

Canal Winchester

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



Meeting Agenda Minutes - FINAL

September 18, 2017

6:30 p.m.

PUBLIC HEARING

City Council

*Steve Donahue - President
Will Bennett – Vice-President*

Bob Clark

Bruce Jarvis

Bobbie Mershon

Mike Walker

Call To Order

Mr. Donahue called the meeting to Order at 6:41pm

Roll Call

Yes: 6 – Bennett, Clark, Donahue, Jarvis, Mershon, Walker

Not present: 0

Purpose of Public Hearing[APL-17-002](#)

NOTICE OF APPEAL REGARDING THE DENIAL OF
CONDITIONAL USE APPLICATION CU-17-002 BY
PLANNING AND ZONING COMMISSION TO ALLOW
CERTIFIED OIL CONVENIENCE STORE AND FUELING
STATION AT 880 WEST WALNUT STREET

Appellants: Certified Oil Company and Robert and
Harold Stebelton

Attachments:

[CU-17-002 Certified Oil Appeal Letter](#)

[CU-17-002 Findings of Fact](#)

[CU-17-002 Staff Report](#)

[CU-17-002 EMH&T Certified Oil Traffic Study - June](#)

[CU-17-002 EMH&T Certified Oil Traffic Study - July](#)

[CU-17-002 Certified Oil Application](#)

Staff Presentation (15 Minutes)

*Moore: Gave staff report which was included within the packet;
Applicant is requesting property be redeveloped as a convenience market with
fueling station; June 12th planning zoning commission had public hearing from
application; p&Z tabled the decision; on July 10th p&z heard second public hearing;
They reviewed the updated materials; voting on that application was denied; due
to attendance it failed vote 3 to 2; Presented set back via slideshow presentation;
diagram how truck would enter to Gender Rd from Walnut to enter the facility;*

application bears the burden to prove that it's a conditional use to be used for this type; automobile convenience market in criteria A is met; It is not industrial use and does not meet the industrial use of the area; P&Z voted to not allow any more access to that road; Access would be needed in order for the application to move forward; Light signals can only be maintained with no other access; This is a very limited manufacturing areas with the exception of the Madison township fire department; applicant does meet criteria D; direct access does not comply with the current planning and zoning codes; recommended that current traffic and that signal be modified; recommended that applicant extend north bound turn lawn; Right lane is proposed to be extended; staff recommended that since they have not showed that they can meet all criteria; being incompatible with improved conditions of the area;

Appellants Presentation (15 Minutes)

David Hodge Zoning and planning attorney on behalf of Certified Oil: gave background of Certified Oil; Appealing planning and zoning denial of conditional use; reference appeal of the AutoZone and applauds council for the planning and zoning appeal came out on the right place and urges the council to do the same on the Certified application; Referring to Ohio and Planning law book; recites Ohio supreme court decision regarding planning and zoning; has a job to record the record he has to make; not his intent to make the council anger or law direct; same hold true for mayor and city staff; summarized hearing with the planning commission in June; felt it was a productive discussion thinking it was heading to approval; made tweaks to their plan according to feedback from the June meeting; lists changes that were made between both meetings; resubmitted that application; asked the staff for a meeting; noted staff accommodated them in the past; wanted to see if they were meeting expectation; was told from P&Z staff that they would not meet with him; received the 5 criteria with professional consultants; because staff refused to meet; contact the mayor; met with the mayor with the few certified representatives and Gene Hollins and gave a few suggestions; from that meeting he took in the considerations and suggestions and came back planning commission in July; gave presentation; discussed modification regarding some concerns; Motion was made to support their request; a majority that voted 3 yes' and 2 no's; we were told that because of the misinterpretation of that vote that it was denied; no questions were asked at the July meeting; after all

the good dialog; no questions regarding any of the modifications they made; 5 members were present; one member was not present at either meetings; another had to recues himself for conflict; displays codes that it takes majority vote of the full membership; says its vague and ambiguous; staff concede that they meet 2 of the 5 criteria; leaves 3 other criteria to address; states facts and traffic studies;

Public Comments – Five Minute Limit Per Person

Jess Knowlton 128 E. Columbus; certified oils are not pretty at other location; would like council to suspends any additions on Gender until traffic has been fixed on Gender; we have a traffic problem and we need to fix the traffic patterns;

Council Discussion and Questions

Mershon: looking at the P&Z vote; 2 dissents and 3 concur; Andrew: the voting is switched where no means yes and yes means no; Clark: how many total jobs will this create; Nick with Certified Oil: likely to have eight to ten full time and eight to ten part time employees; with a range of \$9 to \$10 an hour; to salary of \$50,000 a year; Clark: total payroll; Nick: around \$300,000 a year; Clark: what would be the city revenue \$6,000?; Nick: we would forgo the tax abatement; Jarvis: are you liable if that site was ever vacated to clean that our and remove all tanks; Nick: yes we would be liable; but if we sold the property and they never used a gallon of gas then yes would be liable; but if they did then they would be liable; State of Ohio require tanks to be registered as well as testing and checks; we pay into that; we are responsible for those tanks; state law holds us liable;

Bennett: the church that has been pending approval; will that require additional right in and right out; Andrew: yes part of their conditional use to Gender road so they are required to extend that access; That was a basis based of their traffic study; as their study said they needed to have that extra traffic based on the volume; Little different scenario; Donahue: don't we have an auto repair shop in the industrial area called Hoffman Auto?; Andrew: Yes; we found issue with their traffic study and traffic trying to go south; discussion regarding signal modification and traffic ensued;

Adjournment

Meeting adjourned at 7:28pm

A motion was made by Bennett, seconded by Clark, that this meeting be adjourned. The motion carried by the following vote:

Yes: 6 – Bennett, Clark, Donahue, Jarvis, Mershon, Walker