

Canal Winchester

*CW Community Center
22 South Trine Street
Canal Winchester, OH 43110*



Meeting Minutes

Monday, May 11, 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: 7:02pm

Declaring A Quorum (Roll Call)

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

The motion carried by the following vote:

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

Excused: 1 – Caulk

Approval of Minutes

April 13, 2020 Planning and Zoning Commission Meeting Minutes

A motion was made Brad Richey, seconded by Kevin Serna, that the April 13, 2020 Minutes be approved.

The motion carried by the following vote:

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

Abstain: 1 - Donahue

Public Comment

Public Oath

Appeals

Property owner: Courtney & James Elliott
 Applicant: Courtney & James Elliott
 Location: 392 Sarwil Drive South
 Request: Appealing a Notice of Violation issued by the Planning and Zoning Administrator regarding a pig (aka swine) being housed on the subject property.

Mr. Moore presented the appeal for Courtney and James Elliott for property located at 392 Sarwil Drive South. The property owner is appealing a Notice of Violation issued by the Planning and Zoning Administrator regarding a pig being housed on the subject property. Staff is recommending that due to the applicant not being present at the meeting that this appeal be tabled to the June 8 meeting so that they have the opportunity to present their appeal to the commission.

Jesse Shamp representing the law director commented that he does see a benefit in tabling the application so that the applicants have another opportunity to be here to discuss the appeal, however it also incentivizes them to wait this out and delay due process.

Mr. Richey stated that his opinion is that they vote the pig be removed from the property but give the property owners an additional sixty days to get it removed.

Mr. Shamp noted that if the P&Z Commission denied the appeal, upholding the violation notice then the property owner would have the opportunity to appeal the P&Z decision to City Council.

Mr. Wildenthaler asked Mr. Shamp if they choose to table the application could they skip the P&Z process and go directly to Council. Mr. Shamp indicated that they could not.

Mr. Donahue stated he is comfortable with tabling the application for another 30 days and if the applicant does not show up again then vote. Wildenthaler affirmed.

Mr. Christensen opened up the discussion for public comment.

Adjacent property owner Katherine Santore spoke to the commission in regards to her concerns with the pig. Mrs. Santore lives right next door to this pig and since the last communication with the city the pig has now urinated on her and her dog through the fence. Feces and other waste is along the fence line and just sits there and when they finally go clean up the yard it is stored in an open trashcan next to her property line.

Mrs. Santore discussed her concern with knowing if the pig is properly vaccinated and the health risks associated with this type of animal on a small residential lot. There is a smell that is starting to occur with this animal present on the property to the point where windows can not be opened on her home.

Mr. Donahue asked staff to confirm the violation notice was sent on March 9. Staff affirmed.

Mr. Shamp discussed that if the commission wants to vote this evening he feels confident that they can do so given the residents testimony. They had knowledge of the meeting and the ability to represent their application.

Mr. Serna asked staff if the resident drafted the response to keep the pig after the violation notice was sent. Staff affirmed that they gave the property owner 30 days to remove the pig from the property. About day 25 they came in to drop off a doctor note stating that the animal is an Emotional Support Animal prescribed by the doctor. Staff indicated to the property owner at the time that they can not just approve of the pig with the doctors note and if she wanted to keep the animal she would need to appeal the violation notice and provide

factual information that she does not have an agricultural animal on the property. Staff also noted that within the criminal code enforceable by the Sherriff's it states that pigs are not permitted unless done in conformance with agricultural uses.

Mr. Richey commented that when he was looking up information on Emotional Support Animals for this meeting that typically an ESA is trained to perform that job with a certification or something similar. The applicant did not provide in the appeal any information showing that this pig is certified or trained in any way. Mr. Shamp added that there have been no court cases were those certifications have been followed or have been requirements. That makes the certifications a misleading statement. Any animal can be an ESA and the law says there needs to be reasonable accommodation to someone with a disability, unless it puts an undue burden on the City.

Mr. Wildenthaler commented that the doctor that wrote the support note for the pig appears to be her primary care physician. Mr. Shamp affirmed. Wildenthaler added that through what he researched an ESA note needs to come from a certified mental health professional. Mr. Shamp noted that information can be used in the decision P&Z makes on the appeal application.

Mr. Richey commented that his opinion is that they still vote on this matter and if the applicant wants to appeal the decision to Council they have the ability to do so.

A motion was made by Brad Richey, seconded by Kevin Serna that this Public Hearing be closed.

The motion carried by the following vote:

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

A motion was made by Joe Wildenthaler, seconded by Joe Donahue that the Notice of Violation issued by the Planning and Zoning Administrator regarding a pig, aka "swine" being housed on the subject property be dismissed.

