

Canal Winchester

*City Hall
45 East Waterloo Street
Canal Winchester, OH 43110*



Meeting Minutes

Monday, June 12, 2023

7:00 PM

Planning and Zoning Commission

*Joe Donahue - Chairman
Joe Wildenthaler – Vice Chairman
Brad Richey - Secretary
Rick Deeds
Eileen Goodin
Deborah McDonnell
Steve Palsgrove*

Call To Order

Time In: 7:00pm

Declaring A Quorum (Roll Call)Approval of Minutes

May 8, 2023 Planning and Zoning Commission Meeting Minutes

A motion was made by Joe Wildenthaler, seconded by Deborah McDonnell, that the May 8, 2023 Minutes be approved.

The motion carried by the following vote:

Yes: 7 – Donahue, Wildenthaler, Richey, Deeds, Goodin, McDonnell & Palsgrove

Public CommentPublic OathPublic Hearings**VA-23-007**

Property Owner: John Hurt

Applicant: John Hurt

Location: 21 E Fairfield St

Request: Variance to Chapter 1195.04(a) to reduce the rear yard setback for an accessory building.

Mr. Moore presented the application for John Hurt for property located at 21 East Fairfield Street. The applicant is requesting approval to reduce the rear yard setback to construct a new accessory building.

Staff discussed the subject property is a 1.19 acre lot zoned R-3 on the south side of East Fairfield Street. The existing single family home is 1,044 sq. ft. and there is an existing detached accessory building in the rear yard at 96 sq. ft. The existing accessory structure is proposed to be removed as part of the project.

The applicant is requesting approval to construct a 21' x 24' accessory building to replace the existing shed. The proposed accessory building shows two 10' roll up garage doors on the front elevation and one man door on the east elevation. The proposed accessory building is shown to be a premanufactured metal building gray and black in color. The accessory building is proposed to be located 5 feet from the rear property line and 10 feet from the western property line.

Staff discussed that Chapter 1157.04 of the zoning code regulates the setback of the accessory building to be a minimum of 8 feet from the rear property line. The applicant is requesting to push the building back closer to the rear property line to save an existing tree within the yard.

Staff informed the commission that the building design submitted would require an additional variance from Chapter 1195.04(c)(1) as the roll up garage doors

are taller than the 9' height permitted. Additionally, staff does not feel the all metal design presented meets the requirements of Chapter 1195.04(b) which requires the structure to have an exterior design that is compatible with the principal building on the lot.

The applicant notes that the special circumstances and conditions for requesting the variance to the rear yard setback is so that they can save the existing tree in the rear yard. When looking at the site plan, they are proposing the structure to be 10 feet from the western property line and 5 feet from the rear property line. There appears to be other locations on the property to construct an accessory building or garage without requesting variance relief, and still being able to retain the tree.

Literal interpretation of the zoning code would require the accessory building to be 8 feet from the rear property line. Additionally, the building the applicant is requesting does not appear to meet the exterior design compatibility based on the existing principal structure and surrounding structures. The applicant did not request a variance from the rollup garage door height.

Staff does note that this property does not have an enclosed garage space on the lot. The building design shows two garage doors but does not provide a path from the existing driveway to the garage.

Staff recommends variance application #VA-23-007 be denied as presented. The applicant is proposing for the accessory building to be located within the rear yard setback. The applicant should explore a location on the site adjacent to the driveway so that the building is accessible for motor vehicles. Additionally, the building design the applicant has shown would require additional variances before it is placed on site.

Mrs. McDonnell asked staff if it is required to have a paved surface to get to the garage. Staff responded that the applicant has not noted this building would be used for vehicle storage, and there are no code provisions for a hard surface path to an accessory building.

Mr. Hurt responded that there another tree behind the home. Moving the building would put the building between two trees.

Mr. Hurt asked staff and the commission where there is another location to put a building if not where he has it shown. If the garage was moved it would block the view of the green space in the rear yard. The proposed building is for storage more than it is for parking.

Mr. Hurt stated he was unaware of the 9' maximum door height, but that is something that can easily be remedied with revised plans.

Mr. Hurt asked the commission about staff's comment the building does not match the home and if it needed to be made form brick. The building can be changed with a different height & color but this is a metal building, not wood.

Mr. Deeds responded saying the building should look more inline of the style of the home or a typical garage in the neighborhood. Mr. Hurt asked does that mean the structure needs to be wood and not metal. Deeds responded saying that is more in line with what is in that area already. The applicant stated that is easily remedied.

Mrs. McDonnell asked the applicant if they have explored other building sizes. The applicant stated once you start customizing sizes of the structure the cost increases. A 24' x 21' is pretty standard for a car to fit in the building.

Mr. Wildenthaler asked the applicant if he intends on storing cars in the building. The applicant affirmed that he has a couple old cars he intended on storing inside.

Mr. Wildenthaler informed the commission he understands where staff is coming from with concern for the location of the proposed building. The neighborhood has garages off to the side of the home that is accessible with the driveway. The applicant stated his concern with that location is looking out of his window it would be looking directly at the front of the garage. The other lots have garages off the side of the yard.

