

Canal Winchester

*City Hall
45 East Waterloo Street
Canal Winchester, OH 43110*



Meeting Minutes

Tuesday, June 21, 2022

7:00 PM

Planning and Zoning Commission

*Joe Donahue - Chairman
Joe Wildenthaler – Vice-Chairman
Brad Richey – Secretary
Steve Buskirk
Rick Deeds
Deborah McDonnell
Kevin Serna*

Call To Order

Time In: 7:00pm

Declaring A Quorum (Roll Call)

A motion was made by Rick Deeds, seconded by Brad Richey that Kevin Serna, Joe Donahue and Deborah McDonnell be excused.

The motion carried by the following vote:

Yes: 4 – Richey, Wildenthaler, Deeds & Buskirk

Excused: 3 – Serna, Donahue & McDonnell

Approval of Minutes

May 9, 2022 Planning and Zoning Commission Meeting Minutes

A motion was made Steve Buskirk, seconded by Rick Deeds, that the May 9, 2022 Minutes be approved.

The motion carried by the following vote:

Yes: 4 – Richey, Wildenthaler, Deeds & Buskirk

Public Comment

Dana Rains spoke to the Commission about warehouse development on Diley Road and how he feels there are better land uses available such as a stay in place senior community which would spur more restaurant growth. Mr. Rains stated that he hopes that planning can be done in the future to look at long range land use.

Angie Hallstead spoke to the Commission about her disappointment in the current development patterns with the warehouse growth in the community. City Council overturned the P&Z Recommendation to not rezone property then went ahead and created a new zoning district text without P&Z reviewing the document and passing it as an emergency so the public could not file a referendum. Planning and Zoning does not matter and is thrown out the window. The site on Busey Road may be zoned but there is no plan for this area showing how development should be done. Busey Road is a farm road and it can not handle truck traffic. What Council is doing is going to change the landscape of this community forever.

Mrs. Hallstead continues to discuss that the Development Director is not doing his job seriously and only grabs low hanging fruit. Hopefully the commission stands up for the community and does not let the developer get whatever they want. The development is going to increase traffic congestion & local taxes while providing inadequate infrastructure. People are moving out of this community due to these issues.

Kathleen Vasko spoke to the Commission noting that Mrs. Hallstead summed up everything she wanted to say and wanted to echo that the city is going to see a lot of good people moving out of the community. Mrs. Vasko begs that the Commission looks at everything that crosses their desk very carefully and stick to the zoning code and to not grant variances for every single person that asks for one.

Mrs. Vasko discusses that City Council moved forward with a plan that completely disregards the P&Z Commission at least twice. Canal Winchester is becoming a boxed in community of warehouses. Don't listen to political heat because right now is a runaway government.

Public Oath

Public Hearings

CU-22-002

Property Owner: RRCT LLC

Applicant: Todd Weiser

Location: 152 W Waterloo Street

Request: Conditional Use to section 1161.04(b)(1), to allow for an automobile repair and service store on the subject property.

Mr. Moore presented the application for Todd Weiser for property located at 152 West Waterloo Street. The applicant is requesting approval for a Conditional Use to section 1161.04(b)(1) to allow for an automobile repair and service store on the subject property. The subject property consists of 0.69 acres located on the north side of West Waterloo Street in the Old Town District and is zoned Old-Town Commercial. The OT-C zoning district allows for the proposed NAPA store as a conditional use that must go under P&Z review for compatibility.

Staff discussed that the applicable development standards for this proposal are being met in that any exterior alteration to the property must go before the Landmarks Commission for approval. The proposed NAPA store is being relocated from their original location at 103 West Waterloo Street, where they have operated since 1971. The new location will provide better access and traffic flow than the existing facility as this space has two dedicated curb cuts on the street while the existing had an unobstructed 130 feet in access drive width with pull in parking directly off the street.

