

# Canal Winchester

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



## Meeting Minutes - FINAL

**August 7, 2017**

**6:45 p.m.**

### **PUBLIC HEARING**

### **City Council**

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

*Bob Clark*

*Bruce Jarvis*

*Bobbie Mershon*

*Mike Walker*

*Jim Wynkoop*

Call To Order

*Donahue called the meeting to order at 6:50pm*

Roll Call

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

**Not present** – 1 Wynkoop

Purpose of Public Hearing

[APL-17-001](#)

NOTICE OF APPEAL REGARDING THE DENIAL OF  
CONDITIONAL USE APPLICATION CU-17-003 BY  
PLANNING AND ZONING COMMISSION TO ALLOW  
AUTOZONE AT 6348 GENDER ROAD (PID 184-002664)

*Appellants:* Casto Gender Road, LLC and AutoZone  
Development, LLC

**Attachments:** [CU-17-003 AutoZone Appeal Letter](#)

[CU-17-003 Findings of Fact](#)

[CU-17-003 Staff Report](#)

[CU-17-003 AutoZone Application](#)

Staff Presentation (15 Minutes)

*Andrew Moore: 17-003 Casto gender rd AutoZone llc: location 6348 Gender; existing zoning in general commercial; request is 11-67 to allow conditional use to the auto zone facility; 1.3 acres on the east side of gender rod; to the west is planned commercial district; applicant is to allow for service station and repair service; showing building elevation as this building was constructed for discount tire; the applicant would like to open an auto mobile convenient market and repair service at this location; you can see here what the applicant plans to do with the building; applicant noted that in their presentation to pz that they will primarily engage on automobile accessories; visiting to nearest auto zone; present typical*

*AutoZone application; according to AutoZone on their site they state that they have free testing and will test your battery and other item in the parking lot; according to our code; chapter 11;33 does not say the amount that make this a convenience market; with finding and fact pz adopted on June 12<sup>th</sup>; denial relies in denial of party to prove that it is not conditional use; enter in comments;*

### Appellants Presentation (15 Minutes)

*Mr. Miller: Exhibits 10 and 11 are prior letters to Mr. Hollins and mayor to show; quite frankly why this should be permitted tonight exhibit 12 it is very clear that in a general purposed for such retail store including misc. general merchandise store; misc. retail stores not else classified; selling merchandise they are not a retail store; repair and services; there is the definition of automobile convenience market; this is a place where gasoline is sold; AutoZone are less than 10 percent for convent market; not automobile repair services; we met 3 of the 5 criteria; they said it was partially compatible; safety is a non-issue there has never been an injury in the parking lot; AutoZone has a referral program; will ask patron to leave and give them a patron as to where they can got; extension maintenance program every year; upkeep has been satisfactory; Mr. Haydocy; Robert Wyler; found this site along with other are fully compatible; no adverse impact on property values in the neighbors or community; back to issue of safety; no customer has ever express a concern regarding our policy that allows customers to use tools to make repairs; should be allowed even as conditional use; it is fully compatible to the business up and down gender road; tab 15; this is the immediate area of the subject area; 13 if you look this is your own decision on the discount tire turn to page two paragraph 4 council conducted; council found for discount tire proposed use is found conditional use; the character of the neighborhood has not changed; specialty retailers like this ; in fact discount tire council concluded that the evidence does not adversely affect the public health and general welfare; otherwise to veer from this to deny this use to keeping with the neighborhood would subject the city to litigation; proposed use as conditional use it meets each of your codes criteria;*

*Casto: heard some questions of why AutoZone; when you look at this building; why can that be a restaurant; low on spaces for restaurant; building can't except*

*anything for drive through; multi-tenant retail we have 4 spaces that are current vacation; additionally we have lots still available to build on; we have enough problems with the exiting space; this is our job to what we can to get businesses in.,*

Public Comments – Five Minute Limit Per Person

*Pat Lynch – the problem you are running into there seems to be a lot of public sentiment about what is being built; we have a lot of tire store; you said you listed item 12 all different place tire store the Valvoline; that are automotive type facility; if you take a look at the population verse the quality we have; how many do we have per capa; how does that compare to a lot of other communities in that areas; so I think that is the general concern; I don't think we need any more automotive repair store; pz basically said that they felt it would demolish the property value; think a lot of people will agree we just don't want another automotive facility on gender rd.;*

*Joshua Steadman: 38 east Columbus street; grew up in an auto body shop can tell you that they actively promote that you can use as many tools as you would like; been to AutoZone alone don't have anything bad to say about them; seen advertisement about how they will do free diagnostics; large section in which they have tools for you to use; watched oil spilled all over the floor; confident would fail epa; just like my neighbor was saying it's not a bad business and one we have gone to we have too many already; a lot of people here know as soon as those business creep closer to the city it's the end;*

*Jess Knowelton; place is empty let's fill it up; AutoZone can go in there; can fill it with a restaurant; AutoZone don't have that value; we don't need another empty building; why do you want to have another empty building on gender rd.; it's not going to impact traffic;*

Council Discussion and Questions

*Donahue: were the AutoZones in Pickerington and Gahanna were they under conditional use; Joe: I do not know; Jarvis: variance to conditional use approval and whether it should even be here; Gene: those are tabled and have not been acted on; Bennett: sounds like you might have some numbers to those effects; Joe: AutoZone ; question was to do with per-capita with resident; Joe; market area said that CW is under served; just curious how you see the market underserved; Walker: no incidences on safety?; Joe: no, in fact; on the tool program you go in you put down your deposit you rent it for however long you need it; the deposit is for the value of the tool; 2 to 3 sales person at an AutoZone; they deter someone working in the parking lot; if somebody is actively repairing an automobile in that lot they are asked to move along; Jarvis: they sold me a belt and they provided me with the tool to put it one; made a need to make repairs in the open parking lot; AutoZone is looking at them as contained business;*

*Donahue: time frame council has to act on this: Gene 60 day timeline runs on a Sunday under our code means you get one extra day.*

Adjournment

*Meeting adjourned at 7:35pm*

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

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