

Canal Winchester

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



Meeting Minutes

Monday, July 9, 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 Joe Wildenthaler that Brad Richey be excused. The motion carried by the following vote:

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

Excused: 1 – Richey

Approval of Minutes

June 11, 2018 Planning and Zoning Commission Meeting Minutes

A motion was made by Joe Donahue, seconded by June Konold, that the June 11, 2018 Minutes be approved. The motion carried by the following vote:

Yes: 5 – Donahue, Christensen, Konold, Vasko, and Caulk

Abstain: 1 - Wildenthaler

Public Comment

Public Oath

Public Hearings

SDP-18-006

Property Owner: Wal-mart Real Estate Business Trust

Applicant: Seth Dorman, WD Partners

Location: 6647 Winchester Blvd.

Request: Site Development Plan approval to paint the exterior of the Walmart Building.

Mr. Moore presented the application for Wal-Mart Real Estate represented by Seth Dorman with WD Partners for property located at 6647 Winchester Blvd. The applicant is requesting approval for a site development plan application to paint the exterior of the Walmart building with the new color scheme. Staff discussed the application with the commission and noted that based on feedback from the May meeting when they first presented, Walmart has removed the “Walmart Blue” paint from the building and has replaced it with a similar light grey as surrounding portions of the building. Staff discussed that they feel the “Gauntlet Gray” would be an optimal color behind the Walmart sign to help aid in the contrast the original blue was offering.

Staff also discussed that based on feedback from the Planning and Zoning Commission, Walmart has reduced the total amount of wall signage on the building update from the current amount to reduce the need for a variance

request. In addition to the new wall sign package Walmart will be restriping a portion of the parking lot for the new Pickup program which will assign parking spaces for employees to load goods purchased online into your parked vehicle. A diagram of the new pickup location and signage was shared with the commission.

Staff recommends that that Site Development Plan SDP-18-006 be approved with the condition that the wall behind the "Walmart" sign be painted "Gauntlet Gray" to match the other tower features on the building to break up the façade.

Mrs. Konold asked staff about the color scheme in regards to the other tenants in the shopping center. Staff discussed that the other tenants buildings have some color on them in terms of awnings and the Planet Fitness has a black background behind their signage.

Mr. Christensen asked staff what the original colors on the building were. Staff indicated from what they could tell it was mostly blue and grey. The current color of the building is similar to others in the Central Ohio area and was probably a branding effort at the time as well.

Seth Dorman discussed the changes with the commission and noted that they were in response to the May discussion on the application.

Mr. Wildenthaler asked the applicant if Walmart has agreed to the staff recommendation. The applicant affirmed.

**A motion was made by Joe Wildenthaler, seconded by Mark Caulk, that Site Development Plan SDP-18-006 is approved with the following condition:
1. The wall behind the "Walmart" sign be painted "Gauntlet Gray" to match the other tower features on the building to break up the façade.**

The motion carried by the following vote:

Yes: 4 – Donahue, Vasko, Caulk and Wildenthaler

No: 2 – Christensen and Konold

FS-18-003

Property Owner: Grand Communities Ltd.

Applicant: Grand Communities Ltd.

Location: PID 184-000854

Request: Final Subdivision Plat Application for Villages at Westchester Section 12, Part 2, Phase III

Mr. Moore presented the application for Grand Communities Limited for property located at Parcel ID 184-000854. The applicant is requesting approval

to approve the Final Subdivision Plat Application for the Villages at Westchester Section 12, Part 2, Phase III. Staff discussed that this plat is to approve an additional 25 buildable lots in an extension of Konold Court and the construction of Barclay Court.

Staff discussed that the new lots meet the development standards for the subdivision and associated development text. After this phase of section 12 there is one final section for this portion of the subdivision to be built out.

Staff recommends that the applicant's request for the Final Subdivision Plat FS-18-003 be approved as presented.

A motion was made by June Konold, seconded by Joe Donahue, that Final Subdivision Plat FS-18-003 be approved as presented.

The motion carried by the following vote:

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

VA-18-007

Property Owner: BrewDog Columbus LLC

Applicant: BrewDog Columbus LLC

Location: 100 Gender Road

Request: Variance to Chapter 1189.07(a)(3) to increase the maximum display area permitted for a wall sign.

Mr. Moore presented the application for BrewDog Columbus LLC for property located at 100 Gender Road. The applicant is requesting for a variance to Chapter 1189.07(a)(3) to increase the display area permitted for the wall sign for the DogHouse Hotel. Staff discussed that the Hotel although attached to the building has a separate address from the main facility.