The applicant notes that with the shift to the new facility the operating conditions will remain the same and the store hours will be 8am – 5:30pm Monday through Friday and Saturday 8am – 3pm.

Staff recommends the applicant's request for Conditional Use Application #CU-22-002 be approved as presented, as the applicant meets the criteria for section

1161.04(b). The existing NAPA facility has been in operation in Old Town Canal Winchester since 1971 when the building was constructed and they are looking to maintain their presence in the Old Town Area.

Mr. Weiser introduced himself to the commission and discuss that last February NAPA corporate approached them and spoke about leasing this space as it is 1,500 sq. ft. larger than the existing location.

Mr. Deeds asked staff why the automotive uses are considered conditional uses. Staff indicated that the automobile uses were determined to be more sensitive in nature and Council thought that it would be good to look at them on a case by case basis. The reason why NAPA applies for this Conditional Use was that AutoZone on Gender Road was required to file a Conditional Use application for their location in 2017 due to selling automobile parts and they also perform minor services in the parking lot.

Mr. Wildenthaler opened up the application for a Public Hearing.

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

The motion carried by the following vote:

Yes: 4 – Richey, Wildenthaler, Deeds & Buskirk

A motion was made by Rick Deeds, seconded by Brad Richey that Conditional Use #CU-22-002 be approved as presented.

The motion carried by the following vote:

Yes: 4 – Richey, Wildenthaler, Deeds & Buskirk

VA-22-006

Property Owner: Canal Winchester Local Schools

Applicant: Mike Britch

Location: 300 Washington Street

Request: Variance to section 1195.04(c)(3), to allow for an accessory building exceed 1,440 sq. ft. maximum size.

Mr. Moore presented the application for Mike Britch for property located at 300 Washington Street. The applicant is requesting approval for a variance from Chapter 1195.04(c)(3) to allow for an accessory building to exceed the maximum allowable size.

Staff discussed that the subject parcel contains the Canal Winchester High School grounds and is zoned R-3, low density residential. The R-3 zoning district allows for a maximum 1,440 sq. ft. accessory building on property over 2 acres. The applicant in 2003 received variance approval #VA-03-01 to construct the existing 40ft. x 64 ft. accessory building for the maintenance garage. The

proposed 40ft. x 40ft. addition would put the maintenance garage at a total of 2,560 sq. ft.

Staff discussed that the R-3 zoning district allows for schools and institutional uses so that they are integrated with the neighborhoods. The schools encompass a large area and perform many functions. This makes the schools unique in terms of land use in the residential district and having different needs. The special conditions and circumstances are not the result of actions by the applicant, but are in response to functions commonly provided by the schools. Granting the variance request would not adversely affect the public health, safety, convenience, comfort, prosperity and general welfare of the immediate area.

Staff recommends that Variance Application #VA-22-006 be approved as presented. The increase in the maintenance garage size is due to the increase in services the school offers and to house the additional equipment and staff that has grown over time to aid the student population.

Mr. Deeds asked if all of the school properties are zoned R-3. Staff indicated that they are not. However, all of the school properties are located in a residential based zoning district. Mr. Deeds asked if that was a CW requirement, staff affirmed.

Mike Britch noted he has nothing to add to the staff report.

Mr. Wildenthaler 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: 4 – Richey, Wildenthaler, Deeds & Buskirk

A motion was made by Rick Deeds, seconded by Steve Buskirk that Variance Application #VA-22-006 be approved as presented.

The motion carried by the following vote:

Yes: 4 – Richey, Wildenthaler, Deeds & Buskirk

VA-22-009

Property Owner: Maple Craft LLC

Applicant: Maple Craft LLC

Location: 213 Sarwil Drive North

Request: Variance to section 1195.04(a) to allow for a detached garage to be located to the side of the principal structure.

