

Canal Winchester

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



Meeting Minutes

Monday, July 11, 2022

7:00 PM

Planning and Zoning Commission

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

Call To Order

Time In: 7:02pm

Declaring A Quorum (Roll Call)

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

The motion carried by the following vote:

Yes: 4 – Richey, Wildenthaler, Serna & Donahue

Excused: 2 – Deeds & McDonnell

Approval of Minutes

June 21, 2022 Planning and Zoning Commission Meeting Minutes

Minutes for June 21, 2022 were not available for review for the July 11, 2022 P&Z Meeting

Public Comment

Public Oath

Public Hearings

DUE TO A TECHNICAL ERROR, THE RECORDING FOR THE 7/11/2022 P&Z MEETING HAD NO AUDIO. THE FOLLOWING MINUTES ARE A BRIEF SUMMARY OF EVENTS

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

Variance application was withdrawn by the applicant

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 the proposed Sheetz fuel center to be located on the corner of Winchester Pike and Gender Road. The request is for a variance from Chapter 1189.12(l) of the signage code to allow for “halo” signage to be attached to the gasoline pumps. Staff discussed

that this application was tabled during the June 21 P&Z Meeting by the applicant to provide additional information for the commissions review.

Staff discussed that the sign code prohibits any type of sign attached to a gasoline pump. An example of what a typical Sheetz fuel center looks like with the additional point of sale advertisement that is attached to the pumps. Staff noted that the example shows an electronic message display, pump topper, pump topper-topper, side pump display, and halo signage.

Staff noted that the recent Friendship Kitchen was permitted to have the halo type signage with their recent project.

Staff recommends that variance #VA-22-010 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.

The commission asked the applicant if there was any intent on switching out the request for the electronic point of purchase display signage for any of the other examples of signage staff presented such as the pump topper. The applicant indicated that they have no intention on asking for any additional signage at the pumps. They were exploring having the electronic message display being activated by the customer and not automatic but they do not have the ability to do that at this time.

The commission asked if the halo type signage is common on other fuel centers in the city. Staff indicated that the halo band is a structural part of the fuel pump from what they can tell. It houses the hoses for the fuel. The common practice is to put the fuel center name in that location. Staff has no issues allowing that type of signage but is concerned about the point of purchase displays.

Mrs. Green asked the commission to confirm that the conditions of approval as outlined by staff allow for the digital display for the customer to select the fuel price and ask if they want a receipt and other standard prompts. Staff confirmed to the commission that that information is not regulated or restricted by the sign code.

Mrs. Green asked if the conditions of approval prohibit the federal requirement to display information on ethanol blends in the fuel and fuel grades along with other requirements. Staff indicated that those examples are not considered

regulated signage and is allowed in Chapter 1189.11 for signs permitted without a sign permit.

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

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

The motion carried by the following vote:

Yes: 4 – Richey, Wildenthaler, Serna & Donahue

A motion was made by Brad Richey, seconded by Joe Donahue that Variance Application #VA-22-010 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.**
- 4) The variance approval does not restrict signage required for the usability required information postings related to the fuel stations, as indicated in Chapter 1189.11.**

The motion carried by the following vote:

Yes: 4 – Richey, Wildenthaler, Serna & Donahue

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 the Sheetz fuel center on the corner of Winchester Pike and Gender Road. The applicant is requesting a variance from Chapter 1189.10(b) to allow for 6 temporary yard signs to be up for 35 days and 2 feet from the property line. This application was tabled during the June 21 P&Z Meeting by request of the applicant to provide more information for the commissions review.

Staff discussed that the sign code for temporary yard signs are regulated by their size, can be up for a maximum 14 days, must be 10 feet from the property line and there is a max of 2 signs per business per year. The applicant is requesting to exceed that amount with this request.

Staff noted that the applicant says they want this variance for the hiring events for the store opening. However, staff's concern is the variance would not be time specific and granting the variance would allow for the applicant to have more signs closer to the street every year, not just this one occurrence. Now hiring signs is something that can be done administratively and there was no need to file the variance request.