The motion failed by the following vote:

No: 6 – Christensen, Richey, Vasko, Serna, Donahue & Wildenthaler

Public Hearings

VA-20-002

Property Owner: Crossroads Christian Church

Applicant: DaNite Sign Co.

Location: 6600 Bigerton Bend

Request: Variance to section 1189.06(c) to allow for internally illuminated wall signs on a residentially zoned property.

Mr. Moore presented the application for Crossroads Christian Church for property located at 6600 Bigerton Bend. The applicant is requesting approval for a variance from Section 1189.06(c) of the sign code to allow for internally illuminated wall signs on the residentially zoned property.

Staff discussed that the subject property consists of approximately 23 acres and is currently under construction for a 58,000 sq. ft. 1,200 seat church facility. A 4.7 acre commercial outparcel along Gender Road is also owned by the church and is for sale for future development. Staff discussed that churches are conditional uses in residential zoning districts and are not permitted within a general commercial or limited manufacturing zone so that is why the church was permitted to be constructed on this site.

The sign code states in the general requirements that signs within residential districts shall only be externally illuminated by reflected light and shall not be internally illuminated. This section of the code was to prevent residential homes with home occupations from having cabinet box style signage.

The subject property is a large 23 acre site that is being developed for a large church. This type of facility is very commercial in design and function compared to the other scale of churches within Canal Winchester, not to mention its location just south of the shopping centers along Gender Road. The building sits in excess of 590' to the nearest single-family residence and with the scale of the site and setbacks the difference between internally and external illumination for the signage would be negligible.

The plans for the building has wall signage on three locations. Signage on the north to be seen from Bigerton Bend. Signage on the west to be seen from Gender Road and the main parking lot. And signage on the east to be seen from the secondary entry and parking lot.

Staff discusses that the literal interpretation of the code would not deprive the application of rights enjoyed by other properties because the other religious facilities on Canal Winchester feature illuminated wall signage. However, consideration that the site conditions and context to the surroundings are unique when neighboring properties are shopping centers and industrial sites where internal illumination is permitted. The plans for this site's landscaping along Bigerton Bend will also provide long term screening solutions.

Based on the unique site context and building being constructed staff recommends that Variance Application VA-20-002 be approved as presented.

Mr. Donahue commented that he knows this will be covered in the next application but where is the requested monument sign being located. Staff indicated the monument sign variance it is being requested at the intersection of Gender Road and Bigerton Bend. Donahue asked if there are any additional freestanding signs. Staff indicated there are plans for one directly north of the

building about centered the length of Bigerton Bend. The design of that sign does not require any variances.

Mr. Christensen asked if the monument signs are internally illuminated. Staff affirmed.

Lead Pastor Tim Moore spoke about the signage design for the facility. The wall sign has been designed to have a minimal light emission. The stroke of the letters has been designed to be very simple and thin freestanding letters. Additionally, the sign will appear black during the day but the face has small perforation pinholes that allow for a diffused soft white light to be emitted during the evening hours when the sign kicks on.

The Pastor discussed that on the east side of the site there is a large woodland that was retained to help screen the facility from the neighborhood. Additional trees are to be planted in the greenspace between the street and the parking lot for further screening. The distance from the house at the end of Bigerton Bend to the sign was around 700 feet. The Pastor noted that while this site is zoned residential the rest of the building construction is held to commercial standards so should the signage.

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

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

The motion carried by the following vote:

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

Mr. Donahue asked staff if there were any other comments from adjacent resident's asides from the two that were shared with the commission today. Staff indicated that the two emails were the only comments they received on the variance. Mr. Donahue asked staff when did the adjacent residents receive the letter about the variance hearing. Staff indicated 7-10 days prior to the meeting.

Mr. Wildenthaler asked staff how long it will take to complete the site landscaping. Staff indicated that they are probably around three months out to finishing the building and sitework and the landscaping typically is finished around the same timeframe for a Final Occupancy Certificate.

Mr. Donahue asked staff if the site will have five signs total, three on the building and two monument signs. Staff affirmed that is the plan so far.

Mr. Donahue asked staff how many acres is the total property. Staff indicated the church sits on 23 acres and the commercial outparcel is 4.7 acres.

Mr. Donahue asked staff how close the monument sign from Gender Road will be to the building. Staff indicated around 900 feet.

Mr. Wildenthaler asked staff how the signage relates to their neighbor across the tracks BrewDog. Staff indicated that they received a signage variance for the total square footage of the signage on the building and one for a large message board sign. They do not have the same restrictions on internal illumination as their property is zoned Limited Manufacturing.

A motion was made by Joe Donahue, seconded by Kevin Serna that Variance Application #VA-20-002 be approved as presented.