Mr. Moore presented the application for Maple Craft LLC for property located at 213 Sarwil Drive North. The applicant is requesting approval for a variance from Section 1195.04(a) to allow for a detached garage to be located on the side of the principal structure. The subject property is zoned R-3 and consists of a vacant 0.23 acre lot within the Winchester Village subdivision. This parcel is the final remaining lot in the neighborhood to be constructed.

Staff discussed that this lot was retained by the original developer Tiger Construction until 2017 when it was first sold. Tiger construction used the property for the construction trailer while developing the subdivision in the 1990's. The current property owner/applicant is seeking approval to construct a single-family home on the subject parcel that will have both an attached 2-car garage that will be to the rear of the home and a second 2-car garage that will be constructed to the south of the principal structure. The subject parcel is unique in that there is an existing private sanitary sewer and private water line that connects the Nursing and Rehabilitation Center on the adjacent parcel to the west to the public utilities on Sarwil Drive, fronting this parcel. Both of these private utility lines cross the center of the lot.

Staff discussed that the accessory use placement requirements of the zoning code require the structure to be located completely behind the building and not to the side, as proposed.

Staff discussed that special circumstances exist which are not applicable to other lands or structures in that this site is impeded with existing utilities that serve a private development to the west. These utility locations limit the buildable area of the home and any accessory structure placement. Literal interpretation of this zoning code would not deprive the applicant of rights enjoyed by other properties. However, relief from this section would permit for the lot to be constructed in a usable manner.

The existing lot configuration and utility locations are not a result from the applicant. It is unclear why the nursing home utilities tie back in to the street in this direction as no easements were recorded until 2017 when someone purchased the property from Tiger Construction and was looking to build a home on the lot and discovered the issues. Granting this variance will not confer any undue privilege that is denied by this zoning district. The accessory structure setback is regulated to keep swimming pools and sheds completely behind a residential home. It is not uncommon for garages to be attached to or even with a residential home.

Staff recommends that Variance Application #VA-22-009 be approved as presented. With the existing utilities crossing the center of the parcel, developing a traditional layout for a single-family home is a challenge. The applicant has provided plans for a home design that meet the standards for the Winchester Village neighborhood along with the zoning requirements to have a garage on the parcel.

Mr. Richey asked about the existing utilities that cross the site and the note for the proposed sanitary sewer line. Staff indicated that is the proposed sanitary tap for this home.

Mr. Deeds asked if those are the primary utility lines for the nursing home. Staff affirmed. Wildenthaler asked if there is concern with the sanitary tap crossing these lines. Staff indicated that they will need to maintain vertical clearance but with the basement there should be no issues with depth.

Mr. Richey discussed the recent variance for an accessory building on Columbus Street and stated that a few have gone for variance requests but this one seems very specific for the reason.

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

A motion was made by Brad Richey, seconded by Mr. Deeds that this Public Hearing be Closed.

The motion carried by the following vote:

Yes: 4 – Richey, Wildenthaler, Deeds & Buskirk

A motion was made by Steve Buskirk, seconded by Joe Wildenthaler that Variance #VA-22-009 be approved as presented.

The motion carried by the following vote:

Yes: 4 – Richey, Wildenthaler, Deeds & Buskirk

VA-22-008

Property Owner: Canal Winchester Pike LLC
Applicant: Rebecca Green – Zoning Resources
Location: 725 & 759 Winchester Pike
Request: Variance to section 1189.12(i) to allow for a changeable copy sign (electronic) on the gasoline pumps

Mr. Moore presented the application for Rebecca Green representing the Sheetz development on Winchester Pike. The applicant is requesting approval for a variance to Section 1189.12(i) of the zoning code to allow for a digital changeable copy sign on the gasoline pumps. The project received approval for the Sheetz development on the site in April 2022. The approval includes a 4,900 convenience market with 12 fueling stations under a detached canopy.

Staff shared a video provided by the application that shows an example of the type of message that is displayed on the digital interface. The applicant has noted that the display does not have any audio associated with it and that this type of display content is exempt from the zoning category.

