

Canal Winchester

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



Meeting Minutes

Monday, April 13, 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: 7:12pm

Declaring A Quorum (Roll Call)

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

The motion carried by the following vote:

Yes: 4 – Christensen, Richey, Vasko & Serna

Excused: 3 – Caulk, Donahue & Wildenthaler

Approval of Minutes

March 9, 2020 Planning and Zoning Commission Meeting Minutes

A motion was made Brad Richey, seconded by Mike Vasko, that the March 9, 2020 Minutes be approved.

The motion carried by the following vote:

Yes: 4 – Christensen, Richey, Vasko & Serna

Public CommentPublic OathAppeals

Property owner: Nancy Webster Trust

Applicant: Steve & Grete Adams

Location: 800 Washington Street

Request: A Substitution Appeal to the Planning and Zoning Commission to allow for the production of commercial flower farming on the subject property.

Mr. Moore presented the substitution appeal for Steve and Gretel Adams for property located at 800 Washington Street. The applicant is requesting to substitute the legal non-conforming farming on the property to allow for commercial flower farming. The subject property is zoned R-3 Low Density Residential and consists of two single family dwellings on two parcels with a shared driveway. The larger tract of land is currently farmed for a straw/hay product.

The subject property consists of 39.86 acres that currently has approximately +/- 16 acres that has been farmed since the 1960's based on aerial photographs. The property is zoned R-3 Low Density Residential, which does not allow for agriculture as a permitted use. The farming on the property appears to have

taken place since the property was annexed into the city which makes the commercial agricultural farming a legal non-conforming use. Substitution for a legal non-conforming use can be granted by appeal from the Planning and Zoning Commission.

Sunny Meadows Flower Farm is requesting the appeal to switch over the farming to a specialty flower crop. The applicant notes that they have been operating out of their home base in Columbus since 2006 and since 2013 they have rented additional ground in the central Ohio area to expand production, noting that they rent from Decker's nursery nearby. In the application they note the flowers are for sale locally in farmers markets, grocery stores and florists. Currently there are 20 employees that work at the farms in the area. The plans for this site are for woody and perineal type flower farming.

The front section that is being farmed consists of approximately 16 acres that is divided naturally by a drainage ditch. The plans for the flower farm require the land to be set up in phases for long term successful growth. The crops have limited harvest times like most crops so the interaction on the site will be virtually unchanged.

The applicant notes that they do not need any permanent structures on this site for farming operations. In the future they may install high tunnels, which are large hoop structures with a plastic sheeting to control growing seasons. The ownership of the property would remain the same as it is now and the farming will be done through a land rental process in exchange for the upkeep of the property.

Mr. Vasko asked staff if procedurally they are voting to grant or deny the appeal. Staff affirmed.

Staff discussed that the city's legal council will draft a Findings of Fact based on the result of this meeting for the record.

Mr. Christensen asked the applicants if there was anything they wanted to add.

Mr. Adams discussed that he is there to answer any questions the commission may have on the flower farm.

A motion was made by Brad Richey, seconded by Kevin Serna to approve the appeal to allow for the legal non-conforming farming be substituted for a specialty flower crop.

The motion carried by the following vote:

Yes: 4 – Christensen, Richey, Vasko & Serna

Public Hearings**CU-20-002**

Property Owner: GLSV LLC

Applicant: Lynn Grinstead

Location: 6825 Thrush Drive (PID 184-003244)

Request: Conditional Use from section 80.37.03(g)(h) of the 1990 zoning code, to allow a veterinary clinic and commercial kennel in a PUD district.

Mr. Moore presented the application for Lynn Grinstead for property located at 6825 Thrush Drive. The applicant is requesting approval for a Conditional Use from the 1990 zoning code, section 80.37.03(g)(h) to allow for a veterinary clinic and commercial kennel to be located in a PUD district.

Staff presented the request to the P&Z Commission and noted that a previous conditional use for the same request was granted for the site in 2016. However, Canal Winchester code dictates that the Conditional Use will expire within two years pending no development has taken place on site. Due to the terms of the construction plan approval also expiring the previous Conditional Use approval has expired therefor the applicant needed to reapply for the project.

Staff discussed that the overall site plan for the veterinary clinic is the same while it appears that the commercial kenneling component has been reduced. The building previously had a basement in the original design that was only for kenneling, with the new building layout there is no more basement and only a small wing to the rear of the building that is define for kenneling services.

Staff is recommending that the applicants request for Conditional Use #CU-20-002 be approved as presented.

