

# Canal Winchester

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



## Meeting Minutes

Monday, October 9, 2017

7:00 PM

## Planning and Zoning Commission

*Bill Christensen – Chairman  
Michael Vasko – Vice Chairman  
Joe Donahue – Secretary  
Brad Richey  
June Konold  
Joe Wildenthaler  
Drew Gatliff*

Call To Order

*Time In: 7:00pm*

Declaring A Quorum (Roll Call)Approval of Minutes

September 11, 2017 Planning and Zoning Commission Meeting Minutes

**A motion was made by Member Brad Richey, seconded by Member Joe Wildenthaler, that the September 11, 2017 Minutes be approved. The motion carried by the following vote:**

**Yes: 6** – Gatliff, Richey, Wildenthaler, Konold, Donald and Vasko

**Abstain: 1** - Christensen

Public CommentPublic OathPublic Hearings**VA-17-016**

Property Owner: Kenneth W Boggs

Applicant: Kenneth W Boggs

Location: 6347 Galston Ct.

Request: Variance to section 1157.04(a)(2) to exceed the maximum 30% lot coverage for a rear deck expansion.

Mr. Moore presented the application for Kenneth Boggs for property located at 6347 Galston Ct. The applicant is requesting approval for a variance from section 1157.04(a)(2) of the zoning code so that he can exceed the maximum 30% lot coverage on his property for a rear deck expansion. On September 8, 2017 the city was notified that the property owner constructed a deck on the rear of his home from a resident who was concerned about the location of the deck. Upon inspection, staff noted that the deck that was recently constructed did not have a building permit. The property owner was notified that a permit was required. The property owner submitted the required information to the city for review after receiving the violation letter. During the review of the plans staff noted that the deck that was constructed put the property over the 30% max lot coverage. The property owner was notified and a variance was filed.

Staff presented that previously in 2003 the property owner had constructed a deck without a permit from the village. At that time, the village inspector notified the property owner that a permit was needed to do the work and inspections were required. The property owner filed for a permit for the rear deck and received approval from the village. Staff discussed that the deck that was added in 2003 put the property at 29% lot coverage.

Staff discussed that while they were preparing the staff report for the variance application, it was discovered from review of the Franklin County Auditor Aerial Photography that the property owner had constructed another rear deck/addition in the 2008-2009 time frame. This deck expansion does not have a permit on file with the city. Mr. Moore discussed that the 2008-2009 structure put the property over the 30% lot coverage, and what was most recently added put the property further into non-compliance. Staff shared aerial photography with the commission for a visual reference.

Staff summarized by showing that within the city limits, properties are allowed 30% lot coverage maximum. The original house was constructed at 26.5%. The 2003 deck put the property at 29% lot coverage. The 2008-2009 deck placed the property at 33.95% lot coverage. The newest addition has the house at 37.11% lot coverage.

Staff is concerned that the property owner has made substantial improvements to the property without gaining the appropriate permits and approvals until he is caught by the city. It is more concerning that such a large improvement was made to the rear of the property in 2008-2009 without ever gaining any permits from the city to an addition that is clearly visible from the side streets. With the approval of the variance to allow the new 274.56 deck that was not permitted would put this property into further non-compliance of the 30% lot coverage maximum. Additionally, the new 2017 deck does not meet the minimum 8' side yard setback for the property. Granting this variance will also require a variance to Chapter 1183.02 (i) of the zoning code, which states, "No structure may project into a required side yard except in the case of a single nonconforming lot of record which is of insufficient width to meet the side yard requirements of the Zoning Code."

Staff recommends approval of variance application #VA-17-016 with the stipulation that the variance is to approve the 2008-2009 improvements only, and the 2017 addition of the 276.56 sq. ft. deck shall be removed. This variance will approve a total of 33.95% lot coverage on the property.

Mr. Donahue asked staff if the HOA had any involvement with the approval of any of the decks. Staff indicated they do not have a copy of any HOA approvals on file.

Mr. Vasko asked if it is the same property owner for all three events for the deck construction. Staff affirmed it is the same property owner.

Mr. Christensen asked the property owner if he had any statement he would like to make.

Mr. Boggs discussed the application with the commission and noted that the original deck that was constructed in 2003 was permitted through the city. When the hurricane that came through in 2008, it damaged the roof on the home. At that time he had the roofers extend the roof for the covered portion of the deck and added the second false balcony with the three pillars beneath it. At the same time they also constructed the cupola that is on the top of the house. All of that work received approval and Mr. Boggs explained he does not know why the city is saying it did not have any permits because he remembers the inspector on site because there were problems with the balcony that had to be fixed to meet code.

Mr. Boggs explained that in July 2017, when the city had the big flood, their basement was damaged so while the construction crew was out working on the basement they constructed the new deck addition. That deck expansion was always planned to be there, it was just delayed until now. The reason for it was so they could have patio seating and a table on the deck.

Mr. Boggs explained that the contractors working on the basement could work on the deck that same weekend, but they were not going to wait to get permits and inspections from the city because it would take too long, so they made him a deal on getting it done expedited. In addition, at that time, they installed a drain to kick the gutters out underground to the drain line in the rear yard.

The property owner discussed how he did not know there was a 30% lot coverage rule and has never heard of that before. Mr. Boggs explained that he backs up to the church field behind him, and that extra land would help compensate for the lot coverage. This house was constructed in 1999 and is the largest house on the street with the highest appraisal of the area.

Mr. Boggs discussed how after looking online, he sees that other properties have more lot coverage that he does with large fenced in yards with giant pools and patios that take up the entire yard. Mr. Boggs presented photographs of those examples in his application. The applicant discussed his concern on how these other properties were approved in the past and he is being denied his improvements.

