staff has notified the applicants that Canal Winchester has made a commitment with adjacent properties within the planned development to have the connection of Greengate Blvd to Diley Road be completed by 2025. Staff has asked the applicant to revise the traffic study to include this information and to study the impacts of this development with the existing multi-family and future commercial property that will share this new intersection. The applicant is revising the traffic study for staff to send out to EMH&T for review.

Staff discussed that the CEDA Land Use Committee met on March 3, 2020 to review the proposed Final Development Plan for Greengate. The committee made the following recommendations based on the meeting:

1. Street C pavement radius for the cul-de-sac be a minimum of 51.5' per Violet Township Fire Department recommendations to allow for a fire truck turning radius.
2. Fairfield County Engineer signs off on the traffic study for the development impacts on Hill Road.
3. That the development be constructed with Phases 1 and 2 as shown on the phasing plan in order before continuing on to another phase of construction.

Staff is recommending that recommends the applicant's request for the Final Development Plan be tabled at this time so that the traffic study can be amended and reviewed by Canal Winchester. Additionally, the applicant needs to show that they have the ability to construct the necessary improvements along Hill Road prior to approval of the Final Development Plan.

Mr. Christensen asked the applicant if there was anything they would like to add.

Jon Bills with DDC Management spoke to the commission about the phasing for the project noting that they plan on building 2-3 phases at a time for a total of three phases for construction depending on sales. They are eager to get started with the project and the goal is to construction of the first phase be completed before this fall. As it relates to the couple items, the team has been working with the Orr's to reach a solution on the property acquisition for the right-of-way needed to do the turn lane improvements. They are working towards and

agreement and getting it documented. They do have other alternatives to get the right-of-way obtained but as of now they do have a path forward to the original design. The traffic study is the final piece of the plan that they are confident they will be able to work out.

Mr. Bills stated that they are here for any questions the commission may have but they are really requesting a conditional approval on the development plan this evening contingent on the staff concerns being resolved with the right-of-way acquisition and traffic study review.

Mr. Caulk asked the applicant if they are purchasing phases of the property or the entire ground. The applicant stated that they are purchasing the entire ground and building out phases of the development.

Mr. Caulk asked the applicant if the unit type are condominiums. The applicant affirmed that the development text called for a condo development that is single family in nature. This is planned to be a family community the only difference that they will be maintained.

Mr. Caulk asked for the bedroom count and price range. The applicant stated they are not limited for the number of bedrooms, just a minimum square footage. They would predominately be a 3-4 bedroom units. Price point would be mid \$200,000 to low/mid \$300,000.

Mr. Christensen asked if there were any more questions for the applicant. No more questions were asked.

**A motion was made by Mike Vasko, seconded by Brad Richey that application FDP-20-002 be tabled based on staff's recommendation.**

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

**Yes: 7 – Caulk, Serna, Donahue, Richey, Wildenthaler, Vasko & Christensen**

#### Old Business

Mr. Haire discussed that City Council has reached a settlement agreement with Panda Express with the litigation against them. The settlement agreement approved a site plan for the project which eliminated the northwest access point into the site and has the drive-thru going only one direction around the front of the building, similar to Panera and Burger King. This resulted in a patio being added to the front of the building.

Mr. Vasko asked if the site plan would go back to P&Z Commission for review. Mr. Haire stated that was the nature of the legal agreement, that Council would accept the site plan approval.

Mr. Christensen asked if the northwest intersection would have a traffic light. Mr. Haire stated that the northwest intersection was removed as part of the settlement.

New Business

Mr. Moore briefly discussed that at the April Agenda there will be an appeal filed for the farm on Washington Street across from Ashbrook. The property owner wishes to change the farming on the property to a specialty crop type of farming for flowers. Due to the farming being a legal non-conforming use they are requesting for a substitution.

Mr. Vasko discussed a potential code violation with a burnt down camper parked on West Waterloo Street. Staff suggested that they would investigate.

Adjournment

*Time Out: 8:13 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: 7 – Caulk, Donahue, Richey, Wildenthaler, Serna, Vasko & Christensen**

\_\_\_\_\_  
Date

\_\_\_\_\_  
Bill Christensen - Chairman

\_\_\_\_\_  
Joe Donahue - Secretary