Staff noted that special circumstances for this request do not exist. The applicant is requesting to install a digital sign type for the purpose of direct and attract attention in a video content. The sign code was established by City Council to restrict electronic message displays and display advertisement on gasoline pumps as well as other freestanding devices.

Staff notes that there are a few other fuel stations in the area that offer this type of digital content display, however none of them have been done so with a signage permit and those that have video advertisement on the pumps were done prior to 2017 when the sign code went into effect. Staff is concerned that these devices are directed to attract attention only.

During the April meeting when the applicant was requesting approval for the Site Development Plan staff did note that there was not enough information being provided at the time to show the signage proposed for the gasoline pumps and that staff recommended that there be no additional signage on the pumps because it is not permitted based on the zoning code, to which the project superintendent wrote P&Z a letter noting that they would comply with all pump related signage concerns.

Staff recommends that Variance Application #VA-22-008 for the electronic changeable copy signage be denied as presented. The applicant is proposing to have digital content to be displayed at the gasoline pumps for the purpose of advertising for the convenience market located inside of the Sheetz store.

Mr. Deeds asked staff if other gas stations have these types of digital displays. Staff noted that the applicant shows in their packet that the Speedway on Bowen Road and the Sunoco on West Waterloo Street both have electronic displays on the gasoline pumps. Staff does note that to their knowledge both of these locations installed the digital content displays prior to the zoning update that was written to specifically restrict that type of signage.

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

Rebecca Green spoke to the commission noting that almost every gas station has this type of screen. Usually the screen starts off by asking if you want to use Credit or Debit or any fuel points and receipts. This is the type of content that is normally displayed and is a content issue. Sheetz is asking to include customer initiated content to the gasoline pump. These messages do not scroll all day every day, they are brought up when a customer initiates contact with the pump. A changeable copy sign is regulated but this is a screen that used at every pump that has changeable content. If the city was not interested in regulating signage they could explore the regulation based on the size, color and brightness of the screens, not what is being displayed.

Jim McFarland noted that he could not find any evidence of violations for these types of displays in the community or are not aware of any nuisance complaints

filed. Typically, signage that is being regulated are the plastic sign inserts above the pumps or attached to the hoses. No other jurisdiction has had regulations that restrict the graphics displayed within the pricer unit. This type of signage regulation does not make sense with the minor nature of the graphic.

Mr. McFarland further goes on to note that this type of signage is more constant with a drive-thru menu board than a changeable copy sign. A customer inputs a card and makes a purchase of something inside. This type of display does not affect anyone other than the customer standing there. Without the ability to use the current technology Sheetz will fail to be competitive and this type of display was overlooked during the Conditional Use request.

Mr. Richey discussed that signage on the gasoline pumps was not overlooked and that there is a letter that was signed acknowledging that the code was going to be met. This code was written to specifically address issues like this at other gas stations. Right now, the code has this as a prohibited sign type. Mrs. Green responds asking if the code is regulating all messages on this type of screen or this type of message. All gas stations have screens prompting messages for payment type and fuel type, that is a changeable copy that is being permitted. Mr. Richey noted that the difference is one is signage the other is changeable content.

Staff does make mention that the applicant did bring up the comment that this is similar to a drive-thru menu board. The sign code does provide regulations for menu-board signage and it does restrict the number of times a day the content could change and prohibits any animation. The example the applicant provided for the type of advertisement displayed at the pumps would not be permitted for a menu-board based on the changing display and the animation involved.

Mr. Deeds asked if Friendship Kitchen has these types of digital displays. Staff indicated that they did not ask for one and when they went out on site a week ago the displays were turned off so they could not field verify.

Mrs. Green asked if they could provide the commission with any additional information to help them in their review.

Mr. Wildenthaler asked the applicant why the statements for the variance discuss temporary signage. Staff noted that the applicant filed one variance statement form for all of the variances combined so it is a little tricky to read. That particular one relates to a future variance application.