Mr. Gatliff asked the property owner how far away from the property line the new deck sits. The applicant stated that he would have to measure how far away the deck is, but he thinks it is about 4-5 feet.

Mr. Richey commented to the applicant that 2003 a notice was filed that the deck needed a permit. In 2008 the roofers made major structural changes to the home. Mr. Boggs discussed that MI Homes constructed a small landing out he

rear doors when he constructed the home. After he moved in, he enlarged the decks and did not know he needed any permits to do so from the city but luckily the person who built it, constructed it to code so that it was allowed to be kept.

Mr. Richey clarified that minor work was done in 2003. In 2008, during the repair from the storm, major structural work was done. Mr. Boggs explained all they did was take the decks he had built and put the cupola on top and covered the original decks with the composite decking. Mr. Richey asked about the covered portion on the left side. The property owner stated that the roofing contractors built that too during the repair. That entire project went through the Home Owners Association.

Mr. Richey asked staff if the property owner received any permits for the 2008 addition. Staff indicated that they had no record of that construction. If the property owner has a copy, staff would be glad to add it to the address file.

Mr. Boggs explained that the cupola on the roof was a big deal to the Home Owners Association because no other home has one.

Mr. Donahue the property owner why did he construct a new deck in 2008-2009 after receiving a letter from the city in 2003. Mr. Boggs stated that he did receive approval from the city.

Mrs. Konold asked the applicant to confirm that the contractors offered him a deal so that he would not get permits from the city. The applicant stated that anytime he tries to get small jobs done, contractors do not want to come out to work. During the basement flood repair, while the people were there they offered to do the deck that same weekend. It was still built per code.

Mr. Gatliff stated that it is not built per zoning code. If you would have applied for the permit then you would have been aware that you were over lot coverage and it does not meet setbacks.

Mr. Boggs asked the commission when the 30% rule was adopted. Staff indicated that it has always been a part of the residential lot calculations.

Mr. Boggs asked if all properties in the city follow the 30% rule. Staff indicated that the Old Town District with the historic homes does not.

Mr. Wildenthaler asked the property owner why he did not get a permit for the 2009-2009 work. Mr. Boggs indicated he did receive approval from the city inspector and discussed the issues with the cupola construction. Wildenthaler asked if the deck was expanded during that time frame. The property owner affirmed that it was expanded and the two decks were connected.

Mr. Wildenthaler asked staff if they had any record of the 2008 deck on file. Staff indicated they do not.

Mr. Boggs asked staff if he would have been over on lot coverage if he extended the concrete around the deck. Staff affirmed that it is all coverage of physical items on a property.

Mr. Gatliff commented that if the commission approves staff recommendations then they would be granting a variance to exceed the 30% lot coverage by 3.95%. The new addition is beyond that. Gatliff added that his main struggle is that the property owner does the work and then asks for forgiveness and approval after the fact.

Mr. Christensen asked if there were any more questions for the application. No questions were asked.

Mr. Christensen opened up the application for public comment.

Resident Thomas Paige spoke to the commission. Mr. Paige commented that he likes his neighbor but he would like the deck to be moved as he is concerned how close it is to his property line.

Mr. Wildenthaler asked Mr. Paige how close the deck is to his property line. Mr. Paige stated he thinks it is pretty close, as the red bushes in the photograph are on the inside of his property line.

Mr. Paige asked how close can the deck be from the property line. Staff indicated that the house is built 11 feet from the property line and the deck can be no closer than 8 feet.

Mr. Paige commented that he really likes Mr. Boggs as a neighbor but is concerned that if he sells his house who would be the next neighbor.

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

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

**Yes: 7** - Christensen, Gatliff, Richey, Wildenthaler, Konold, Vasko and Donahue

Mr. Donahue commented that he thinks the deck looks nice. However, there are two parts to this variance. The first is the history of the property, and second is if there are permits on file. Donahue commented he does not know if it is worth

tabling the application to see if there is information that can be found showing that in 2008 the property owner received a permit for the construction or not.

Mr. Christensen added that the applicant could look for his records on the 2008 construction.

Mr. Moore clarified that it does not matter much if the property owner can find his village approvals from 2008 because if he does have a permit from that time, either the inspector or the zoning officer did not calculate the lot coverage for the deck. At that time, a variance would have been needed. The recommendation from staff is to remove the recent construction in 2017 and allow the 2008 construction to remain. Both scenarios would require a variance approval, but the 2008 construction is less lot coverage.

Mr. Donahue commented that the new 2017 structure also has a concern about setbacks in addition to lot coverage. Staff affirmed that is a concern, but there was no plot plan submitted for review to confirm.

Mr. Moore clarified that with the applicant's submittal for the variance he provided the square footage calculations for the 2008-2009 improvements with the auditor report. That is how the calculation for the structures going over the 30% lot coverage was calculated.

Mr. Vasko commented that his concern is that when you slide the scale from 30% to 33%, and you have a small house on the lot with large exterior improvements, the look of the neighborhood gets out of balance. It is no longer a house with a deck, it's a deck with a house attached. Lot coverage is very important to a community character. The property owner even stated that he has the largest house on the street, adding a deck that goes over the amount allowed makes the situation worse. The history of non-compliance is a major concern with people coming in after the fact. The compromise that staff has put together seems to be something that Vasko stated he is disinclined to meet the property owner in the middle.

