

Canal Winchester

*CW Community Center
22 South Trine Street
Canal Winchester, OH 43110*



Meeting Minutes

Monday, July 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 Mike Vasko, seconded by Joe Wildenthaler that Kevin Serna, Mark Caulk and Brad Richey be excused.

The motion carried by the following vote:

Yes: 4 – Christensen, Wildenthaler, Vasko, & Donahue

Excused: 3 – Richey, Caulk & Serna

Approval of Minutes

**Brad Richey joins the meeting at 7:01pm.*

June 8, 2020 Planning and Zoning Commission Meeting Minutes

A motion was made Joe Donahue, seconded by Mike Vasko, that the June 8, 2020 Minutes be approved.

The motion carried by the following vote:

Yes: 4 – Christensen, Wildenthaler, Vasko & Donahue

Abstain: 1 – Richey

Public CommentPublic OathPublic Hearings**VA-20-003**

Property Owner: Crossroads Christian Church

Applicant: DaNite Sign Co.

Location: 6600 Bigerton Bend

Request: Variance to section 1189.06(a) to allow for an off premises freestanding sign.

Mr. Moore presented the application for Crossroads Christian Church for property located at 6600 Bigerton Bend. The applicant is requesting approval for a Variance from section 1189.06(a) to allow for an off premises sign to be located at PID 184-002666. Staff discussed that the parcel is owned by the City of Canal Winchester and has a drainage easement on the site for a portion of the Waterloo Crossing shopping center detention. The city has agreed to trade a signage easement on the parcel for maintenance of the groundwork.

Staff presented the proposed location for the sign and the sign being requested with the commission, noting that those details will be covered further in the following application. The applicants sign company went out on the site and

marked the proposed location for the sign and had OUPS verify that the location was not in conflict with any utilities. The proposed sign will be 7 feet from the Gender Road right-of-way and 2 feet from the Bigerton Bend right-of-way.

Staff is recommending that Variance Application #VA-20-003 be approved as presented. This intersection is the primary access point for both the church parcel and the outparcel to be developed, so signage at this location makes the most sense from a wayfinding perspective.

Mr. Wildenthaler asked staff if exact variance being requested is that the sign is not located on the parcel the church is on. Staff affirmed.

Pastor Tim Moore noted that the sign is being requested because back in 2016 a tentative buyer of the outparcel was in negotiation with the church. One of that buyers biggest concerns was not being able to have a sign at this intersection. Driving south on Gender Road, the commercial outparcel and the church is difficult to identify due to the tree line along the ditch. The sign is important for the success of that outparcel sale.

Pastor Tim Moore further noted that with the agreement with the city of the monument sign on this parcel, the church will take over maintaining the ground.

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

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

The motion carried by the following vote:

Yes: 5 – Christensen, Wildenthaler, Vasko, Richey & Donahue

A motion was made by Joe Donahue, seconded by Brad Richey that Variance Application #VA-20-003 be approved as presented.

The motion carried by the following vote:

Yes: 5 – Christensen, Wildenthaler, Vasko, Richey & Donahue

VA-20-004

Property Owner: Crossroads Christian Church

Applicant: DaNite Sign Co.

Location: 6600 Bigerton Bend

Request: Variance to section 1189.08(b)(1) & (3) to allow for a freestanding sign to be larger and taller than the setback requirement.

Mr. Moore presented the application for Crossroads Christian Church for property located at 6600 Bigerton Bend. The applicant is requesting a variance from section 1189.08(b)(1) & (3) to allow for a freestanding sign to be larger and taller than the setback requirement.

Staff discussed that the applicant has identified the location on the parcel for the sign at 7 feet from the Gender Road right-of-way and 2 feet from the Bigerton Bend right-of-way. The sign is a total of 16 feet tall and 112.5 sq. ft. The top 72 sq. ft. area on the sign is noted for the church identification and the bottom 20.7 sq. ft. is reserved for both future outparcel tenant slots.

Staff presented the site plan for the sign with the commission, noting that the sign placement is limited by the context of the area. There is an electric easement directly behind the sign and beyond the electric line is the detention basin easement for the shopping center.

Staff is recommending that Variance Application #VA-20-004 be approved as presented.

Mr. Vasko commented that based on the proposed location, the sign should be limited to 50 sq. ft. The applicant is requesting for the sign to be larger than 50 sq. ft. and also be closer to the right-of-way than 10 feet. That applicant is requesting they double the size of the sign and have it located less than the minimum 10 foot distance. Staff affirmed.