Mr. Haire noted to the applicant that they should be aware they have the ability to table the application to a future meeting where there are more members present to vote on the item. With only 4 members present, the vote would need to be unanimous to be approved. The acting chairman this evening can also determine if they want to continue the public hearing to a future date or hold it this evening.

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

Kathleen Vasko spoke to the commission noting that she thinks the code is black and white and does not allow for this type of display. The applicant made the statement that the content is only on when someone is pumping gas but that person is not initiating the advertisement to be displayed it is unsolicited. When BrewDog was asking for their manual changeable copy signage variance the commission was very cautious in that approval and the same should be done this evening.

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

The motion carried by the following vote:

Yes: 4 – Richey, Wildenthaler, Deeds & Buskirk

A motion was made by Brad Richey, seconded by Joe Wildenthaler that Variance Application #VA-22-008 be tabled to the July meeting at the request of the applicant.

The motion carried by the following vote:

Yes: 4 – Richey, Wildenthaler, Deeds & Buskirk

VA-22-010

Property Owner: Canal Winchester Pike LLC
Applicant: Rebecca Green – Zoning Resources
Location: 725 & 759 Winchester Pike
Request: Variance to section 1189.12(l) to allow for “halo” signage to be attached to a gasoline pumps

Mr. Moore presented the application for Rebecca Green for Sheetz to be developed on Winchester Pike. The applicant is requesting a variance approval from Chapter 1189.12(l) to allow for the “halo” sign band at the top of the gasoline pumps.

Staff discussed that the sign code specifically prohibits signage attached to or painted on a light standard, gasoline pump, fence, wall, post, existing sign, or other structure, except as specifically authorized by the code. While special circumstances and conditions do not exist, the applicant is requesting to have signage at the top of the fuel pump that is common with all fuel centers in the community. The literal interpretation of the zoning code would prohibit any signage that is attached to a gasoline pump. While this zoning section was not intended to prohibit the “halo” topper for identification, it does take it into account with a strict interpretation of the code. This zoning section was written with the intent to prohibit the changeable copy point of purchase advertisement “display topper” that the applicant notes in their application with the photographs of Sheetz and Krogers fuel pumps. These are the removable

content displays that are typically mounted between the top of the pump and halo.

Special conditions and circumstances would allow for the applicant to have the “halo” topper advertisement. The Friendship Kitchen fuel center was permitted to have the “halo” topper with their recent 2022 signage permit application. However, this variance application should not constitute that the point of purchase “display topper” would be permitted. Granting this variance would for the “halo” topper should not provide any adverse effect the public health, safety, convenience, comfort, prosperity, and general welfare. Allowing a “display topper” would allow for the applicant to have additional outdoor signage that is intended to be limited by the sign code and could adversely affect the public health, safety, convenience, comfort, prosperity, and general welfare.

Staff recommends that Variance Application #VA-22-010 for the signs mounted on the gasoline pumps be approved with the following conditions.

- 1) The applicant is permitted to have a “halo” topper that reads ‘Sheetz’ that is 1 sq. ft. or smaller at each fueling station.
- 2) The variance approval does not constitute approval of any fuel pump “display topper”; or signage of any kind attached to a gasoline pump, fence, light pole, post, bollard, wall or other structure as defined by Chapter 1189.12(l).
- 3) The variance approval does not permit any electronic message displays or changeable copy signage at/on the gasoline pumps.

Mr. Deeds asked what the clarifying difference between each fueling station is vs. each pump. Staff indicated there are 6 pumps that are dual sided that provide 12 fueling stations.

Mr. Richey asked if the code section restricts the halo metal or the logo. Staff indicated that the code prohibits any signage on a gasoline pump but it was not the intent to restrict the signage on the halo specifically, more so to prohibit the other advertisement related signage. Staff clarified that they did allow Friendship Kitchen to have the “halo” area signage with their sign permit so they did not feel it was right to not allow Sheets the same request. Sheetz has indicated that they only are requesting for a less than 1 sq. ft. graphic on the “halo” topper.