**A motion was by Member Brad Richey, seconded by Member Drew Gatliff, that this variance be approved with staff recommendations that the variance is to approve the improvements that were made to the property in the 2008-2009 time frame which placed the property over the 30 percent lot coverage (33.95%), and the 2017 addition of the approximate 276.56 sq. ft. deck shall be removed. This variance approves a total 33.95% lot coverage on the property.**

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

**Yes: 5** – Christensen, Wildentaler, Richey, Konold and Gatliff

**No: 2** – Donahue and Vasko

**ZM-17-005**

Property Owner: Crossroads Christian Life Center, Inc.

Applicant: Joe Miller, Executive Pastor

Location: 6450 Gender Road (PID 184-000865)

Request: Rezone 4.73 acres located on the south west corner of Parcel 184-000865, located along Gender Road from AR-1 (Multi-Family Residential) to GC (General Commercial).

Mr. Moore presented the application for Crossroads Christian Life Center, Inc for property located at Parcel ID 184-000865, located at the southeast corner of Gender Road and Canal Street intersection. The applicant is requesting approval to rezone approximately 4.73 acres located along Gender Road from AR-1 (Multi-Family Residential) to GC (General Commercial).

Staff presented the application to the commission and commented that last month the applicant received approval from the Planning and Zoning Commission to increase the 1.2 acre future outparcel along Gender Road to the 4.73 acre outparcel being reviewed today. This outparcel is being requested to be rezoned to GC so that the applicant can sell it for future commercial development along Gender Road. Staff commented that in 2016 when the commission was reviewing the proposed church development plans, it was encouraged that the trend of commercial development could continue down Gender Road to the railroad tracks. Staff commented that this proposal achieves that goal with the future property having to follow the Commercial Development Standards while any standards development that is allowable in the AR-1 district would not.

Staff recommends the applicant's request for the rezoning of 4.77 acres along Gender Road from AR-1 (Multi-Family Residential) to GC (General Commercial) be approved as presented and recommended to City Council. This property was formerly zoned R-3, and with the shift along Gender Road to a major commercial corridor in the city, an additional commercial parcel along Gender Road makes viable sense for the property. In addition, with the property zoned GC it will be regulated by the Commercial Development Standards (Chapter 1199) of the Zoning Code to ensure the future building meet the design standards that the community has set forth for future development.

Mr. Moore asked the commission if there were any questions on the application.

Mr. Wildenthaler asked staff what the piece between the outparcel and canal piece consisted of. Staff indicated that is a detention basin for the shopping center in that area. That detention basin will be acquired by the city when the church property is developed.

Mr. Christensen asked if the applicant had any comments he would like to make. Mr. Miller had no statements to make.

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

**A motion was made by Member Brad Richey, seconded by Member Joe Wildenthaler, that this Public Hearing be closed.**

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

**Yes: 7** - Christensen, Gatliff, Richey, Wildenthaler, Konold, Vasko and Donahue

**A motion was made by Member Joe Donahue, seconded by Member Joe Wildenthaler, that the Zoning Map Amendment be recommended to City Council for approval.**

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

**Yes: 7** - Christensen, Gatliff, Richey, Wildenthaler, Konold, Vasko and Donahue

**VA-17-014**

Property Owner: Duckworth Family LP

Applicant: Daniel Duckworth

Location: 60 Elm Street

Request: Variance to section 1175.01(G)(7) to exceed the Old Town Sign Code for a multi-tenant sign.

Mr. Moore presented the application for Duckworth Family Limited Partnership for property located at 60 Elm Street. The property owner is requesting approval from Section 1175.01(G)(7) of the zoning code to exceed the Old Town Side Code for a multi-tenant sign. Staff shared with the commission the rendering for the proposed sign and the requested location.

The proposed site plan calls for a new multi-tenant monument sign to be located along Elm Street at the main access into the site. This sign is proposed to be setback 22' from the Elm/Oak Street right-of-way line. The applicant is requesting a variance from Chapter 1175.01(G)(7) of the Old Town Sign Code to construct a new multi-tenant sign. The proposed sign will feature each of the tenant's names and identify in which building they are located inside the complex. The sign proposed is 25 sq. ft. and will sit 7.66 feet tall. This sign will sit on a 1 foot tall brick base and will have a similar style to the Canal Pointe signage where it will display the complex name and address. This sign will have the required 75 sq. ft. of landscaping around the base and is planned to be externally illuminated.

Staff noted that the proposed sign does not meet the Old Town Overlay but does fall well under what would be allowable in the General Sign Code. With the sign proposed at 22 feet off the right-of-way, it could be as tall as 12 feet and as large as 74 sq. ft. Staff noted this is important due to the applicant reduced the size of the sign as much as possible in attempt comply with the Old Town Overlay.

The Landmarks Commission reviewed the variance application for the monument sign at the September 25, 2017 meeting. During that meeting it was discussed the unique nature of the site and how the applicant has scaled the sign to work as efficiently as possible to meet the Landmarks Guidelines while constructing an attractive sign. Additionally, the commission was positive with the major improvements to the entire property the applicant is proposing and recommends to the Planning and Zoning Commission that the variance for the multi-tenant monument sign be approved as presented.

Staff recommends variance application #VA-17-014 be approved as presented. The applicant's desire for a traditional monument sign in the Old Town Overlay does not fit the scale of the site. The applicant plans on having between 6-8 future tenants and to have the primary identification of these tenants be on the sign before someone ventures back into the complex. Staff thinks that the proposed sign is an appropriate scale where it is below what the general sign code allows, yet respecting the Old Town Overlay.

Mr. Christensen asked if the applicant was present. No applicant was present to answer questions.