Mrs. Green noted that all they are asking for is to hire local residents to this store. The signs will only be up for a 35 day period total.

The commission noted that while the request is simple from the applicants end, the possible repercussions from the city end seems large.

The commission noted that they are several months from needing this type of signage and asked the applicant if they would be willing to work with staff to figure out a path forward. The applicant affirmed and requested for the application to be tabled.

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

Kathleen Vasko spoke to the commission noting that this area is congested and a conservative approach to signage would be appreciated. There is no need to create a dangerous situation with the signage when the code is there.

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: 4 – Richey, Wildenthaler, Serna & Donahue

A motion was made by Brad Richey, seconded by Joe Donahue that this application be tabled.

The motion carried by the following vote:

Yes: 4 – Richey, Wildenthaler, Serna & Donahue

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 the Sheetz fuel center on the corner of Winchester Pike and Gender Road. The applicant is requesting a variance from Chapter 1181.11(h) to allow for three (3) construction banners to be located 2 feet from the right-of-way.

Staff discussed that construction banners and coming soon signage is permitted without a sign permit as long as there is no more than 1 per business and that they are 32 sq. ft. or less and be 10 feet from the right-of-way. The applicant is requesting to have more than one construction banner and would like for it to be as close as 2 feet from the right-of-way. Staff discussed their concerns with the request.

Mrs. Green noted that the signage is smaller than what is allowed and they display different information. The signage is going to be up for a small window of time to help hire employees to the store.

The commission discussed that this request is similar to the last. The concern is how many more projects will ask to deviate from the code requirements because Sheetz got to do it.

Staff noted that the applicant is permitted to have construction signage and the code does not restrict that. The request is to exceed the allowable limit.

The commission asked the applicant if they would table the application to work with staff on this variance request and the last. The applicant asked the commission to table the variance.

Mr. Donahue 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, Serna & Donahue

A motion was made by Brad Richey, seconded by Kevin Serna that this application be tabled.

The motion carried by the following vote:

Yes: 4 – Richey, Wildenthaler, Serna & Donahue

VA-22-013

Property Owner: Andrew Alspach

Applicant: Andrew Alspach

Location: 963 Groveport Road

Request: Variance to Section 1115.03(10) to remove the requirement for a sidewalk along the public right-of-way.

Mr. Moore presented the application for Andrew Alspach for property located at 963 Groveport Road. The applicant is requesting a variance from Chapter 1115.03(10) from the subdivision regulations to remove the requirement for a public sidewalk along the right-of-way.

Staff presented the application to the commission and noted that the previous 710 sq. ft. single family home was demolished for the construction of a new 1,500 sq. ft. home on the same lot. The applicant was required to show a sidewalk on the plot plan for the new home construction in order to submit for the building permits. The applicant expressed that they did not want to construct a sidewalk as none of the other homes have them along Groveport Road. Staff notified the applicant that they had the ability to apply for a variance to not install the sidewalk prior to obtaining an occupancy certificate if they wished.

Staff discussed in 2015, the Planning and Zoning Commission approved Variance Application #VA-15-002 to remove the requirement for a sidewalk along the frontage of 829 Groveport Road with the construction of a new single-family home after the previous home was destroyed by fire.

Special circumstances and conditions do not exist which are applicable to other lands and structures within the same zoning district. However, none of the existing 12 residential homes on the south side of Groveport Road have sidewalks for this property to connect into. A literal interpretation of this zoning code would require the property owner to construct a public walkway along the 83 feet of frontage along Groveport Road. None of this existing properties have public walkways in the right-of-way and the property at 829 Groveport Road was granted a variance from constructing their public walkway after their residential home was rebuilt after a fire in 2015.

Staff recommends that the variance from the sidewalk requirements in Section 1115.03(10) be approved as presented. Staff believes that the sidewalk requirement for this portion of Groveport Road is not necessary due to its lack of connection to the rest of the sidewalk system throughout the city. The city has constructed an 8' wide bike path along the northern side of Groveport Road that connects to existing bike path routes and will provide adequate access to the city.