Mr. Richey asked if the 10 foot setback is just from Bigerton Bend. Staff indicated that the variance to be less than 10 feet from the right-of-way is for both Bigerton Bend and Gender Road.

Mr. Donahue asked staff if the variance is just for the location of the sign being less than 10 feet from the right-of-way. Staff indicated that the way our side code is written is that the size of a freestanding sign can get larger the further away it is from the property line. The applicant is requesting that the sign be over sized and closer to the property line.

Mr. Vasko asked staff what the maximum height for a freestanding sign. Staff indicated that a multi-tenant freestanding sign can be 16 feet tall if it is located 30 feet from the property line. The applicant is requesting that the sign be the maximum height but closer than 30 feet from the property line.

Mr. Vasko commented that the way the sign is being presented is that there will be a maximum of three tenants identified on the sign. The church and two potential others. Staff indicated that the way the draft of the sign is shown, yes.

Mr. Vasko stated that based on the future tenant slots, the letters for those tenant spaces could be two feet tall for a sign that is 10 feet from the road. Staff indicated that the sign is more likely 18 feet away from Bigerton Bend and over 50-60 feet from Gender Road.

Mr. Vasko noted he has a problem with the size of the sign being proposed.

Mr. Donahue asked the applicant what the zoning of the property is. Staff indicated it is zoned General Commercial. Donahue noted that the staff report has a typo and says it is zoned multi-family.

Mr. Wildenthaler asked staff if the sign being proposed is the same distance from the right-of-way and the same scale as the other shopping center identification signs further north on Gender Road. Staff indicated that the setback is very similar and that those signs north on Gender are probably taller.

Mr. Richey asked staff how tall the PNC bank sign is across the street. Staff indicated that it appears to be taller than 8 feet but they would have to check on the exact height.

Mr. Donahue commented that he does not have any issues with the design of the sign and based on the 40-50 foot setback from Gender Road the added height makes sense.

Staff indicated that the sign code dictates setback from right-of-way not edge of pavement because we do not want anything to be constructed within the right-of-way due to that being an area for public improvements.

Mr. Christensen asked if the applicant would like to make any comments

Pastor Tim Moore discussed that the design and location of the sign was aided by city staff. Pastor Tim noted that PNC bank is a single tenant and they have a larger sign, this proposed sign is for a multi-tenant identification.

Pastor Tim discussed that right now they are showing the church as being on the top panel but that is something that can be changed out. If there is a buyer on the outparcel that wants to be on the top the church would have flexibility to change.

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

A motion was made by Mike Vasko, seconded by Joe Donahue that this Public Hearing be closed.

The motion carried by the following vote:

Yes: 5 – Christensen, Wildenthaler, Vasko, Richey & Donahue

Mr. Richey commented that the right-of-way is in a very unfortunate location for this site in that it is setback much further from Gender Road than across the street at PNC.

Staff commented that when the city was looking at what restrictions they have on allowing a signage easement, the sign can not be located within the drainage easement for the shopping center. The tree line around the detention basin is

approximately the limit of the detention easement and the sign can not be located within that easement retained by the shopping center.

Mr. Wildenthaler asked if the existing landscaping around the pond is going to be an issue. Staff indicated that the existing trees will block some of the visibility. City Council has indicated that they do not like the existing landscaping in that area and are possibly going to look at altering it in the future. That could potentially help out the signage visibility.

Mr. Vasko commented that the proposal this evening is for a sign to be located on city property, be closer to the road than the ordinance allows, be twice as big as the ordinance allows at a congested intersection. This does not sound like a good idea.

Mr. Donahue commented he does necessarily disagree with Vasko's comment. But the church does not have much signage that is visible from this intersection besides this request.

Staff discussed that City Council overturned the variance approval by P&Z to allow for internally illuminated signage on the building. The signage that would be permitted is indirectly or externally illuminated wall signage.

Mr. Donahue asked staff if there has been any discussion for signage at the right in on Gender Road. Staff indicated that the church initially wanted to do the same sign on the right-in intersection and a second sign on Bigerton Bend. Staff indicated that they were not in support of the church having an additional sign at the right-in but if the outparcel wanted one in the future they could.

Mr. Donahue asked staff if there are any other variances on the books that have been approved for signage to be on city owned property. Staff indicated that the previous variance dealt with the location of the sign. The specifics of this variance is on size and location.

Mr. Donahue confirmed that the church is still planning on having signage on the building. Staff affirmed.