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

Scott Hite with Madison Township Fire Department spoke to the commission and commented that his only request is that the sign have the addresses of the different tenants in the buildings on it to make it safer during an emergency.

Mr. Richey confirmed with staff that the variance request is for the size of the sign and not its layout or content. Staff affirmed it's a variance for the height and size.

Mr. Richey asked how does the fire departments concerns get addressed. Staff indicated that staff can address the final content of the sign during the sign permit process. Mr. Haire indicated that multiple addresses may be issued for this building, depending on the number of tenants that occupy that space.

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

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

**Yes: 7** - Christensen, Gatliff, Richey, Wildenthaler, Konold, Vasko and Donahue

**A motion was made by Member Brad Richey, seconded by Member Joe Wildenthaler, that this Variance be approved as presented.**

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

**Yes: 7** - Christensen, Gatliff, Richey, Wildenthaler, Konold, Vasko and Donahue

**VA-16-021**

Property Owner: BrewDog Columbus LLC

Applicant: BrewDog Columbus LLC

Location: 96 Gender Road

Request: Variance to Section 1189.12(i), 1189.08(a)(1), and 1189.08(a)(3) to allow a changeable copy sign that exceeds size and height based on its location.

Mr. Moore presented the application for BrewDog Columbus LLC for property located at 96 Gender Road. The applicant is requesting variances from section 1189.12(i), 1189.08(a)(1), and 1189.08(a)(3) to allow a changeable copy sign that exceeds size and height based on its location. Staff presented the location of the property and surrounding uses with the commission.

The applicant is seeking a variance to construct a reader board ("Cinema Board") style sign. This style sign is regulated by the zoning code as a prohibited sign, although it can be approved with a Conditional Use for institutional uses where the building/land is used for public purpose. The applicant is seeking a variance to allow a reader board sign, or referred to as a cinema board sign in the application, to allow the advertisement of brewery open times, menu changes in the taproom, along with special events that they host. The applicant has indicated a similar style sign is used inside the taproom.

In addition to seeking a variance for the style of sign, the applicant is requesting a variance to allow the sign to exceed the maximum height and total square foot size based on its location. The application is requesting that the sign be a total of 123.91 sq. ft. at 12 feet tall and be located 10 feet from the right-of-way line. This sign will feature the BrewDog name & Logo at 45.25 sq. ft. and a 52 sq. ft. manual changeable copy reader board. For reference, the right-of-way line is 37 feet from the edge of pavement along Gender Road, so the sign will be located 47 feet from the edge of pavement. This sign would be in compliance for its size and height if it was located 56 feet away from the right-of-way.

Staff discussed the design of the sign with the commission and that the majority of the sign is the reader board in the center of the sign. This reader board will be surrounded in a frame of open visible light bulbs that will remain static and not flash or rotate. The sides of the sign will feature metal fins that are perforated for a visual aesthetic and the top of the sign will feature the BrewDog shield logo. Staff noted that the logo will not rotate either and will remain static.

Staff shared a site plan of the signs proposed location with the commission and noted its relationship with the flagpole that is to be discussed further. Staff presented an alternative rendering showing where the sign could be relocated to comply with code for reference.

Staff recommends variance application #VA-16-021 be approved with the condition that this be the only monument sign for the property. This property is a tourism generator for the city and generates national guests that are trying to locate this facility. With the Brewery & Taproom being open since February, there have been lots of unforeseen challenges of the public trying to locate the facility and people getting lost. This sign will help direct visitors to the facility that is located roughly 660' off Gender Road.

Mr. Donahue asked staff if there has been any discussion with the applicant on moving the sign to meet setback requirements. Staff indicated that staff is supportive of the sign location due to the scale of the facility and the scale of the site.

Mr. Richey asked if there would be any site line issues with the sign located 10 feet away from the right-of-way. Staff indicated that the sign would be 47 feet away from the edge of pavement because the right-of-way is very wide in front of the site.

Mr. Christensen stated that if you move the sign further away from the right-of-way heading north the mound would be in conflict.

Mr. Moore clarified that the sign would be 47 feet away from the closest edge of the bike path, not the closest travel lane.

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

Resident Gary Bumpus spoke to the commission in regards to the monument sign. Mr. Bumpus stated that he feels BrewDog is being retroactive in that they are discussing complaints with the visibility of the restaurant they built that far away from the road and requesting a sign to exceed size to compensate for their issue is not OK.

**A motion was made by Member Joe Donahue, seconded by Member Brad Richey, that this Public Hearing be closed.**

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

**Yes: 7** - Christensen, Gatliff, Richey, Wildenthaler, Konold, Vasko and Donahue

Staff clarified that there is a representative from BrewDog available to answer questions, just not Keith Bennett.

Mr. Vasko commented he agrees with Mr. Bumpus that BrewDog is bringing items to the commission piecemeal and slowly getting what they want but taking the city code apart piece by piece in the overall picture. However, as this sign is proposed it makes sense with what was already approved for the site plan.

Mr. Gatliff commented he is thankful that BrewDog is applying for the variance request prior to erecting the sign.

**A motion was made by Member Joe Wildenthaler, seconded by Member Joe Donahue, that this Variance be approved as presented.**

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

**Yes: 7** - Christensen, Gatliff, Richey, Wildenthaler, Konold, Vasko and Donahue

**VA-17-013**

Property Owner: BrewDog Columbus LLC

Applicant: BrewDog

Location: 96 Gender Road

Request: Variance to section 1189.08 (a)(1) & (3) to install a 80 ft. flagpole with a 600 sq. ft. BrewDog "Shield Logo" flag.