Mr. Deeds asked to see the conditions of approval staff has suggested. Staff shared them with the commission and noted that Condition #3 is recommending removal of the digital display and if this application is approved with staff recommendations it would remove the request for Variance Application #VA-22-008.

Mrs. Green asked for clarity that if the commission approves the application as recommended then the application they just tabled would go away. Staff affirmed.

Mrs. Green asks that this application also be tabled so that they could provide more information on the digital display for consideration.

The commission agreed that tabling this application makes sense in this instance.

Mr. Wildenthaler 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: 4 – Richey, Wildenthaler, Deeds & Buskirk

A motion was made by Rick Deeds, seconded by Steve Buskirk that Variance Application #VA-22-010 be tabled to the July Agenda at the request of the applicant.

The motion carried by the following vote:

Yes: 4 – Richey, Wildenthaler, Deeds & Buskirk

VA-22-011

Property Owner: Canal Winchester Pike LLC
Applicant: Rebecca Green – Zoning Resources
Location: 725 & 759 Winchester Pike
Request: Variance to section 1189.10(b) to allow for a series freestanding signs to be erected longer than the maximum amount of time, allow more than the maximum number permitted per business, and closer to the right-of-way that permitted for announcing the store opening and advertising for now hiring.

Mr. Moore presented the application for Rebecca Green for Sheetz on Winchester Pike. The applicant is requesting for a variance from the temporary sign code section 1189.10(b) to allow for a series of freestanding signs to be up longer than permitted, allow for more than permitted per calendar year, and be closer to the right of way than permitted. The applicant notes that the request is to advertise for the store opening and now hiring events.

Staff indicated that the applicant is requesting for 5 temporary post signs to be located 2 feet off the property line for 35 days to announce the store opening and now hiring events. The code standard for temporary post and panel signs are a maximum of 2 a year, maximum of 14 days per sign and they must be 10 feet from the public right-of-way.

Staff notes that special circumstances and conditions do not exist. The applicant is requesting to have an increase in the number of now hiring event signs than what a typical property is permitted to have. While the duration of a now hiring sign is not as strictly regulated as other temporary signage, the number of signage is limited to 1 per site. The literal interpretation of the zoning code would not deprive the applicant of rights commonly enjoyed by others in the same zoning district. Hiring event signage is permitted for all businesses. The display type and quantity exceed what is permitted outright.

Furthermore, granting of this variance could adversely affect the public safety, comfort and general welfare. The number of signs that are being requested are proposed to be within 2 feet of the public right-of-way. Signage is restricted to be a minimum of 10 feet from the right-of-way to not impede motor vehicle traffic and distract the driver.

Staff recommends that Variance Application #VA-22-011 be denied as presented. The applicant has the ability to have a construction coming soon sign that meets the signage regulations and can replace the coming soon sign with a now hiring banner when they are at that stage in the construction process.

Mr. Richey confirmed with staff the current code standards for temporary signage. Staff indicated that the temporary signage section of the code is not intended for now hiring signs, it is really for holiday sales and notices about events happening at an existing facility. A now hiring sign typically does not need a permit of any kind. However, the excess being requested is bringing the application to question.

Mr. Richey asked if the applicant has set a limit to how many times they will be doing signage in this frequency if its every year or a continuation all year long. Staff indicated that if approved, they would be permitted to have 5 yard signs that could be up a max of 35 days every year, not just limited to the opening.

Mr. Deeds asked if this falls under a temporary sign permit. Staff affirmed that this falls under the temporary yard sign permits and they are requesting to deviate from those standards.

Mr. Wildenthaler asked if the applicant had any comments on the application.