Mr. Wildenthaler noted that this sign is predominately there for folks traveling southbound on Gender Road. The building is visible heading northbound. While the setback of the sign might be a challenge with semi-truck parking, that should not be a constant scenario.

Mr. Richey noted that even if the sign gets approved as presented it is still a poor location given the circumstances.

Mr. Vasko commented that he thinks this sign is too big and too tall at 16 feet. Something around 12 feet would be more palatable as it will still be easy to see. At 16 foot he cannot support the sign but at 12 foot he would support the height.

Mr. Wildenthaler asked staff what the height of the PNC sign was. Staff indicated that they can provide that information at a later date.

Mr. Donahue asked the commission if that before they vote this evening, is there the opportunity for the applicant and staff to provide additional information. Staff indicated that the applicant does have the ability to request the application be tabled on their end this evening to work on the application content based on the discussion.

Mr. Richey stated that he would like to see a rendering showing the view of the sign as proposed heading southbound on Gender Road to see how visible it is. Does a 12 foot sign work or does it need to be 16 foot tall.

Pastor Tim commented to the commission that he is comfortable tabling the application to work on addressing some of the commission members comments and concerns.

A motion was made by Brad Richey, seconded by Mike Vasko that Variance Application #VA-20-004 be tabled to the August 10 meeting so that the applicant can work on provided additional information for the commission to review.

The motion carried by the following vote:

Yes: 5 – Christensen, Wildenthaler, Vasko, Richey & Donahue

VA-20-005

Property Owner: Marna Maynard

Applicant: Marna Maynard

Location: 6411 Dietz Drive

Request: Variance to section 1157.04(a)(2) to exceed the maximum 30% lot coverage to install an in-ground swimming pool

Mr. Moore presented the application for Marna Maynard for property located at 6411 Dietz Drive. The applicant is requesting approval from Section 1157.04(a)(2) to exceed the maximum 30% lot coverage to install an inground swimming pool.

Staff shared with the commission the proposed site plan noting that the pool and concrete puts the lot at 32.24% lot coverage.

Staff suggested that the P&Z commission should evaluate how they would like to determine lot coverage moving forward in the future. Currently, lot coverage is calculated by the ratio of all principal and accessory buildings or structures on

a lot to the total lot area. Included in this ratio are porches, decks, patio's and outdoor pools. Items like egress required stairs and driveways are not calculated in the lot coverage percentage. Noting, that many new homes exceed the 30% lot coverage once you take into account the 3 car wide driveways.

Mr. Richey asked if the new residential appearance standards take into account lot coverage. Staff indicated that they do not. Lot coverage is denoted in the zoning district designation and the residential appearance standards is an overlay.

Mr. Vasko asked staff if they are required to get approval from the Villages at Westchester HOA for the project. Staff affirmed. Vasko asked if we have a copy of that. Staff indicated that we do not yet but we typically request one for the file. Vasko commented that the variance runs with the land weather they construct the swimming pool or not so he feels that the HOA approval should be required as a condition of city approval.

Mr. Donahue affirms with Vasko's request for the HOA approval.

Mr. Christensen noted that he would like to see in the future how other municipalities calculate lot coverage or if there are even lot coverage requirements.

Richey agrees with Christensen especially because a lot of new development has much smaller lots with the same size home on them.

Mr. Christensen asked the applicant if they have anything they would like to comment on.

Mrs. Maynard stated that she has talked with the HOA and has conditional approval for the project, including the fence. The applicant further noted that the size of the pool itself keeps the lot under 30% but the patio added around the pool is what brought it over.

Mr. Christensen opened up the application for the public hearing.

Tom Richard, adjoining property owner discussed with the commission that he lives directly behind this lot and has no concerns with the proposal.

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

The motion carried by the following vote:

Yes: 5 – Christensen, Wildenthaler, Vasko, Richey & Donahue

A motion was made by Joe Donahue, seconded by Brad Richey that Variance Application #VA-20-005 be approved with the condition that the applicant provide a copy of the HOA approval to the city.

The motion carried by the following vote:

Yes: 5 – Christensen, Wildenthaler, Vasko, Richey & Donahue

FDP-20-004

Property Owner: Canal Investment Partners, LLC

Applicant: Canal Investment Partners, LLC

Location: Turning Stone Subdivision

Request: Amendment to the Final Development Plan Text and Exhibits regarding fencing.

Mr. Moore presented the application for Canal Investment Partners, LLC for an amendment to the Final Development Plan Text and Exhibits regarding fencing in the Turning Stone Subdivision.