Mrs. McDonnell asked the applicant why they couldn't put their garage in a similar location as their neighbor in the attached survey. The applicant explained that the neighbor has more room on the side of the lot to not block the rear yard visibility. The proposed building is 24' in width, which is about half of the 50' wide lot.

Mr. Richey noted that the survey does not match the aerial image. The survey is missing the covered patio behind the home. If you put the garage on the site based on the survey it would work, based on the aerial the covered patio is in the way.

Mr. Deeds asked staff if the 5' setback puts the building right on the electric easement. Staff affirmed. The applicant noted he was unaware of a 5' electric easement on his property.

Mr. Hurt states that his grandfather purchased the home in 1953, his mom after that and now he has purchased it. Wanting to keep the rear yard open as possible is the goal.

Mrs. McDonnell expressed he agreement with Deeds that the building needs to look like its part of the neighborhood. The siding should look more like the homes in the area. Mr. Hurt noted that is easy to be done and he would rather have a T1-11 siding than metal, the base kit just comes with metal siding.

Mr. Donahue asked the applicant if he would be opposed to tabling the application in order to look at making some changes based on the commissions comments. The applicant noted tabling it is a good option.

Staff noted to the applicant that tabling the application puts it on the July agenda. Mr. Hurt asked the commission if he makes changes is the rear setback relief still going to be an issue.

Mr. Richey did note to the applicant that the exterior design and door size are additional variances that have not been filed for. Richey also noted to reevaluate where the building placement is in relation to the tree that is being requested to save.

Mr. Deeds noted that instead of a two-car garage, possibly a double stacked 1 car garage would work. This would allow it to be located next to the driveway and keep the greenspace in view.

Staff noted that the commission could still vote on the rear yard setback variance and the applicant can either come back with other variance requests for the other items or comply with the code and get a building permit started.

Mr. Richey noted his concern on the building location as shown as the roofline could extend out past the setback putting the building within the electric easement.

Mr. Donahue noted he is still inclined to table the application this evening and not open up the public hearing at this time.

A motion was made by Deborah McDonnel, seconded by Rick Deeds to table this application for the applicant to review changes to the proposed plan based on feedback provided.

The motion carried by the following vote:

Yes: 7 – Donahue, Wildenthaler, Richey, Deeds, Goodin, McDonnell & Palsgrove

SDP-23-004

Property Owner: Canal Winchester Local Schools

Applicant: Glenn Decker – Sands Decker

Location: 6767 Gender Road

Request: Site Development Plan to approve 14,014 sq. ft. addition to the Indian Trail Elementary School.

Mr. Moore presented the application for Glenn Decker for property located at 6767 Gender Road. The applicant is requesting approval for a Site Development Plan Application to construct a 14,014 sq. ft. addition onto the Indian Trail Elementary School. The addition would feature 8 kindergarten classrooms on

the first floor and 10 classrooms on the second floor. The proposed project will also redesign some of the outdoor playground space.

The existing Elementary Schools have access from Gender Road at a signalized intersection with Fox Hill Drive. There is a total of 505 existing parking spaces on site for both Winchester Trail and Indian Trail Elementary School buildings, a minimum of 310 parking spaces are required. The applicant is not proposing to increase the parking count with the project.

The site currently features a gravel Emergency Access Drive (located just south of Indian Trail Elementary) that provides a path around the back of each school building. The Emergency Access Drive terminates into the paved playground area behind each building. This configuration provides 4-sided coverage for a fire truck or ambulance around the schools. The proposed west wing addition to Indian Trail cuts off the existing emergency access drive.

Staff has discussed the Emergency Access Drive configuration with Madison Township Fire Department. The Fire Department noted that the existing path is overgrown and not marked clearly, making it difficult to reach the existing hydrant behind the building. They have requested that the existing Emergency Access Drive with this project be paved and clearly marked on site for emergency personal.

The proposed landscaping plan shows a total of 15 trees to be planted on site meeting the landscape requirements.

The site currently has access to utilities that come off of Gender Road. There is currently an 8" water main and 8" sanitary main that runs down the access drive to provide service to both Elementary School buildings. The schools were unable to locate any public easements for those utility lines during the design review for the building addition, so staff is recommending that easements be recorded for the existing public utility lines with this project.

Staff has discussed the fire hydrant spacing with Madison Township Fire Department. The fire department requires a 600-foot access from the hydrant to any given point on the building for fire control. It is unclear if the existing spacing meets this requirement with the location of the proposed west wing addition. Staff recommends that the applicant work with the Madison Township Fire Department on hydrant location and spacing.

Indian Trail Elementary has an existing stormwater detention system that feeds from the front parking area and building to a retention basin within the wooded area behind the building. With the proposed addition, the applicant is requesting to construct a new dry detention basin with an underdrain to be adjacent to the existing retention pond to handle the additional stormwater runoff.