Rebecca Green spoke saying that these temporary signs are intended to be up for 35 days and would be placed in the area outside of the construction fence. They are being requested to denote local hiring events for the facility. One of the signs would be swapped out for each of the hiring events for a total of 5 weeks of hiring event signs.

Staff noted that if the commission doesn't mind they have a few questions for the applicant because the details mentioned about rotating signage and other details were not provided in the packet for review. Staff asked the applicant about the timing for the construction fence noted to restricting placement for

the post signs, timing for the event and maximum number of signs displayed at one time.

Mrs. Green noted that the signs will be out the same time as the construction fence and these signs are out for 5 consecutive weeks.

Staff commented that the application still does not seem clear on the need to receive a variance for a temporary sign section of the code for a now hiring event.

Mrs. Green suggested that this application be tabled so that they can provide additional information to the commission for consideration.

Mr. Deeds comments saying that this variance approval is more of a permanent motion and there may be other ways to achieve what the applicant is trying to do. Staff agrees with the comments provided by Mr. Deeds.

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

Mrs. Vasko spoke to the commission noting that the area of Gender Road and Winchester Pike is a glooming nightmare and will only get worse. The signage should for this property should be on the conservative side for the safety of the people because that area is going to get worse and more signage will create a distraction.

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

The motion carried by the following vote:

Yes: 4 – Richey, Wildenthaler, Deeds & Buskirk

A motion was made by Rick Deeds, seconded by Steve Buskirk that Variance Application #VA-22-011 be tabled to the July Agenda at the request of the applicant.

The motion carried by the following vote:

Yes: 4 – Richey, Wildenthaler, Deeds & Buskirk

VA-22-012

Property Owner: Canal Winchester Pike LLC

Applicant: Rebecca Green – Zoning Resources

Location: 725 & 759 Winchester Pike

Request: Variance to section 1189.11(h) to allow for a series of construction and coming soon banners exceed the maximum number permitted per business, and be closer to the right-of-way that permitted for announcing the store opening and advertising for now hiring.

Mr. Moore presented the application for Rebecca Green for Sheetz on Winchester Pike. The applicant is requesting for a variance from the construction and coming soon section of the sign code, section 1189.11(h) to allow for an increase in the construction and coming soon banners permitted for business and to allow them to be located closer than the right-of-way.

Staff shares the locations and examples of the proposed signs to the commission. Both of these signs are proposed to be less than 10 feet from the public right-of-way.

Staff discusses that there are no special circumstances or conditions to permit the increase in the construction banners permitted for the proposed project. The literal interpretation for the code says that the applicant is exceeding the requirements and the applicant would not be denied any rights commonly enjoyed by other properties. Granting this variance would allow the applicant to vary from the section of the zoning code.

Staff is recommending that Variance Application #VA-22-012 be denied as presented.

Mr. Richey notes that this sign exceeds the amount permitted per business and does not meet the setback regulation and asked staff if there are any other similar variance approvals. Staff indicated there are no variance approvals or applications filed to change the new construction signage regulations.

Jim McFarland asked the commission to table this application as well.

Mr. Wildenthaler 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: 4 – Richey, Wildenthaler, Deeds & Buskirk

A motion was made by Steve Buskirk, seconded by Brad Richey that Variance Application #VA-22-012 be tabled to the July Agenda at the request of the applicant.

The motion carried by the following vote:

Yes: 4 – Richey, Wildenthaler, Deeds & Buskirk

SDP-22-004

Property Owner: BD33 Partners LLC

Applicant: Gavin Jones

Location: 12 acre parcel located at 042-0376210

Request: Site Development Plan for a new 209,631 sq. ft. industrial building.

Mr. Haire presented the application for Gavin Jones for property located on a 11.86 acre tract at PID 042-0376210, the corner of Diley and Busey Road. The applicant is requesting approval for a Site Development Plan application for a new 209,631 sq. ft. industrial building. The property is zoned Limited Manufacturing and is located in the Canal Pointe Industry and Commerce Park.