Staff explained that the development text and exhibits does not indicate that a fencing barrier is permitted to be constructed within Reserve 'C' and US 33. The applicant is requesting to install a 6 foot white vinyl fence on top of the existing mound to provide visual screening between these units and US 33. Photographs of this area was provided for the commission to see. Staff also noted that the landscape plan shows they are going to plant additional trees between the fencing and US 33 for further long term screening.

Staff discussed that during the Preliminary Development Plan approval, the applicant requested a deviation from Chapter 1181.04(a) to reduce the amount of public open space from 25% to a minimum of 24%. Chapter 1181.04(a) notes that the "Mandatory Land Dedication Acreage shall be set aside in all residential developments for the provision of public areas in accordance with the municipality's park and recreation master plan. Such public areas shall be used as sites for public parks, open space and recreational areas..." Currently in the community there is 26.9% open space within reserves A-C. Staff discusses that the installation of fencing along Reserve "C" effectively makes that space unusable. Removing the usability of the 1.52 acres in Reserve "C" takes the amount of usable open space down to 17.2%, below the minimum 24% approved.

Within Reserve C, the city maintained a 20 foot easement along the entire north property line for the raw water line that provides water service for the entire city. The plans submitted show the planting of 51 evergreen trees on both sides of the vinyl privacy fence within a 20 foot area. North of lot 27, there is a note that the trees are to be planted 8 feet away from the fence.

The applicant has indicated that they are requesting to install the privacy fence to provide a visual barrier between this development and US 33. Staff has suggested that the applicant should increase the amount of landscaping and the

height of the mound within the area (without the vinyl fence) to achieve a similar affect. Long term maintenance of the fence is going to be a concern with keeping the vinyl clean from mold and mildew along with replacing sections of fencing as they get damaged over time. With the fencing belonging to the HOA it would be more difficult for the city to enforce.

Staff recommends that the request for FDP-20-004 be denied as presented. The applicant can submit an alteration to the approved civil engineering plans to modify the existing mounding and install additional landscaping to help screen the units from US 33 view.

Mr. Donahue asked staff why this issue is coming up now. Staff indicated that the building has expressed concern with the ability to sell units that backup to US 33 without the proposed fencing. The idea was if they could get a fence on the top of the mounding, that would provide for the highest point to get the most out of the screening.

Staff shared a photograph of a semi driving down US 33 with the commission noting that the grade of the roadway is higher than this site.

Mr. Donahue commented that he thinks the fencing would also be a safety and security item where it would help people from trespassing. However, with the landscaping on both sides this will help the site context blend but long term maintenance is an issue.

Staff indicated that in their opinion chasing down the HOA to get anything done is much harder than getting ahold of a single resident. When the fencing discussion was brought up, staff asked the developer if the fence could go on the rear property line and be owned and maintained by that lot owner. The developer expressed concern with that. Staff also asked if the fencing could be a natural material rather than a white vinyl produce and the builder said that financially they could not get that option to work.

Mr. Christensen asked the applicant if they had anything they would like to ad.

Jonathan Wilcox indicated that he is the developer of the ground and Ryan Homes is the builder. Shortly after Ryan Homes started development they found there was an issue with the lack of a buffer between this site and US 33. When the plans were created, on paper the provided mounding with the landscaping looked like it would provide the necessary screening. However, in person it does not work. The elevation of US 33 is still taller than the mounding that was added to the north property line.

Mr. Wilcox noted that there are four units sold that backup to US 33. However, in order to get those lots sold there was discounting involved on both the development side selling the lots and the home builders' side.

Mr. Wilcox discussed that he investigated why they did not build a bigger mound from the beginning and the answer from an engineering perspective was the limited 20 foot area to install the mound and getting the site to balance dirt wise. To go back and try and fix the mounding now involves removing all of the trees and that is something that they can not do.

The proposed fence was to provide the necessary screening. Staff requested that the fence be constructed out of wood and that was taken into account, but from a cost perspective and long term maintenance concern it was not feasible. The lower maintenance vinyl product specked is what was targeted. The landscaping that area was also going to be upgraded with 16 additional spruce trees that would be on US 33 side of the fence. Wilcox noted that the fencing was not one continual fence, and that based on the drainage breaks in the mounding the fence would be in three sections.

Mr. Wilcox noted that staff was concerned about the access easement into Reserve 'C' being impeded by the fence. Wilcox indicated that he is fine with removing part of the far eastern fencing to keep the 10 foot access easement available.