Mrs. Grinstead stated that as staff mentioned the total number of kennels have been reduced from the previous plan. Previously the basement held 80 kennels and with the new plan they are at 24. The building is about the same square footage, just the basement size was removed.

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

An adjacent resident spoke to the commission wanting to get more information on the proposed project. From the letter that he and the neighbors received there was a lot of buzz around the specifics of the project, including the overnight boarding of animals.

Mr. Christensen told the applicant she was allowed to answer the questions.

Mrs. Grinstead stated that the commercial kenneling component has been reduced from the previous plan approval. The dogs will not have free access to the fenced in area and will be supervised when they are outdoors. The animals will not be outdoors after dark and depending on the group of animals they could be outdoors in groups or singly.

The resident discussed the concerns about noise and the effect on the quality of life. Staff indicated that this property was zoned for commercial uses back in the 1990's. The specific use for a veterinary clinic and commercial kennel is a conditional use. What that means is it can be approved or not approved based on the commissions review for the compatibility of the product and if the use is appropriate for the area. If the use is approved and there are complaints about noise, that would be a private property owner issue as the noise could not be regulated by the city.

Mr. Shamp, representing the legal council for the City noted that there is no recourse directly through a city body. A private property owner could pursue a private nuisance action. But that would be kicked back to the individual land owners.

The resident asked about fencing and landscaping with the project. Staff indicated both of those items will be address in the upcoming applications this evening.

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

The motion carried by the following vote:

Yes: 4 – Christensen, Richey, Vasko & Serna

A motion was made by Mike Vasko, seconded by Brad Richey that Conditional Use #CU-20-002 be approved as presented.

The motion carried by the following vote:

Yes: 4 – Christensen, Richey, Vasko & Serna

CU-20-003

Property Owner: GLSV LLC

Applicant: Lynn Grinstead

Location: 6825 Thrush Drive (PID 184-003244)

Request: Conditional Use from section 80.37.03(b) of the 1990 zoning code, to allow a residential living quarters in the veterinary clinic building.

Mr. Moore presented the second application for Lynn Grinstead for property located at 6825 Thrush Drive. The applicant is requesting approval from the 1990 zoning code, section 80.37.03(b) to allow for a residential living quarters within the veterinary clinic building.

Staff discussed that the previous approval for the living quarters in the building has also expired so the applicant needs to renew the approval. Staff shared elevations of the building with the commission and noted the residential component is on the second floor and has a dedicated entry on the southeast

side of the building. A floor plan of the living quarters was shared with the commission.

Staff is recommending that Conditional Use #CU-20-003 for the living quarters within the veterinary clinic be approved as presented.

Mrs. Grinstead noted that the technician that lives on site helps administer medicine and does the 24-hour emergency service care of the animals.

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

A motion was made by Mike Vasko, seconded by Kevin Serna to close the Public Hearing.

The motion carried by the following vote:

Yes: 4 – Christensen, Richey, Vasko & Serna

A motion was made by Brad Richey, seconded by Mike Vasko that Conditional Use #CU-20-003 be approved as presented.

The motion carried by the following vote:

Yes: 4 – Christensen, Richey, Vasko & Serna

FDP-20-003

Property Owner: GLSV LLC

Applicant: Lynn Grinstead

Location: 6825 Thrush Drive (PID 184-003244)

Request: Final Development Plan to construct a 9,611 sq. ft. two story Veterinary Clinic with associated site uses.

Mr. Moore presented the application for Lyn Grinstead for property located at 6825 Thrush Drive. The applicant is seeking approval for a Final Development Plan to construct at 9,611 sq. ft. two-story veterinary clinic with associated site uses. Staff discussed that the applicant received a previous Final Development Plan approval in October of 2016. However, with the development stopping during the starting stages of civil construction for more than two years the plans have expired.

The Winchester Veterinary Clinic site consists of 4.85 acres that is an irregularly shaped polygonal lot located to the west of Thrush Drive. The proposed site plan has one two story commercial building constructed on the northern most portion of the site to house the veterinary clinic/commercial kennel. As indicated on the site plan, directly behind the building would be a fenced in dog play area and to the south of the building would be the retention pond. The rest of the site is planned to remain undeveloped at this time.

This new facility will allow the current business to relocate from Cemetery Road off of Waterloo Street to the new facility once completed. This new facility will house 24-hour on site resident care staff and will offer other upscale pet related services such as day care, boarding bathing and grooming.

The new facility will comprise of two (2) floors. The ground floor will house the veterinary service with 14 rooms that range from standard exam rooms to other specialty rooms. To the rear of the building is the pet boarding and grooming station with 20 dog kennels and a room for the cat kennels. The plans show an interior play area for the dogs and a separate interior play room for the cats. The second floor contains living quarters for the 24-hour care staff.