Laura Crumbacher representing the application spoke to the commission noting that there is a challenge with grading on Groveport Road to do a sidewalk and

none of the other homes have one. Noting that there is a public trail across the street that could be used to get into town.

Mr. Donahue 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, Serna & Donahue

A motion was made by Kevin Serna, seconded by Joe Wildenthaler that Variance Application #VA-22-013 be approved as presented.

The motion carried by the following vote:

Yes: 4 – Richey, Wildenthaler, Serna & Donahue

VA-22-014

Property Owner: Daniel Robert Inc

Applicant: Jason Heitmeyer

Location: PID 184-000180, 184-000181 & 184-000182

Request: Variance to section 1161.02(c)(2)(B) to remove the requirement for a basement on new residential home.

Mr. Moore presented the application for Jason Heitmeyer for property located at PID 184-000180, 184-000181 & 184-000182. The three parcels consists of lots 50 – 52 of the Dixons Addition along Clinton Alley. The applicant is requesting variance approval from Chapter 1161.02(c)(2)(B) to remove the requirements for a basement under a single family home over 20 foot tall.

Staff discussed that the subject parcels are vacant residential lots along Clinton Alley that are within the Old Town area subject to Landmarks approval. The applicant received approval in May 2022 to construct three single-family homes on the subject parcels. The homes are designed to be 1.5 stories tall and range from 1,815 sq. ft. to 2,057 sq. ft. Each of the homes are over 20 feet tall. Section 1161.02(c)(2)(B) of the Zoning Code, which regulates supplemental standards for new dwellings in the OT-SF zoning district, states: "Any building with a height in excess of one and one-half stories or twenty feet shall have a basement."

The applicant submitted for Civil Engineering Plan review with application #ER-21-007 to review the utility extensions and grading for the proposed single-family homes to be constructed. During the review, it was determined that the sanitary lift station that will provide sanitary service to the lots has had record high flows that exceed the elevation of the basements to the single-family homes. It was suggested by the Sanitary Sewer Superintendent that the basements be removed from the homes to minimize any potential flooding impacts during a storm event.

Special circumstances and conditions exist which are not applicable to other lands within the same zoning district. This property is proposed to be served by the sanitary sewer lift station located adjacent to lot 182 along Groveport Road. This lift station has the capacity to serve these properties but has high flow data that has been higher than the finished floor elevation of the basement. Due to the proximity of these homes there is concern for potential backups. The literal interpretation of the zoning code would require the homes to have basements due to the total height of the homes exceeding 20 feet. While it is hard to know exactly, it is conceivable that virtually every home in the OT-SF zoning district does have a basement. Special conditions and circumstances does not result from the actions of the applicant. The applicant was committed to meeting the code requirements for the basements and during the civil engineering review process it was determined that from a city stand point it may not be the best long term idea for these lots.

Staff recommends that the variance for the basement requirements for PID 184-000180, 184-000181 & 184-000182 be approved as presented.

Mr. Deeds asked staff why there is the rule for the home to have a basement if it is over 20 feet tall. Staff discussed that they thought it was a quality control measure at the time.

Mr. Richey noted that there is a valid engineering reason for this application. This is a prime example for why the variance process exists.

Mr. Donahue opened up the application for a 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, Serna & Donahue

A motion was made by Brad Richey, seconded by Kevin Serna that Variance Application #VA-22-014 be approved as presented.

The motion carried by the following vote:

Yes: 4 – Richey, Wildenthaler, Serna & Donahue

FDP-22-002

Property Owner: NorthPoint Development
Applicant: NorthPoint Development
Location: PID 181-001307, 181-000157 & 180-000211
Request: Final Development Plan for Phase 2 of the Canal Crossing Industrial Park.

Mr. Haire presented the application for NorthPoint Development for the Final Development Plan application for Phase 2 of the Canal Crossing Industrial Park. The applicant is requesting approval to construct two speculative industrial buildings. The first 525,000 sq. ft. and second 540,000 sq. ft. Both buildings are located on the southwest corner of Bixby Road and Rager Road.