Staff discussed the signage request and that current code standards allow for 1 square foot of signage per linear foot of building elevation on which the sign is being applied to. The front of the hotel is 85 feet wide so the applicant would be allowed a total of 85 square feet of signage. The applicant already has approval for an 18 square foot illuminated sign that is over the front door. The second sign will be painted on the tower element of the hotel and will match the style of the main sign on the front of the building. BrewDog wishes for this larger sign to be 150 square feet, which would put the hotel 85 square feet over the allowable signage.

When reviewing the application, it appears that the signage being requested would not be visible from the street and that this signage is purely for the visitors that are already on the property and provides a wayfinding measure for those locating the hotel. It is also important to note that the hotel portion of the

facility is screened from view from main entry and is not the format of a “typical” hotel entry. To gain access to the hotel entrance you must travel on foot beyond the far edge of the existing patio space, or walk through the restaurant.

Staff recommends variance application #VA-18-007 be approved as presented. The signage being requested is consistent with other features of the building and creates a theme. While the signage is larger than what is permissible by code, with the unusual building orientation the signage acts as a wayfinding tool for the tourism this facility attracts.

Mr. Donahue asked if the applicant has expressed any interest in modifying the Gender Road sign to advertise for the Hotel. Staff indicated that they have not.

Applicant Keith Bennet discussed he has nothing to add to staff’s presentation but will answer any questions they have.

Mr. Wildenthaler asked the applicant if they had any plans to modify the Gender Road signage. Mr. Bennet stated no they do not.

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

A motion was made by Mike Vasko, seconded by Joe Donahue to close the Public Hearing.

The motion carried by the following vote:

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

A motion was made by June Konold, seconded by Mark Caulk that Variance Application VA-18-007 be approved as presented.

The motion carried by the following vote:

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

VA-18-008

Property Owner: Arthur & Jamie Childers

Applicant: Arthur & Jamie Childers

Location: 7264 Porter Drive

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

Mr. Moore presented the application for Arthur and Jamie Childers for property located at 7264 Porter Drive. The applicant is requesting approval for a variance from Chapter 1157.04(a)(2) so that they can install an in ground swimming pool

that will put the lot coverage on the property over 30%, which is the maximum allowable by code.

Staff discussed that the property with the home along on it is at 22% lot coverage, and with the addition of the 1,054 sq. ft. addition of the pool and patio the lot jumps to 32.8% lot coverage, which would be 2.8% above what is permitted by code.

Staff briefly discussed other variances for swimming pool in regards to lot coverage that have been approved by the Planning and Zoning Commission. Subject to comments from abutting property owners, staff recommends the applicant's variance request to Section 1157.04(a)(2) be approved as submitted. The recommendation of approval is due to the previous approval of a similar variance that was subject to the same maximum lot coverage standard, which allowed a higher lot coverage than the current application.

Mr. Donahue asked staff about a recent pool variance where the condition was to get HOA approval. Staff indicated that was due to the pool being constructed more than 12 inches out of the ground on the one side due to the slope of the yard. Donahue added that he would like that to be a requirement to protect the home owner so that there is a record of the HOA approval.

Arthur and Jamie Childers are present to answer any questions.

Mr. Donahue asked if they have received preliminary approval from the HOA. The applicants stated that they have and they will provide the city with a copy.

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

A motion was made by Mike Vasko, seconded by Joe Donahue to close the public hearing.

The motion carried the following vote:

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

A motion was made by Joe Donahue, seconded by Mike Vasko that Variance Application VA-18-008 be approved as presented.

The motion carried the following vote:

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

VA-18-009

Property Owner: David & Evelyn Gilham
Applicant: David & Evelyn Gilham
Location: 42 Elizabeth Street

Request: Variance to Chapter 1181.06(b)(1) to keep chickens on a residentially zoned property under one (1) acre.

Mr. Moore presented the application for David & Evelyn Gilham at 42 Elizabeth Street. The applicant is requesting approval to receive a variance from Chapter 1181.06(b)(1) to keep chickens on a residentially zoned property under one acre. The subject property is zoned R3, Low Density Residential and consists of two lots (10 & 11) of the Dye's Addition to the Village of Canal Winchester, encompassing approximately 0.38 acres on the west side of Elizabeth Street. All properties surrounding the subject property are zoned R-3 and consist of single family homes.