The site plan shows a fenced in play area and exercise yard to the rear of the building. This area is proposed to be screened/limited by an 8' tall white vinyl fence.

The landscape plan meets the parking lot screening requirement and the screening requirement from the residential to the north with a mix of deciduous and evergreen trees varying in height from 8'-12'. The city's Urban Forester has reviewed the landscape plan and has verified that it meets the no less than 75% opacity requirement set forth by Variance VA-16-012.

The applicant has noted on the site plan that there will be a dumpster enclosure at the end of the northern parking lot. The dumpster enclosure is proposed to be 8' tall with an opaque gate painted to match the building. The sides and rear of the enclosure will be the Sienna ledgerstone to match the water table on the building. The dumpster enclosure meets the requirements of the 1990 Zoning Code Chapter that regulates screening of trash container receptacles.

The supplied lighting plan shows three 20 foot tall parking lot lights. While the regulation of parking lot lights was not discussed in the 1990 zoning code, they do meet the current Commercial Development Standards in Chapter 1199.

The applicant has proposed a building that is more residential in scale and design than a traditional office building found on Gender Road. The front of building features a front porch element on the right-hand side with wood railings and columns. The roof is proposed to be a dimensional shingle in a natural brown color. The building is designed with a Sienna ledgerstone water table and hardie plank cement board siding and hardi plank trim around the windows. The exterior finish legend notes an 8" hardi plank lap siding.

The proposed freestanding sign is located in front of the parking lot, just south of the primary access drive. The proposed location for the monument sign has it

within the existing 30 foot sanitary easement. The overall size of the sign exceeds the maximum 25 sq. ft. per face as dictated in the 1990 zoning code and also exceeds the maximum number of colors restricted to three. Staff recommends that the monument sign be revised to meet the 1990 zoning standards.

Staff has reviewed the updated application for the Veterinary Clinic and is recommending that application FDP-20-003 be approved with the following conditions:

- 1) The applicant modify the scale of the monument sign to be in compliance with the 1990 zoning code regulations.
- 2) The applicant reduce the number of colors on all signs to be within the three (3) permitted.
- 3) The monument sign be relocated to be outside of the 30' sanitary easement.

Mr. Christensen asked the applicant if she had any issues with changing the sign to be in compliance. The applicant responded saying she will work on the signage plans to reduce the number of colors and size of the sign.

The resident asked if they could ask questions on this application. Mr. Christensen stated that there is no public hearing on this application but if the applicant wants to respond to some questions then he could go ahead.

The resident asked if additional landscaping will be provided to screen properties that do not have rear yard landscaping from this site. Staff indicated that the landscape plan that was provided for the site shows the screening they will be doing just beyond their fenced in dog area. However, if residents want to plant their own landscaping on their property to screen themselves from this site then they can do so at their own accord.

A motion was made by Mike Vasko, seconded by Kevin Serna to approval Final Development Plan #FDP-20-003 with the following conditions:

- 1) **The applicant modify the scale of the monument sign to be in compliance with the 1990 zoning code regulations.**
- 2) **The applicant reduce the number of colors on all signs to be within the three (3) permitted.**
- 3) **The monument sign be relocated to be outside of the 30' sanitary easement.**

The motion carried by the following vote:

Yes: 4 – Christensen, Richey, Vasko & Serna

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.

Staff indicated that this application was tabled by the applicant until the May 11, 2020 meeting.

A motion was made by Mike Vasko, seconded by Brad Richey to table the application until the May 11, 2020 meeting.

The motion carried by the following vote:

Yes: 4 – Christensen, Richey, Vasko & Serna

Old Business

Staff updated the commission that the Panda Express settlement that was approved by City Council is finalizing the Civil Construction Plans now and will probably start construction this summer. The plans for the Shooters Sports Grill are finishing up the Civil Construction Plans as well.

New Business

Staff informed the commission that there has been one application filed so far for the May Agenda to appeal a Zoning Violation notice for having a pig on residential property. The resident has noted in the appeal that they believe they are exempt from the code section due to the animal being an emotional support animal prescribed by their doctor. Staff indicated that the City Legal Council will take the lead during that meeting as swine is also prohibited in the criminal code, not just the zoning code.

Adjournment

Time Out: 8:01 pm

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

Yes: 4 – Christensen, Richey, Vasko & Serna

 Date

 Bill Christensen - Chairman

Joe Donahue - Secretary