The motion carried by the following vote:

Yes: 5 – Christensen, Richey, Vasko, Serna & Wildenthaler

No: 1 - Donahue

VA-20-003

Property Owner: Crossroads Christian Church

Applicant: DaNite Sign Co.

Location: 6600 Bigerton Bend

Request: Variance to section 1189.06(a) to allow for an off premises freestanding sign.

Mr. Moore presented the application for Crossroads Christian Church for property located at 6600 Bigerton Bend. The applicant is requesting approval for a variance from Section 1189.06(a) of the sign code to allow for an off-premises identification sign. The requested sign variance is for both the church and future outparcel development. The proposed sign will be 2/3 identification for the church and there are two tenant panel slots available on the bottom 1/3rd for the commercial outparcel.

Staff discussed that the subject property consists of approximately 23 acres and is currently under construction for a 58,000 sq. ft. 1,200 seat church facility. A 4.7 acre commercial outparcel along Gender Road is also owned by the church and is for sale for future development. The requested monument sign is proposed to be on Parcel 184-002666 which is owned by the City of Canal Winchester.

The parcel where they are looking to place the sign is located at the corner of Gender Road and Bigerton Bend. This property contains the detention basin for the Waterloo Shopping Center and an easement for the use as a basin was retained by the landowner of the plaza. Staff explained that with the rezoning of the parcel the church is on to Multi-Family, when the Final Development Plan of the site was approved all associated floodway with the site would get dedicated to the city, including this basin. When the city gained ownership of the parcel all future maintenance of the landscaping was assumed by the city. The proposal

for the sign variance allows the city trade a signage easement with the church for the long-term ground maintenance.

Staff shared with the commission the signage plans. The plans note that the sign will be approximately 15 feet from the Gender Road right-of-way and 6 feet from Bigerton Bend right-of-way. However, these setbacks are not exact and are based off scaling a GIS aerial data and not actual survey data. Staff further discussed concern that there are a lot of underground utilities in this area that need to be avoided. This information is not shown in the plans.

While staff does not have an issue with the proposed location of the sign in question on their parcel, the applicant needs to get more information on where the sign is going to ensure nothing is going to be obstructed. Staff recommends that Variance Application #VA-20-003 be tabled at this time.

Pastor Tim Moore indicated that they are having issues with the signage company who is doing the installation. They are the ones who are supposed to be gathering this information for the city but have yet to do so. The Pastor indicated he has no issues with tabling the application to get the additional information.

Pastor Tim did mention that this sign will be a key component to them selling the commercial outparcel. The Bigerton and Gender Road intersection is the full access for that site and with the existing ditch and tree line that site is hard to visualize prior to passing it on Gender Road heading over the railroad tracks, resulting in people having to turn around.

Pastor Tim did acknowledge that the agreement with the City for the signage easement is to take over maintenance of the ground.

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

A motion was made by Brad Richey, seconded by Joe Wildenthaler that this Public Hearing be closed.

The motion carried by the following vote:

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

A motion was made by Joe Donahue, seconded by Mike Vasko that Variance Application #VA-20-003 be tabled to the June 8, 2020 Agenda.

The motion carried by the following vote:

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

VA-20-004

Property Owner: Crossroads Christian Church
Applicant: DaNite Sign Co.
Location: 6600 Bigerton Bend
Request: Variance to section 1189.08(b)(1) & (3) to allow for a freestanding sign to be larger and taller than the setback requirement.

Mr. Moore presented the application for Crossroads Christian Church for property located at 6600 Bigerton Bend. The applicant is requesting approval for a variance from Section 1189.08(b)(1) & (3) to allow for a freestanding sign to be larger and taller than the setback requirement.

Staff indicated that this application has the same issues as the previous where there is not enough information submitted showing the signage location and what impacts it may have on existing utilities. Staff is recommending that this application also be tabled at this time.

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

The motion carried by the following vote:

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

A motion was made by Brad Richey, seconded by Kevin Serna that Variance Application #VA-20-004 be tabled to the June 8, 2020 Agenda.

The motion carried by the following vote:

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

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 indicated that the applicants for Final Development Plan #FDP-20-002 have indicated that they are requesting the application be tabled to the June 8, 2020 agenda as they are still working on the final bits of information updating the traffic study and providing plans for the Hill Road turn lane improvements.

A motion was made by Kevin Serna, seconded by Brad Richey that Final Development Plan #FDP-20-002 be tabled to the June 8, 2020 Agenda.

The motion carried by the following vote:

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

Old Business

New Business

Adjournment

Time Out: 7:56 pm

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

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

Date

Bill Christensen - Chairman

Joe Donahue - Secretary