

# Canal Winchester

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



## Meeting Minutes

Monday, January 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: 7:00pm*

Declaring A Quorum (Roll Call)

**A motion was made by Joe Donahue, seconded by Brad Richey that Mark Caulk be excused.**

**The motion carried by the following vote:**

**Yes: 6** – Vasko, Wildenthaler, Donahue, Richey, Serna & Christensen

**Excused: 1** - Caulk

Approval of Minutes

December 9, 2019 Planning and Zoning Commission Meeting Minutes

**A motion was made by Joe Wildenthaler, seconded by Kevin Serna, that the December 9, 2019 Minutes be approved.**

**The motion carried by the following vote:**

**Yes: 5** – Vasko, Wildenthaler, Donahue, Serna & Christensen

**Excused: 1** - Richey

Election of Officers 2020

**A motion was made by Brad Richey, seconded by Joe Wildenthaler to appoint Bill Christensen as Chairman. The motion carried by the following vote:**

**Yes: 6** – Vasko, Wildenthaler, Donahue, Richey, Serna & Christensen

**A motion was made by Brad Richey, seconded by Kevin Serna to appoint Mike Vasko as Vice-Chairman. The motion carried by the following vote:**

**Yes: 6** – Vasko, Wildenthaler, Donahue, Richey, Serna & Christensen

**A motion was made by Brad Richey, seconded by Joe Wildenthaler to appoint Joe Donahue as Secretary. The motion carried by the following vote:**

**Yes: 6** – Vasko, Wildenthaler, Donahue, Richey, Serna & Christensen

Public Comment

Public Oath

Public Hearings

**VA-19-029**

Property Owner: Central Ohio Transit Authority  
 Applicant: Lee Beckman – Buckeye Investments LLC  
 Location: PID 184-003361 (1.57 acres on the south side of Trillium Ave.)  
 Request: Variance to Chapter 1199.06(b) to exceed the maximum site lighting intensity.

Mr. Moore presented the application for Lee Beckman for property located at Parcel ID 184-003361. The property owner is requesting approval for a variance from chapter 1199.06 of the Commercial Development Standards to allow for the canopy area for the detached fueling center to exceed the maximum 20 foot candle lighting intensity.

Staff discussed that the canopy as proposed features 18 canopy LED fixtures at 13,251 lumens. This equates to 1.5 fixtures per fueling pump station with the proposed lighting layout. The light levels under the canopy have an average of 24.9 foot candles and a maximum of 35 foot candles. Zoning requires the average intensity for lighting to be between 1 to 3 foot candles and the maximum intensity to be no greater than 20 foot candles.

Staff notes that Special circumstances and conditions do not exist. The applicant is requesting to increase the light levels under the gas canopy to be over 800% brighter than the average intensity and 175% brighter than the maximum intensity permitted. The applicant notes that the Conditional Use for a Convenience Market requires this site related variance for the function of that use. However, the applicant has not been able to substantiate how brighter site lighting is directly related to create a special circumstance that is not applicable to other structures or lands in the same zoning district. The applicant notes that without a variance safety is a concern. However, they have not been able to provide data on how safety will be compromised by meeting code required light levels.

The applicant discusses that the canopy lighting drops down to be 6 or less foot candles outside the shadow of the canopy. However, the applicant does not take into consideration that the site lighting is visible from the ground to the source of the light 16 feet above grade for anyone looking into the direction of the light source. The canopy lighting would affect the visual view of many properties surrounding the site creating unwanted and unpermitted light pollution.

Staff recommends that Variance Application #VA-19-029 be denied as presented. The applicant proposing to have the fuel canopy light levels far exceed the average light intensity and maximum light intensity permitted within the zoning district. The applicant should adjust the canopy lighting to be within the maximum 20 foot candle intensity permitted.

Mr. Donahue asked staff if the average as shown is 24.9 foot candles and the allowable is 20 foot candles. Staff indicated that the average allowable is between 1-3 foot candles for the entire site with a maximum anywhere at 20. The applicant has divided the lighting plan into two areas, one for the parking lot and another for the canopy. With the division the parking lot meets the

lighting requirements but the area directly under and around the canopy exceeds the lighting levels with a max at 35 foot candles.

Mr. Richey asked staff if they knew what the lighting levels were on fueling centers that have the new led fixtures under the canopies. Staff indicated that they did not have those figures as the other fueling centers were constructed prior to 2012 when the regulation for light levels took into effect.

Mr. Wildenthaler asked staff about the lighting levels on neighboring properties such as Jeff Wyler and the COTA site. Staff indicated that COTA meets the lighting levels as defined in our code because it is within the same zoning district as this proposed site. The Jeff Wyler property is within a different zoning district where parking lot light levels are regulated with just a minimum intensity and not a maximum intensity so theirs are greater than what would be permitted on the subject property.

Mr. Serna asked staff what another new gas station would be requesting for light levels. Staff stated that Friendship Kitchen originally requested the canopy to be at 45 foot candles but they lowered it to 35 foot candles to be closer to the maximum. The LED fixture that they chose is within the 5,000k light range which outputs a bright blueish white light that throws more foot candles at the ground.