Mr. Haire discussed that this industrial park is a plan that has been 25 years in the making. The Canal Winchester Industry and Commerce Corporation acquired this property in 1997 and immediately sold the 20 acre corner to South Central Power. This land sale assisted in the roadway construction for Dove Parkway that started industrial park. This industrial development has deed restrictions, the Canal Pointe owners association and the Violet Pointe Overlay District which has standards above the LM zoning.

Staff discussed the proposed access to the site noting the plans show two full access drives on Busey Road, one for automobile traffic and the farthest west access for truck traffic. The plans also show a restricted right-in and right-out access on Diley Road for automobile traffic, but will be restricted from truck traffic. The site plan shows 210 parking spaces for employees and truck docks and associated parking to the rear of the building. The Violet Township Fire Department reviewed the plans and made comments to include the full 360-degree access around the facility.

The applicant will be dedicating 22.5 feet of right-of-way along Busey Road to allow for future roadway improvements if necessary along with constructing a 5 foot concrete sidewalk along Diley Road and an 8 foot multi-use path on Busey Road. Pedestrian access will be provided from the north walkway to the building entry.

The applicant has provided a landscape plan for review that shows a total of 120 trees are required to be planted based on the size of the building and number of parking spaces. The landscaping along Diley and Busey Road is done in conjunction with mounding and a landscape hedge. The urban forester has reviewed the plans and its compliance with the tree number and genus diversity requirements.

Staff discussed the proposed utilities for the project noting that there is enough capacity to serve the site. The site lighting will be handled with wall lighting around the building with the exception for one parking lot light in the southeast corner of the parking area.

Staff presented the building elevations to the commission noting that it is proposed to be made from precast concrete wall panels with accent paneling around the office entryways. The office entries feature glass and metal canopy

systems. The applicant has also added a false office entry on the eastern property line to break up the elevation against Diley Road. The roof height has also been held on the building to break up the façade and massing.

The CEDA Land Use Committee met on June 9 to review the proposed application and recommended its approval as presented. Staff is also recommending Site Development Plan application #SDP-22-004 be approved as presented. The proposed plans meet all of the requirements for the Canal Winchester Zoning Code.

Mr. Deeds asked if there are any plans to improve Busey Road. Staff indicated that there are no improvements planned at this time. The traffic study for this project did not warrant any improvements but as development in Canal Winchester, the township and Pickerington continue new traffic studies will be done.

Mr. Deeds asked staff how large the old Prologis building is on Dove Parkway. Staff indicated it is 240,000 sq. ft.

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

Gavin Jones introduced himself to the commission and noted that they have worked very diligently to try and meet or exceed all code requirements. Mr. Jones also noted that they wanted to acknowledge the importance of the dual frontage and have designed the building accordingly. This building is designed for flex warehouse with heavy office, lab and tech industries. The rear of the building has only been designed with an initial 12 dock positions as in their experience the types of users that rent this space do not have heavy truck traffic.

Mr. Deeds asked the applicant if the ratio of employee parking was adequate. Mr. Jones responded saying that the 1 space per 1,000 sq. ft. is a comfortable amount that they typically try and reach.

A motion was made by Brad Richey, seconded by Steve Buskirk that Site Development Plan #SDP-22-004 be approved as presented.

The motion carried by the following vote:

Yes: 4 – Richey, Wildenthaler, Deeds & Buskirk

Old Business

Staff updated the commission on previously approved projects and the status of their construction.

Staff informed the commission that the Steering Committee had their first official meeting for the Comprehensive Plan and there will be opportunity for public engagement in the future.

New Business

Adjournment

Time Out: 9:00 pm

A motion was made by Brad Richey, seconded by Rick Deeds, that this Meeting be adjourned.

The motion carried by the following vote:

Yes: 4 – Richey, Wildenthaler, Deeds & Buskirk

Date

Chairman – Joe Donahue

Secretary – Brad Richey