Staff discussed that a complaint was filed on 6/1/2018 with the city that the property at 42 Elizabeth Street had a chicken coop behind the residential home. City staff contacted the applicant on 6/4/2018 and notified him that there is a permit process to apply for chickens to be kept on residential property over one acre. The applicant asked if there was any process that would allow him to keep the chickens on his property that is 0.38 acres in size. Staff indicated he could apply for a variance from that code section.

The applicant has indicated that the chicken coop is approximately 15.5 sq. ft. and is located completely to the rear of the residential property and 10 feet away from the rear property line. The entire rear yard of the subject property is enclosed by a solid 6 foot privacy fence. The applicant is requesting that a variance be granted to allow him to keep his three chickens on his 0.38 acres of property.

Staff discussed the code requirements for keeping chickens on residentially zoned property. If all of the site characteristics are met, the property owner can apply for the use permit.

A variance from Chapter 1181.06 Keeping of Agricultural Animals in Non-Agricultural Districts should be analyzed carefully and be site and application specific. A variance from this code section does not set a 'precedent' for future applicants based on the unique nature of this chapter. Staff recommends that if Planning and Zoning Commission grants the variance for the property owner to have six (6) chickens on 0.38 acres, that the rest of the requirements #2 - 8 be followed as written.

Mr. Christensen asked staff the specifics of the complaint in regards to the chicken coop and if it was in regards to noise or smell. Staff indicated the complaint was in regards to noise and nuisance animal attraction.

Mr. Caulk asked staff how item number 6 in the ordinance for the control of odors be enforced and determined. Staff indicated that this would be site

inspection specific that is complaint based. Franklin County Public Health also has a department which could inspect these types of complaints.

Mr. Gilham discussed his application with the commission and noted that part of the permit completion is getting a certificate showing you are a responsible chicken owner and they have done so.

Mr. Vasko asked if the chickens are pets or egg laying. The applicant indicated both.

Mr. Donahue asked if the chickens produce any more noise than a dog. The applicant indicated less than a dog. They do have one hen than does make noise immediately after laying an egg for about 5 minutes but that is it.

Mr. Donahue asked the applicant about the location of the chicken coop and if it is along the rear property line. The applicant indicated it is in the rear yard along the fence.

Mr. Wildenthaler asked the applicant what is behind the fence. The applicant indicated there is a 10' easement between the fence and the property line.

Mr. Donahue asked the applicant if the fence was installed for the chickens. The applicant indicated the fence was for his dogs.

Mr. Donahue asked the applicant how long they have owned the property. The applicant indicated that they have lived in the house since November but the purchase was finalized in April.

Mrs. Gilham indicated they looked to see if the city regulated chickens before moving into this house originally and they could not find any information.

Mr. Vasko asked the applicant if they have has any issues with coyotes. The applicant indicated they have not and the only predator they have ever had issues with was raccoons but that was at their previous address.

Mr. Donahue asked if there have been any issues with neighbors. The applicant indicated that the only issue they have had with the neighbors was the fence that was installed.

Mr. Donahue asked staff if the limit of chickens they could keep would be six. Staff affirmed that the way the ordinance is written is that per acre you can have six chickens. The applicant indicated they have three chickens now.

Mr. Vasko asked if the coop has to be enclosed or heated with a generator in the winter. The applicant indicated that they run an extension cord for the water because that is heated and sometimes they do a heat lamp or a light bulb but the coop stays as it is. They do add straw in the run because chickens do not like to step in snow.

Mr. Donahue asked the applicant if they have any issues meeting requirements 2-8 of the zoning code. The applicant indicated that right now they have 3 chickens, but they may get a fourth. They discussed all of the permit requirements with the commission indicating that they can meet everything required but the property size.

Mr. Donahue asked if the chickens stay in the coop all the time or get out into the yard. The applicant indicated they have a fenced off run area for them to walk around.

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

Heather Bolin stated that she owns property adjacent to the applicant. Mrs. Bolin stated she filled out the online complaint as they have renters that are looking to purchase the home that are complaining about the noise. In the past there have been issues with raccoons that were living under the house and more recently there are issues with mice. Mrs. Bolin stated that she has visited the property at night and has seen raccoons in the trash cans. They have tried really hard to keep out the nuisance animals and the chickens are inviting them back in. You can hear the chickens and that was one of the reasons for filing the online complaint.

Mrs. Bolin further stated that the recent ordinance that was passed stated one acre minimum for chickens and this property is less than half an acre. Approving this variance is opening a door for the unknown. Who will oversee that they have a certain amount of chickens, etc.