Mr. Richey asked staff if the access easement into Reserve 'C' is what staff noted to be concerned with because it reduces the amount of usable open space. Staff affirmed, but reminded the commission that the Preliminary Development Plan noting the 24% open space minimum was based on a totally different layout to the community.

Mr. Richey discussed that he understands the concern with the natural fence. However, he does not think that the cost for wood vs vinyl is more considering the additional 16 trees being proposed. From a long term maintenance, the wood is probably more. Richey asked the developer what the concern was having the fence be on the rear property line to be maintained by the home owner. Mr. Wilcox stated that the concern with the fence being on the rear property line is that the mound is just beyond the property line and the fence would lose 4-5 feet of height for the screening. The other concern would be that there are 8 homes already sold and that they would be getting a fence to maintain after the fact. Ryan has found that the HOA likes to control the consistency of the maintenance of those features. Richey responded that staff feels the HOA would be harder to get ahold of than 76 different property owners.

Staff discussed another concern from having the fence being constructed on the rear property line is the way the stormwater detention and piping has been constructed. The fence may impede drainage on the rear of the lots.

Mr. Donahue asked the applicant if fencing is cheaper than planting arborvitae across the entire top of the mound. Mr. Donahue said he does not have a big issue with the fence and understands both the city concerns and the developers concerns. Although, if there was a fence there vs no fence it would help sell him a lot.

Mr. Wildenthaler commented that the fence will not stop the traffic noise. Donahue agreed and said over time the landscaping will grow together and look nice but that will take 5-10 years.

Mr. Donahue asked the applicant if the development deed restrictions are written so that they cannot be amended for the first 20 years. Staff commented that they believe the development text said the HOA will be controlled by the developer for the first 15 years or until the last lot is sold. Wilcox commented that he thinks the HOA control was modified to 15 years based on feedback from Council.

Staff shared with the commission the number of lots platted with phase 1 of the development. Ryan was anticipating that 60% of the lots would be sold with the initial release of the development and they have that many home sites permitted through the city of construction. However, with the current situation with COVID this may have slowed them down.

Mr. Richey commented that he would like to see some sort of guarantee that at the end of the development when the HOA is turned over to the residents the developer goes back and ensure the fencing is in a like-new condition. That would provide a guarantee that the fence would be maintained up until the last unit is sold. Staff discussed the concern would be who from the city would be in charge of making sure that happened.

Mr. Richey commented that the sign for Winchester Village was owned by the HOA but is on private property. Now that the HOA is gone there is no maintenance being done on the sign and it is just an empty frame sitting there.

Mr. Wilcox indicated he had a better answer for the HOA concerns.

Mr. Wilcox commented that at one point ODOT was looking at installing a sound wall along US 33. Staff commented that the last plans they saw was the sound wall was going to be installed east of the High Street intersection and this site is west of the High Street intersection.

Mr. Wilcox addressed Donahue's question from earlier about adding additional landscaping. They looked at blanketing the mound with landscaping and it was also cost prohibitive. The fence they specked to install was around \$32,000. Planting this area with 300 arborvitae would be around \$75,000 at \$250 per tree.

Mr. Christensen commented that they could plant trees and fencing and by the time the fence looks back the trees are grown up so the fence could be removed. Staff indicated that this proposed plan is showing trees and fencing.

A motion was made by Brad Richey, seconded by Joe Donahue that Final Development Plan #FDP-20-004 be approved as presented.

The motion failed by the following vote:

Yes: 1 –Richey

No: 4 – Christensen, Wildenthaler, Vasko & Donahue

Old Business

Mr. Moore updated the commission that City Council overturned the variance approval for the Crossroads Church internally illuminated wall signs. After a discussion with the law director it was determined that a reverse channel letter or back lit sign would be considered indirectly lit signage and is not in conflict with the signage code. The church plans on updating their drawings accordingly.

Staff also discussed that City Council denied the resident in Winchester Village her appeal to keep her pet pig.

The Greengate development off Hill Road had its second reading at City Council and the third reading is scheduled for August 3rd.

Villages at Westchester Section 9 is ready for the 3rd reading August 3rd.

Mr. Richey asked staff of the progress of the Hampton Inn as it appears to be taking a long time. Staff indicated that they are not in a hurry due to Covid impacting the hotel industry so they are taking their time. Mr. Vasko noted that typically construction financing is cheaper than permanent financing so that could be playing a part right now.

New Business

Adjournment

Time Out: 8:51 pm

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

Yes: 5 – Christensen, Wildenthaler, Vasko, Richey & Donahue

Date

Bill Christensen - Chairman

Joe Donahue - Secretary