Mr. Haire discussed that City Council adopted a Preliminary Development Plan with Ordinance 220916 with the rezoning of this site the Planned Industrial District. Council set up the PID zoning district to have a more direct set of zoning standards for the project to address concerns by the Council and the general public.

The proposed site plan calls for the construction of two speculative industrial buildings totaling 1,068,000 sq. ft. The site plan shows two access points into the site from Bixby Road. The first access point is between the two buildings and will serve as the only access point for the west building. The second access point is in the center of the east building approximately 450 feet east of the first and more than 400 feet from Rager Road. The last access drive is from Rager Road. It will serve as a truck access for the east building. All access points meet the spacing requirements as specified in the Canal Winchester Thoroughfare Plan. Full access points on a minor arterial road (Bixby Road) are required to be spaced a minimum of 400 feet apart.

The planned development text set the maximum driveway width at 36 feet. The proposed plans comply with access points specified at 25 and 30 feet in width. The planned text also set the required minimum parking as one space for each 2,000 square feet of building area. The proposed plan requires 264 spaces for the east building and 270 spaces for the west building. As proposed the east building has 360 parking spaces and the west building has 295 spaces both exceeding the minimum requirements.

A traffic study has been prepared and has been approved by the Franklin County Engineer, the Ohio Department of Transportation and the Canal Winchester City Engineer. The development text requires that prior to building occupancy all traffic improvements required per the traffic study are completed. These were shown on the Roadway Improvement Exhibits date 01-14-22 and have been included in the submittal.

- A. These improvements include a Bixby Road widening to 28 feet west of the access drives and 36 feet from Rager Road to the access drive between the buildings.
- B. The improvement of the Bixby Road and Winchester Pike intersection to include the addition of a right turn lane for east bound traffic on Bixby Road.

- C. A \$500,000 contribution to the City of Columbus towards improvements to the Gender Road and Winchester Pike intersection. The City of Columbus is currently completing a safety study of the Gender Road corridor that will further define necessary improvements.
- D. Closing Rager Road north of US 33 and constructing a cul-de-sac.
- E. Constructing a right turn lane on US 33 for west-bound traffic.

The applicant will also be required to improve Rager Road from Bixby Road south to their proposed access point.

The development text states that the property needs to meet the standards of Chapter 1191 of the zoning code. In addition, it states that additional screening shall be required along US 33 and Bixby Road with mounding, landscaping, and fencing to screen loading areas and trailer parking from the right-of-way. The mounding shall have an average height of eight feet. The applicant has included mounding with a height of eight feet along US 33 and Bixby Road on each side of the west building. They have also included a five board stockade style fence along the top of the mound to provide additional screening. They have also included mounds adjacent to trailer parking on the east building to screen this area from US 33. All plans are compliant with the text in regards to additional screening. Mounding cross sections and perspective views from US 33 have been provided to confirm compliance.

The proposal shows that more than 600 trees are proposed on the site. The code requires 398 so the applicant is exceeding requirements. They have met the standards for diversity in plantings and also the screening of parking areas with a hedge row proposed along Bixby Road and Rager Road on the east building.

Lighting is required to meet the standards of Chapter 1175.02(e)(2). These are the Violet Point overlay standards. This allows for parking lot light poles to be a maximum height of 30 feet and with a maximum intensity of 20 foot candles and a required average between 1 and 3 foot candles. The proposed lighting meets these standards with 30 feet in height proposed with a maximum intensity of 13.2 foot candles and an average of 2.69 foot candles. The proposed wall mounted fixtures are cut-off style fixtures and not prohibited wall packs as specified in the development text.

An 8" water main is proposed to be installed on the south side of the east building. This public water line will connect to the 12" main that runs along Rager Road. The water service for each building would come from this new public water main. An 8" sanitary sewer will also be installed on the south side of the east building and extend to between the two buildings. This sanitary line will to existing 15" gravity sewer on the east side of Rager Road.

Storm water for the site is proposed to be handled with two large detention basins. The smaller detention basin will be located south of the west building along the US 33 frontage. This basin will be located behind the mound and will not be visible from US 33. The larger detention basin is proposed to be located off-site and across Rager Road in the field south of the existing Canal Crossing, Phase 1. The development text requires that all detention ponds include the use of fountains for aeration.