Jerry Staufer stated that there are known issues with chickens that include noise, smell, rodents and a reduction in property values. This instance is causing all of them. Not to mention salmonella. 2017 was a record year for salmonella, primarily caused by backyard chickens. Mr. Staufer stated he would appreciate not having chickens in the property adjacent to his.

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: 6 – Donahue, Christensen, Konold, Vasko, Caulk and Wildenthaler

Mr. Donahue commented that this a unique scenario where P&Z has to use careful consideration based on the specific application and specific scenario. Keeping personal opinion out of it, it is understandable why people want chickens and it is understandable why people do not want them in close proximity. It is tough to find the balance in the middle of what does and does not make sense. It seems that the property owners are fairly responsible and experienced but this is a situation where someone is asking for forgiveness after the fact. This is a recently adopted ordinance that has had lots of discussion over the last several months.

Mr. Donahue asked if there has been any dialog in regards to this elsewhere in the city. Mr. Haire indicated that no permits have been issued. No resident is legally keeping chickens.

Mr. Caulk commented how does this process get monitored in the future. Staff indicated it would be complaint based and by receiving the permit you are allowing on-site inspections whenever necessary.

Mr. Donahue commented that one of the items he heard was that they became owners of the property within the last couple of months. The concern is that the chickens have been there prior to that under previous ownership while they were renting. However, now they are the responsible party they are applying for the variance and trying to make things right from a process and permit standpoint.

Mr. Haire reminded the commission that prior to the new ordinance no chickens were allowed anywhere in the city.

Mr. Vasko stated that chickens themselves do not attract mice or rats. Chicken feed is what attracts those animals. Chicken feed is expensive and if you are property feeding chickens you are not wasting it. Traditionally feeding chickens was throwing it and they would go find it. Today it is much more controlled and it was the missed grain that the mice were after. If there are field mice now, they were probably there before the chickens. Due to the location of the subject property field mice are probably present.

Mrs. Konold affirmed with Vasko stating that she has field mice on her property and she has no chickens. There are also raccoons and coyotes and they are not caused by chickens but due to the rural community in which they live.

Mr. Vasko and Konold affirmed that the issue about noise is a different issue. All animals make noise. Vasko elaborated that with three chickens it is easy to say it is a noise that can be ignored. Noise is very individual and may bother some and not other people.

Mr. Vasko stated he is a proponent that personal property owners should be allowed to do what they want as long as it is within reason and does not create a nuisance. Raccoons are different, although there are raccoons that eat cat food that is left outside 3-4 nights a week.

Mr. Donahue asked staff if this is the first time that the regulation has to be applied for and monitored. Staff affirmed and commented that noise is something specifically not mentioned in the ordinance as something that can be controlled. Donahue asked if the application process has been created. Staff affirmed it has been written.

Mr. Donahue asked how long the permit is good for. Staff indicated it is valid for as long as they keep the animals.

Mr. Wildenthaler asked if anyone under 1 acre was allowed to keep six chickens. Staff affirmed if a variance was granted without other conditions or stipulations they could be at the maximum for one acre which would be six chickens.

Mr. Wildenthaler asked if they could limit the number of chickens in a variance application. Staff affirmed.

Mr. Caulk asked staff about the determination at a one acre minimum for chickens. Staff indicated Planning and Zoning Commission determined 2 acres was appropriate and City Council reduced it to 1 acre based off public feedback. Mr. Haire indicated there was quite a bit of discussion of placing the limits on a half-acre and staff produces maps to show all properties over 0.5 acres and Council felt it was too large of a jump from no chickens allowed to any property over 0.5 acres.

A motion was made by Mike Vasko, seconded by June Konold that Variance Application VA-18-009 be approved with the condition that there be no more than three (3) chickens on the property and staff recommendation that items 3-8 be met as written.

The motion failed by the following vote:

Yes: 2 - Donahue and Vasko

No: 4 - Christensen, Wildenthaler, Konold and Caulk

Old Business

New Business

Staff indicated that the group Council set up to review the Residential Design Standards met on June 20, and after reviewing the current standards in place

has decided to rewrite the current standards and is currently in that process. The committee will meet on July 18 for further review. Any update to the standards will come to Planning and Zoning for recommendation to City Council for approval.

Adjournment

Time Out: 8:04 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 Wildenthaler

Date

Bill Christensen - Chairman

Joe Donahue - Secretary