Lee Beckman stated that their typical light levels are at 5,000k. The range of lighting is typically around 45 to 57 foot candles. However, they have adjusted this site to 35 to get closer to code requirements while still providing lighting that creates a safe environment.

Mr. Beckman further indicated that the BP in Canal Winchester is between 45 and 60 foot candles under their canopy. This gives you an idea of a typical fuel station. To reduce the canopy area to 20 foot candles would make it difficult for people to read the warnings on the fuel dispensers. For the new person who is just learning to fuel being able to read the operations are important.

Mr. Beckman commented that the LED lighting technology has changed the way fuel center lighting is done. With the new systems the lights are flushed mounted in the canopy and do not hang down to minimize light spillage. The edge of the canopy is also dropped down to reduce the 90 degree glare from the led fixture. Limiting the concerns with the glare and brightness of the fixtures is a priority while allowing for the lighting to be sufficient at the dispensers.

Mr. Wildenthaler asked the applicant if he is confident that as proposed the resident that came in last month and discussed their specific concerns with the

site lighting would not see a glare from this light canopy. The applicant indicated there would be no glare, only an illuminated area on the pavement.

Mr. Wildenthaler asked the applicant if they reduced the number of light fixtures from 18 to 12 what would the effect be on the foot candle measurement. The applicant indicated that reducing the number of lights would result in hot spots on the pavement where there would be areas that would be brighter than what is shown now to get the proper lighting. By providing more lights with less power you get a more even light source on the ground.

Mr. Richey asked the applicant if they could hit the code requirement with the same number of lights shown just by dialing back the intensity they put out. The applicant affirmed. Richey discussed that the question is not whether they can meet the lighting requirement or not, it's the success of the business at night if patrons do not go to the fuel center with lower lighting levels.

Mr. Christensen opened up the Public Hearing.

**A motion was made by Mr. Vasko, seconded by Mr. Richey that the Public Hearing be closed.**

**The motion carried by the following vote:**

**Yes: 6 – Vasko, Wildenthaler, Donahue, Richey, Serna & Christensen**

Mr. Donahue cautioned setting a precedent with the zoning variance but with the given application and location there is less concern.

Mr. Wildenthaler commented his one concern he heard from the public dealt with sight lighting.

Mr. Donahue asked staff if the variance could be approved and site lighting dimmed later. Staff discussed that the variance is for the life of the property so if the gas station never gets constructed the next applicant would be granted the brighter sight lighting.

Mr. Wildenthaler stated he would like to see the dimmer lights. Staff discussed that one option is to build the facility at the 20 foot candles and if there is an issue they come back and apply for the variance once you can visually see the difference.

Mr. Richey asked the commission if the concern is the maximum point in the center of the canopy at 35 or is it to be at 20 foot candles which is the average for the site that is permitted.

Staff stated that the recommendation from staff is to get the maximum foot candle to be at 20.

**A motion was made by Joe Donahue, seconded by Brad Richey that Variance #VA-19-029 be approved as presented.**

**The motion failed by the following vote:**

**Yes: 2 – Donahue & Serna**

**No: 4 – Richey, Christensen, Wildenthaler & Vasko**

**SDP-19-011**

Property Owner: Central Ohio Transit Authority  
Applicant: Lee Beckman – Buckeye Investments LLC  
Location: PID 184-003361 (1.57 acres on the south side of Trillium Ave.)  
Request: Site Development Plan for a 5,230 sq. ft. Convenience Market and Detached Fueling Station.

Mr. Moore presented the application for Lee Beckman for property located at 184-003361. The applicant is requesting approval for a Site Development Plan for a 5,230 sq. ft. Convenience Market and Detached Fueling Station. A Conditional Use approval was issued for the plans during the October 2019 Planning and Zoning Meeting. Since that time the applicant has received several variance approvals for the site layout.

The subject property consists of 1.57 acres located to the southeast of Trillium Ave and Gender Road. The subject property is zoned General Commercial and is one of the two outlots identified in the COTA park and ride development. The applicant is requesting the property be used as a Friendship Kitchen convenience market and fuel center. The property is proposed to include a 5,356 sq. ft. convenience market, 21 parking stalls, and 12 fueling stations at 6 pumps under a detached canopy. The subject site is a corner lot which has frontage on both Trillium Ave and Gender Road.

The site has two access points on Trillium Ave. The first is a right-in 122 feet away from Gender Road and the second is a 35 foot wide full access drive on the east property line. Parking is provided on three sides of the building with 10 parking stalls on the north side of the building.

The applicant has performed a tree survey on the site to identify the number of existing trees that will be removed for the project. Based on the tree replacement schedule in the zoning code, the applicant is required to plant 60 trees on site due to the number and size of the trees being removed. An additional 10 trees are required to be planted based on the size of the building and number of parking stalls, for a total of 70 trees. The applicant is proposing

to plant 34 out of the 70 trees on site and utilizing the payment in-lieu-of planting for the additional 36 trees.