Mr. Moore presented the application for BrewDog Columbus LLC for property located at 96 Gender Road. The application is seeking approval for a variance from Section 1189.08(a)(1) & (3) to install a 80 ft. flagpole with a 600 sq. ft. BrewDog "Shield Logo" flag. Due to the flag containing advertisement, it is not permitted as a typical flag, which can be flown without a sign permit. Staff recapped to the commission the update of this variance request from last month's meeting in which it was tabled.

Staff recommends variance application #VA-17-013 be approved with the condition that the flag be permitted to be flown only with an approved Special Event Permit with the city, rather than having the flag erected as permanent signage.

Chapter 1135.09 Temporary Use/Special Event Permit. "The following regulations are necessary to govern the operation of certain uses that are non-permanent in nature. Application for a Temporary Use/Special Event Permit, where applicable, shall be made to the Planning and Zoning Administrator, containing a graphic description of the property to be utilized, a site plan, a description of the proposed use, and sufficient information to determine yard requirements, setbacks, sanitary facilities, and parking space for the proposed temporary use/special event.

- (a) School or church functions, athletic events, public festivals, charity events or other community service activities are deemed examples of special events. Special events are subject to regulations of the districts in which such uses are located. Special Event Permits shall be valid for one (1) year in which all special event activities shall commence. Signs for special events are subject to Section 1189.10(c) of this Zoning Code."

Mr. Donahue asked staff if there is a limit on the number of Special Event Permits per year. Staff indicated that there is not limit. Donahue further elaborated that as long as they apply for a permit through staff they can fly the flag for fourteen days. Mr. Haire elaborated that the permit requires you to file the date of the event.

Mr. Moore clarified that a special event permit is coordinated with the city. These types of events are when people have large tents, need assistance with parking, sheriff's, etc.

Mr. Richey asked if the permit allows for the flag to be flown for that day or seven days before the event and seven days after. Staff stated that typically the sign would be flown for up to fourteen days prior to the event and removed they day after the event. Staff referred to the Chamber of Commerce Halloween 5K event and stated that for that event they are having the signage for the 5K up for fourteen days prior to the event. The intent of the signage allowable with the permit is to allow people to be aware of the event. In this case, for BrewDog, it would allow people to find the facility on dates when they have the large scale events.

Mr. Christensen asked if they could amend the request to only allow the flag on the day of the event. Staff indicated that would be at the discretion of the commission.

Mr. Gatliff asked staff if there is anything that would prohibit them applying for a special event permit for every two weeks. Staff indicated that there would have to be an event to issue the permit. They cannot just arbitrarily apply for a

permit if there is no need for one. Staff also indicated that the permit is not free either.

Mr. Haire stated that this section of the code was rewritten in 2013 to limit the number of days a business could have a tent per year.

Mr. Vasko asked what staff's recommendation is. Staff indicated that their suggestion is to approve the variance with the condition that it only be allowed with a special event permit.

Mr. Richey commented that he feels the flag shall be flown for the actual date of the event. Mr. Christensen agreed.

Mr. Haire stated that it is the trademark content that makes this item applicable for the variance.

Mr. Christensen asked if the applicant wanted to make any comments

Jessie Lang spoke to the commission in regards to the BrewDog flag. Mrs. Lang stated that she would like to amend the application so that they can fly the flag with a special event permit. BrewDog does have a large international following and that international visitors come to the Brewery prior to the actual event. Brewdog's goal is to be integrated with the Canal Winchester community. These events are to giveback to the community and do something cool and unique. The public event is important to the company.

Mr. Vasko asked the applicant to confirm if they would like to amend the application to go in sequence of a special event permit. The applicant affirmed.

Mr. Christensen opened up the application for public comment.

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

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

**Yes: 7** - Christensen, Gatliff, Richey, Wildenthaler, Konold, Vasko and Donahue

**A motion was made by Member Mike Vasko, seconded by Member June Konold, that this variance be approved as amended by the applicant at the meeting; to allow the signage to be displayed in accordance with Chapter 1135.09 for a Temporary Sign in conjunction with a Temporary Use/Special Event Permit.**

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

**Yes: 5** - Christensen, Wildenthaler, Konold, Vasko and Donahue

**No: 2 – Richey and Gatliff****CU-17-005**

Property Owner: BrewDog Columbus LLC

Applicant: Matt Mason

Location: 96 Gender Road

Request: Conditional Use from Chapter 1171.03(g) to allow a Hotel in the LM (Limited Manufacturing) zoning district.

Mr. Haire presented the application for BrewDog Columbus LLC, represented by Matt Mason for property located at 96 Gender Road. The applicant is requesting a Conditional Use from Chapter 1171.03(g) to allow a Hotel/Motel in the Limited Manufacturing zoning district. Mr. Haire updated the commission that Chapter 1171.03 was recently amended by Ordinance 17-029 on August 7, 2017 by City Council which allowed Hotels and Motels to be in the Limited Manufacturing district as a Conditional Use.

Mr. Haire indicated that the hotel as proposed is on the south side of the existing building, west of the existing patio. The 16,735 sq. ft. hotel on the ground floor. The hotel will feature a 8,300 sq. ft. sour beer brewery that will cover all three floors in an atrium. All three floors of the building will consist of hotel space with 25,305 sq. ft. with a small bar area and lobby. All of the hotel rooms will be accessed with an internal corridor. On the south end of the building, there will be a small patio to serve several rooms on the first floor. External staircases will be constructed on both the front and rear of the building.

Mr. Haire presented the access plan with the commission and shared that there will be a new turn-around to the rear of the facility for emergency access and the existing gravel fire lane will be paved. At the front of the building they are proposing to remove the gravel fire lane and replace with grass pavers. The bike trail will also be amended with this plan.