The development text requires that all facades of a building visible from a public right of way be broken up with architectural design elements. It also requires that the buildings be compatible with similar materials for construction and be colored in earth or natural tones. The applicant has provided color elevations for the proposed industrial buildings. Both buildings are proposed to be constructed of precast concrete panels. The buildings are proposed to be natural tones of grays, tans, and browns with paint changes designed to break up the massing of the buildings. All elevations feature window glass with the elevations facing US 33 on each building featuring significant glazing that highlights the office entryways and gives each building a more prominent entry.

The proposed roof heights vary to provide architectural interest. These panels also provide parapet walls that will screen any roof top mechanicals from view as required in the development text. No dumpsters, mechanical units, or generator locations are shown on the plans. The development text requires that their locations be screened from the public right-of-way if they are included.

Staff recommends conditional approval of FDP-22-002 with the following conditions:

1. That the roadway improvements specified in Ordinance 22-016 be completed prior to final occupancy of any building.
2. That the applicant improves Rager Road from Bixby Road south to the proposed access point to current public roadway standards.
3. That the additional road right-of-way be dedicated on Bixby Road and Rager Road.

Tim McElroy gave a brief presentation to the commission about the project. A project history was provided sharing the progress from the initial LM zoning to the PID development text with Council and the referendum committee involvement.

Mr. McElroy discussed the offsite contributions as part of this project including the Bixby Road widening, Bixby and Winchester Pike improvements, Winchester Pike and Gender Road agency funds, Rager Road improvements and Bixby Road interchanging funding valued at 2.8 million dollars.

Mr. McElroy touched on the Community Benefit agreement that will be done as part of the CRA process with the city that will provide 1.5 million dollars to the city.

Mr. Richey asked the applicant why the fencing does not extend the entirety of the southern property line between the church and the facility. The applicant indicated that the fence was to help screen the site from US 33 but they could add it along the church parcel if that is the commissions request. Mr. Richey noted that the fencing with mounding does look nice and it should be a standardized design for future projects.

Mr. Serna asked if the 1.5 million in community benefit agreement dollars is in addition to the 2.8 million towards roadway improvements or if it is part of that figure. Staff indicated it is in addition to the roadway improvements.

Mr. Donahue questioned how the improvements for roadway items offsite would be regulated. Staff indicated that those improvements would be required prior to a final occupancy on a completed building being released. Donahue asked about the items that are not in the city control like the TRAC process funding or the Winchester Pike and Gender Road improvements. Staff indicated we can set up agency funds to hold money for those areas specifically.

Mr. Richey had some hesitation on the right deceleration and turn lane on US 33 to Bixby Road east and asked if that improvement could be stalled to put the money and effort towards an interchange acceleration. Staff indicated that the deceleration lane is required by ODOT as part of the traffic study but the hope is that the TRAC process moves fast so that the turn lane is temporary.

The commission discussed limiting turn movements on Bixby Road to having right-outs at the access drives to have truck traffic turn east only. It was determined that is something that could be evaluated during civil engineering review and should not be a condition of approval by this board.

A motion was made by Kevin Serna, seconded by Brad Richey that Final Development Plan #FDP-22-002 be approved with the following conditions:

- 1. That the roadway improvements specified in Ordinance 22-016 be completed prior to final occupancy of any building.**
- 2. That the applicant improves Rager Road from Bixby Road south to the proposed access point to current public roadway standards.**
- 3. That the additional road right-of-way be dedicated on Bixby Road and Rager Road.**
- 4. The wood fence extends across the entire southern property line.**

The motion carried by the following vote:

Yes: 4 – Richey, Wildenthaler, Serna & Donahue

Old Business

New Business

Adjournment

Time Out: 8:48 pm

A motion was made by Brad Richey, seconded by Joe Wildenthaler, that this Meeting be adjourned.

The motion carried by the following vote:

Yes: 4 – Richey, Wildenthaler, Serna & Donahue

Date

Chairman – Joe Donahue

Secretary – Brad Richey