The lighting plan shows 9 parking lot lights with a historic bell shaped fixture at 17 feet tall. The building lighting features 7 wall mounted fixtures under the metal awnings that shine on the pavement around the facility and 3 flood mounted wall fixtures to the rear of the building. The canopy features 18 led fixtures that shine down onto the fuel station area.

The applicant is proposing an 80.65 sq. ft. by 11.5 foot tall Complex Identification/Fuel Price Freestanding Sign. The Fuel Price Sign is approximately 52.9 sq. ft. and the COTA outlot identification is 22.36. The sign is proposed to be 33 feet away from Trillium Ave and Gender Road. The Complex Identification sign is proposed to be an aluminum cabinet with push thru acrylic logo's and lettering on a solid brick base.

The building shows wall signage on the north, east and west elevations over the entryways for facility identification. The north elevation features an additional sign to the right of the entry doors with a brand name tag line in a glass case. The fuel canopy has signage on all four elevations. The building signage meets the requirements of Chapter 1189.

Sanitary sewer and Water service is available from public lines that run along Trillium Avenue. The storm sewer system designed with the COTA development was sized to handle both outparcel A and B developments. The plans for the fuel station show the storm system tying into the COTA site.

The Commercial Development standards require that exterior walls be composed of 80% natural materials with brick or stone as the predominant material. The proposed elevations meet this requirement. The Development Standards require the building to have four sided architecture. The standards also require that for every 100 ft. of elevation width, each side and rear elevation must have 2 design elements and the front must have 3 design elements. Each elevation is less than 100 ft., the proposed plans meet the requirement.

The Commercial Development Standards require that the building feature 40% window glass between 2 and 10 feet on the North and West Elevation. Both elevations meet the 40% requirement. The applicant is proposing for the west elevation to have frosted glass on the windows. Per Chapter 1199.03(d) of the Zoning Code states "Frosted glass may be permitted in some cases, subject to the approval of the Planning and Zoning Commission."

The mechanical units on the roof are proposed to be screened by horizontal ribbed abs material finished in a dark bronze. The dumpster screen to the rear of the site is proposed to be screened by a brick enclosure with a wooden gate.

The fuel canopy is proposed to match the architecture of the building with brick columns to an upper canopy. The upper portion of the canopy does not state what material it is to be constructed from but features a flat roof with internally illuminated signage on all four elevations.

Staff has worked with the applicant on multiple revisions to the plans and recommends that the application for a Site Development Plan be approved with the following conditions:

1. The applicant reduces the fuel canopy light levels to be within the maximum 20 foot candle light intensity permitted by code.
2. The applicant does not have any exterior product storage or displays on site (i.e. windshield wiper fluid, fire wood, ice machine, propane tank, etc.).
3. The applicant does not have any temporary product signage or digital product message boards at the gas pump locations.

Mr. Vasko asked if the western façade has any bollards or curbing to separate the entry elevation from the pavement. Staff indicated the plans are unclear but based on the rest site plan it probably has curbing like the rest of the elevation.

Randy Schaffer representing the project noted that the western elevation will have curbing but the entry will be at grade. The color renderings are incorrect in terms of bollard placement. The site plan has the correct bollard placement. The building will also feature rooftop mechanical unit screens.

Mr. Beckman addressed the staff comment on the exterior products noting that there would not be any one site. With the message boards on the gas pumps, Mr. Beckman asked if an 8.5x11 pump topper sign is what is mentioned with staff condition number 3. Staff affirmed that the pump topper sign would not be permitted signage.

Mr. Beckman verbally agreed to conditions number 2 and 3.

Mr. Vasko asked the applicant about condition number 1 to have the canopy lighting to be at the maximum 20 foot candles. The applicant indicated that they thought it was covered in the variance denial. Mr. Beckman stated they have the ability to meet the requirements with the same installation but they would like the ability that if the lighting is not working out to apply again for a new variance to turn the site lighting up.



Mr. Schaffer asked the commission if the commission needs to hear the variance application prior to adjusting any site lighting in the future. The commission affirmed.

**A motion was made by Joe Donahue, seconded by Kevin Serna that Site Development Plan #SDP-19-011 be approved with the following conditions:**

- 1. The applicant reduces the fuel canopy light levels to be within the maximum 20 foot candle light intensity permitted by code.**
- 2. The applicant does not have any exterior product storage or displays on site (i.e. windshield wiper fluid, fire wood, ice machine, propane tank, etc.).**
- 3. The applicant does not have any temporary product signage or digital product message boards at the gas pump locations.**

**The motion carried by the following vote:**

**Yes: 6 – Vasko, Wildenthaler, Donahue, Richey, Serna & Christensen**

Old Business

Staff discussed with the commission the breakdown of number and types of applications that were reviewed during the 2019 year.

New Business

Adjournment

*Time Out: 8:01 pm*

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

**Yes: 6 – Vasko, Wildenthaler, Donahue, Richey, Serna & Christensen**

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Date

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Bill Christensen - Chairman

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Joe Donahue - Secretary