Thirty-four parking spaces will be added with this phase, plus twenty-eight spaces they recently constructed they meet parking requirements for this project. There are a total of 290 parking spaces for this facility, meeting the entire building parking requirements.

Mr. Haire shared the proposed renderings of the hotel and what it will conceptually look like to give the commission a better idea.

Mr. Vasko asked staff if any part of this application is approving the signage in the rendering. Staff indicated this application is only for the Conditional Use for the hotel.

Mr. Haire indicated that traffic flow was considered with the application and with a thirty-two room hotel, there are eleven PM peak hour trips based on the IT Trip Generation Manual. With the existing protected left turn lane that is over 200 feet long, with a left turn arrow there should be no adverse traffic impacts based on the size of the hotel. Staff further clarified that a Hotel also typically has off peak hours as well.

The applicant has shown with the submitted application materials that they can meet the criteria for approval of a conditional use permit as stated in Section 1145.03. Staff recommends that conditional use #CU-17-005 be approved as presented.

Mr. Donahue asked staff to clarify the ordinance that was adopted by City Council. Mr. Haire indicated that chapter 1171.03(g) was amended to allow Hotels and Motels in the Limited Manufacturing Zoning District, which are lodging facilities and subordinate eating and drinking facilities and recreational facilities given that the property is above the two-acre minimum size.

Mr. Donahue asked if zoning allowed hotels and motels in the Limited Manufacturing Zoning prior to August 7. Staff indicated that the Planning and Zoning recommended the zoning text update to City Council and it was passed on August 7, 2017 and took into effect September 6, 2017.

Mr. Richey asked staff about the fire departments request for a fire line loop around the building. Mr. Haire indicated that staff has been working with the fire department over the past few months and that is how the fire access to the front and rear of the building was finalized. The water main will be relocated around the building and will not be looped at this time. That will further be discussed during the Final Development Plan application.

Mr. Richey asked if there was a future business build-out plan for the site. Mr. Haire indicated that the master plan for the beginning calls out for an expansion to the rear of the building. There was never an intention to save the north-south tree line but they are committing to keeping those now to locate the hotel in the proposed spot. This will be the first Craft Beer hotel in the world. They originally wanted this as a long-term goal and it was pre-planned to be in front of the existing building but plans have changed. BrewDog would like to take advantage of the site amenities that already are there such as the restaurant and bar.

Mr. Richey commented his concern is that once this is done they will want to remove the north-south trees with a change of plans. Mr. Haire indicated that the tree line is over three hundred feet away from the rear of the building and he does not anticipate they are going to build that far back. In his position of

Development Director he would be extremely happy if the build a building that large, but does not foresee that happening in the rear future.

Mr. Vasko stated he is concerned about the loss of a major group of trees to be discussed in the next application.

Mr. Vasko asked staff to clarify the path on the south end of the site. Mr. Haire indicated that the path connects to the existing bike path on Groveport Road. The connection exists now; they are looking to amend it with the hotel construction.

Mr. Christensen asked if there was any comment that the applicant would like to make.

Matt Mason representing BrewDog indicated that he has no comments.

Mr. Christensen opened up the application for Public Comment.

Resident Gary Bumpus spoke to the commission in regards to the proposed landscaping plan for the BrewDog Hotel. Mr. Bumpus informed the commission that he is the Chairman of the Street Tree Advisory Board and quoted a few sections of the Landscaping Chapter of the zoning code.

Mr. Bumpus stated that the Street Tree advisory board meets with the City Urban Forester once a month and they discuss street tree plantings. Mr. Bumpus discussed that with the original construction very few trees were lost, which was great. However, with the new construction a significant amount of trees will be removed for the new hotel. Replacing large trees with greater canopy coverage with smaller trees is an issue.

Mr. Bumpus discussed that his Landscape Architecture background has him concerned that the hotel placement is in the area that will be impacted the most by the tree removal.

Mr. Moore informed Mr. Bumpus that the variance to remove the trees is the next application.

Mr. Bumpus asked the commission if he should wait to the variance hearing to discuss the trees further. Mr. Vasko advised he wait for the next application.

Mr. Christensen asked if there were any more comments from the public. No more comments were made.

**A motion was made by Member Brad Richey, seconded by Member Joe Donahue, that this Public Hearing be closed.**

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

**Yes: 7** - Christensen, Gatliff, Richey, Wildenthaler, Konold, Vasko and Donahue

Mr. Gatliff asked staff if a Conditional Use application is so that conditions can be placed on that use. Mr. Christensen stated a conditional use is for a specific use in a zoning district that needs to be reviewed as an appropriate use. Mr. Vasko further elaborated it is to look at approving a use that is normally not allowed but can be.

**A motion was made by Member Mike Vasko, seconded by Member Brad Richey, that this conditional use be approved as presented.**

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

**Yes: 7** - Christensen, Gatliff, Richey, Wildenthaler, Konold, Vasko and Donahue

**VA-17-015**

Property Owner: BrewDog Columbus LLC

Applicant: Matt Mason

Location: 96 Gender Road

Request: Variance to section 1191.02(a)(2) to not replace tree's being removed from the site for the proposed hotel.

Mr. Haire presented the application for BrewDog Columbus LLC for property located at 96 Gender Road. The applicant is requesting approval for a variance from section 1191.02(a)(2) of the zoning code to reduce the tree replacement quantity requirement. Mr. Haire presented the proposed site plan for the new hotel to the commission. As part of the construction process an existing farm fence row is being removed with the construction of the hotel. That existing fence row consists of 108 trees.

BrewDog is proposing to plan 108 new trees with the removal of the existing trees. Section 1191.02(a) requires that each tree greater than four inches shall be maintained and that if they are removed with an approved building plan that they are replaced on a one inch for one each replacement, in addition of one tree per one-thousand square feet of building ground coverage and one tree per six parking spaces. Mr. Haire identified the trees in question on a map.

As part of the variance BrewDog is committing to keep the north south tree line along the property and replace the trees one for one. None of the trees on this site are in a protected woodland map in the city. BrewDog's property was once owned by eastside nursery as a SOD farm and there used to be a greenhouse placed on the existing location of the current pond. When TS Trim purchased

the property they used it as an agricultural field. During the time it was an agricultural field, there would be no repercussions for removing any trees on the site. Because this property is now controlled by BrewDog and is going to be used to place a new structure on the site, a landscape plan is required for zoning and replacement is required to meet the landscaping code.

The applicant is requesting to plant 108 trees for the ones being removed and for the required trees needed to meet building and parking requirements. Section 1191.02(a)(4) indicates that the planting requirement may be waived by the Planning and Zoning Commission with a recommendation from the Urban Forester if the existing trees aggregate trunk sizes meet or exceed the planting requirement and are evenly distributed throughout the site. The Urban Forester has reviewed the plan and has consulted the applicant. Based on the variety and placement of trees on site he recommends approval of the variance after considering the future expansion plans of the business and the remaining trees on the site.

A letter was included in the packet that has a breakdown of the caliper inches removed and maintained, plus re-planted there will be 139 caliper inches in excess of building requirements. During the original building construction there was a commitment to maintain the east-west tree line but not the north south. The proposal now is to keep the north-south in return for removing part of the east-west.

Staff recommends variance application #VA-17-015 be approved as presented. The Urban Forester has reviewed and approved a landscape plan for the proposed site. The applicant has agreed to maintain mature trees on the site and plant a significant number of new trees to enhance the overall site. While not an inch for inch replace this proposal is a reasonable balance of protecting trees and allowing for a significant investment and further development of an industrial property.

Mr. Richey discussed that phase 1 of the construction the Planning and Zoning Commission waived the tree replacement requirement for the original building. Mr. Haire indicated they planted thirty-eight trees with phase 1 to meet the parking requirement, but they did not plant the one hundred trees for the building. Richey discussed that the north-south tree line appears to have far less trees. Mr. Haire indicated that tree line has ninety-four trees consisting of 1,004 caliper inches. One hundred and six are proposed to be removed from the east-west tree line and two from the parking lot to take account for the expansion.

Don McCarthy representing BrewDog spoke to the commission in regards to the variance application. BrewDog is not against trees by any stretch. One of the reasons why the hotel site was selected is how that area feels. Based on all of

the amenities needed to feed the hotel the south side of the building was selected. Unfortunately, a consequence of that location trees have to be removed. BrewDog is interested in replacing them with the requirements of the city. Mr. McCarthy asked the commission if there were any questions.

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

Resident Gary Bumpus spoke to the commission again in regards to the tree removal.

Mr. Bumpus stated that his tree board, and in particular himself are more tree huggers than the City Urban Forester. One hundred and six trees is a big deal. They benefit the wildlife and will benefit more as they continue to mature. Mr. Bumpus stated he likes BrewDog and enjoys visiting but this is not a good plan. The mitigation of inch for inch is a compromise so people can cut down trees. Mitigation does not always work, and trees take a long time to grow and mature to benefit the community.

Mr. Bumpus explains that the landscaping code is specific in tree replacement and allows existing trees to be removed if it is desirable, logical, and appropriate for the redevelopment of the lot. There are a lot of reasons why this plan is not desirable for this lot and the removal of these trees can be mitigated.

Resident Karena O'Donnell spoke to the commission in regards to the proposed landscaping variance. Mrs. O'Donnell discussed how BrewDog has stated they are a part of the community and they like trees, while their applications this evening are to overcome the established community values. This variance seems petty, where they can plant more trees and they do not have an excuse not too. Little tree inches do not meet large tree inches. The shade value alone is not the same. Mr. O'Donnell encourages the board to deny the variance.

Mr. Moore stated if it helps clarify the math, with the 1,145 inches being removed and a standard two-inch caliper tree is being replaced, BrewDog would have to plant 573 trees to replace inch-for-inch. If that many trees were being planted then there would be no need for a variance.

Mr. Richey commented that they are proposing to plant 250 caliper inches rather than 1,145 caliper inches. So they are requesting to not plant 389 additional trees. Mr. Haire commented that those additional trees would have to be planted in areas that are not affected by the company future growth plans.

Mr. Christensen asked if there were any more comments from the public.

**A motion was made by Member Joe Donahue, seconded by Member Joe Wildenthaler, that this Public Hearing be closed.**

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

**Yes: 7** - Christensen, Gatliff, Richey, Wildenthaler, Konold, Vasko and Donahue

Mr. Vasko stated that he is not sure what the city arborist is doing, but there is no section of the code that discusses considering saved trees on the site. Those future removed trees are subject to the same ordinance where they would have to be replaced anyway. One hundred and six trees at 1,145 caliper inches being replaced with one hundred and six trees at 250 caliper inches is ridiculous. Canal Winchester is a Tree Community. Balancing existing tree coverage with development needs is important but to give a business a second pass to not plan 800 caliper inches of trees is against the fundamental character of the community. BrewDog has good arguments for why the hotel has to be there, but saving trees is more important. This is a tragic loss of trees within the community.

Mr. Haire stated that if the structure of the current landscaping code is a concern of the Planning and Zoning Commission then it might be good to amend it in the future.

The commission discussed the language in the current zoning code for tree replacement.

Mr. Donahue stated that this property is zoned Limited Manufacturing and consists of 41 acres. There needs to be discussion over best use of the property for the city, community and the tenant. It is tough because the site development plan is the next application.

Mr. Richey asked staff if the area that is circled on the screen is the portion of the trees that are being removed. Mr. Haire stated that is correct. Mr. Richey asked if trees are being removed past the existing building footprint. Mr. Haire indicated some will be removed for the cul-de-sac and driveway construction.

Mr. Donahue recapped on the NIFCO variance for the tree removal and how their proposal was different because they were not removing any trees on site, they were just asking to not plan new trees for an increase in size of the building. Mr. Wildenthaler confirmed that they stated they were purchasing property that contained mature trees and they would maintain them rather than planting unnecessary trees on their site.

Mr. Richey commented that roughly 1/3 of the trees requested to be cut down is due to a request from the fire department. Mr. Haire affirmed.

Mr. Donahue asked if there was a reason that the Urban Forester did not look at the health of the trees being removed. Mr. Haire indicated our code does not look at the health of a tree so it could not be considered.

Mr. Gatliff asked if the applicant could meet the city in the middle where they could get closer to meeting the inch-for-inch requirement. Mr. Richey added that amendment is an option.

Mr. Haire indicated the commission can approve, deny, amend or table the application.

**A motion was made by Member Brad Richey, seconded by Member June Konold, that this variance be approved as presented.**

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

**Yes: 2** – Christensen and Wildenthaler

**No: 5** – Vasko, Richey, Donahue, Konold and Gatliff

**SDP-17-008**

Property Owner: BrewDog Columbus LLC

Applicant: Matt Mason

Location: 96 Gender Road

Request: Site Development Plan for the 16,375 sq. ft. Brewery Hotel Expansion and Sour Beer production facility.

Mr. Haire presented the application for BrewDog Columbus LLC for property located at 96 Gender Road. The applicant is requesting approval for a site development plan to construct a 33,605 sq. ft. Sour Beer production facility and 32 room hotel. The proposed building is on the south side of the existing facility. Access to the new addition will remain from the traffic light at West Walnut Street intersection at Gender Road.

The addition will require an additional 42 parking spaces to meet code. The applicant is proposing to add 34 parking spaces and with the addition of the 27 spaces earlier in the summer, they have a total of 290 parking spaces meeting parking requirements for the entire site. Pedestrian access will be provided from the existing sidewalk to the entrance of the facility. The applicant also plans on constructing an emergency access road to the front of the hotel with reinforced grass pavers with a turn around, to be used for emergency equipment.

Mr. Haire indicated that the supplied landscaping plan will need to be amended as part of this application so it will be skipped for now.

The applicant is proposing to add two additional parking lot lights for the expanded parking lot area. These fixtures will match the existing parking lot lights and will be located inside landscaping islands.

The applicant has not determined any signage size or type for this application so the signage shown is for concept only. The applicant will be returning at a later date for the signage on the building.

The applicant plans on using the existing dumpster locations on site so nothing new is being proposed at this time.

The new hotel consists of primarily an EFIS wall system that is grey in color. The windows would be metal framed windows that are black with overhead garage doors on the first floor to match the doors on the existing restaurant. Metal siding will serve as an accent to wrap the staircase on the southwest corner feature on the building. This metal will be pre-aged and weathered to be a rustic look to match the unfinished beams in the patio area. The existing staircase coming from the mezzanine will be relocated with this addition.

The south elevation will be the same with the exception of small patios on the first floor to overlook the large pond on the site. Four hotel rooms are unfinished at this time and will not have windows installed. These rooms will be for future hotel rooms if necessary.

The east elevation will include an overhead door for deliveries and an external staircase for emergency access from each elevation. This elevation will match the same grey EFIS wall system.

With the proposed plans the Landscape Plan will need to be amended by the applicant. In addition, the Madison Township Fire Department has requested that a fire water line be looped around the building, but they are not requiring that at this time due to a potential expansion to the rear of the building. Mr. Haire shared where the existing fire line terminates to the commission. Staff is recommending that the applicant enter a development agreement in which that the fire line be looped around the building or any addition there-to prior to January 1, 2022.

Mr. Moore also shared a rendering to the commission of what the scale of the addition looks like compared to the existing building in addition to color renderings. Renderings of what the metal siding and EFIS is planned to look like was also shared. Mr. Moore suggested that the applicant use a different finish on the EFIS to match the rest of the branding on the site and shared those finishes with the commission.

Mr. Gatliff asked if the building meets the parking requirements. Staff affirmed.

Mr. Christensen asked if the applicant had any comments he would like to add.

Matt Mason stated he has no additional comments.

**A motion was made by Member Mike Vasko, seconded by Member Brad Richey, that Site Development Plan Application SDP-17-008 be approved with the following conditions:**

- 1. The owner enters into a development agreement, and commit to loop the fire line around the building or any addition thereto prior to January 1, 2022.**
- 2. The Landscape Plan be amended and return to P&Z for approval.**

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

**Yes: 7** - Christensen, Gatliff, Richey, Wildenthaler, Konold, Vasko and Donahue

Old Business

New Business

Adjournment

*Time Out: 9:42pm*

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

**Yes: 7** – Christensen, Gatliff, Richey, Wildenthaler, Konold, Vasko and Donahue

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Date

\_\_\_\_\_

Bill Christensen, Chairman

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Joe Donahue, Secretary