The applicant has provided renderings for the proposed west wing addition onto the existing facility. The renderings note that the building will be constructed out of brick colors and patterns to match the existing building, along with matching asphalt shingles and window details. Each elevation shows the use of window glazing on both first and second floors.

The site plan notes that the existing playground will get reconfigured with the new west wing addition. Adjacent to the south side of the new addition will be a paved area that on average is 25.5' in depth. Beyond that is an approximate 133' x 86.5' mulched area with playground equipment. Surrounding the playground area and the building addition is ditch to handle stormwater control. Staff recommends that this area be further reviewed during civil engineering review to facilitate both the new playground area and any potential changes to the Emergency Access Drive around the building.

Staff recommends that the application SDP-23-004 be approved with the following conditions:

- 1) The applicant provide easements for the public utilities that are located on this property.
- 2) The applicant works with the Madison Township Fire Department on the Emergency Access Drive route.
- 3) The emergency access drive be finished in a durable and dustless surface.
- 4) The applicant complies with the Madison Township Fire Department on the fire hydrant spacing.

Mr. Deeds asked staff how to proceed given many of the staff recommendations are fire department related. Staff noted that the staff recommendations are noting that the applicant needs to comply with the fire departments requirements on those items.

Mr. Richey also noted it does not appear that there is ADA routing from the west wing egress to the front of the building.

Mrs. Goodin asked staff who follows up that the fire department related issues are being complied with. Staff noted that after P&Z process, the city does a civil engineering review process to work out all the site related items before architectural review.

Mrs. McDonnell asked staff if the utility easement is only private under the building but is public on either side. Staff noted that the request is for the entire section of pipe from the manhole north to become private, with the proposed building being located over it.

Mr. Donahue asked the applicant if there was anything additional they would like to add.

Mr. Decker introduced himself to the commission.

Mr. Richey asked if there are any issues with the staff recommendations, including the fire access. Mr. Decker noted they have no concerns and have been working with the fire department directly on this and have already started a Geotech report to figure out overlaying the area with asphalt. The easement exhibit for the sanitary has been created and they are currently working on the water.

A motion was made by Brad Richey, seconded by Eileen Goodin that Site Development Plan #SDP-23-004 be approved with the following conditions:

- 1) The applicant provides easements for the public utilities that are located on this property.**
- 2) The applicant works with the Madison Township Fire Department on the Emergency Access Drive route.**
- 3) The emergency access drive be finished in a durable and dustless surface.**
- 4) The applicant complies with the Madison Township Fire Department on the fire hydrant spacing.**

The motion was carried by the following vote:

Yes: 7 – Donahue, Wildenthaler, Richey, Deeds, Goodin, McDonnell & Palsgrove

CU-23-003

Property Owner: Central Ohio Transit Authority

Applicant: Jeffrey Lonchor – CESO, Inc.

Location: PID 184-003362

Request: Conditional Use to Chapter 1167.03(a) for a quick-serve restaurant with a drive-thru.

Mr. Moore presented the application for Jeffrey Lonchor representing Del Taco. The applicant is requesting a Conditional Use to Chapter 1167.03(a) to permit a quick-serve restaurant with a drive-thru on COTA Outlot B located at Parcel 184-003362.

Staff discussed that the property is zoned General Commercial and is a 0.85 acre parcel on the northeast corner of Gender and Trillium Ave. The applicant is requesting to construct a 2,048 sq. ft. Del Taco fast-service restaurant with a proposed drive-thru on the site. Section 1167.03(a) of the General Commercial Zoning Districts states that a Drive-up window service is a conditional use for the zoning district, when developed in association with a principal use.

Staff notes that previous applications for drive-thru locations have been approved when determined that they met the intent of the zoning code and commercial development standards. This includes encouraging pedestrian access by including a sidewalk crossing of any drive-thru lane, and the inclusion of a front patio area to encourage a walkable and pedestrian friendly environment while include a drive-thru access lane in front the building.

Examples located in proximity include Panda Express, Smoothie King, and Panera.

The proposed conditional use shows that the order location and pickup window are both located on the north side of the building. The traffic exiting the drive-thru will pass in front of the building. Based on the adjacent land uses in the same zoning district, the proposed use for a drive-thru window service is compatible.

The layout for the site has been designed to work with the proposed fast service restaurant with drive-thru service. The building has been pushed to the north side of the site to have the drive-thru stacking on the east property line. Parking has been configured to be south of the building to separate drive-thru traffic and dine-in traffic. While both of these site layout decisions result in variance requests, it makes the proposed use work with the existing site. The site layout has been designed to maximize the use of the lot for drive-thru service by the location of the building and traffic flow around the site.

Staff is recommending that Conditional Use Application #CU-23-003 be approved as presented. The applicant has provided a site plan that shows the proposed fast service restaurant with drive-thru service is compatible with the site and surrounding property uses.

Mr. Donahue asked the applicant if there was anything additional they wanted to add.

Mr. Lonchor introduced himself to the commission.

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

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

The motion carried by the following vote:

Yes: 7 – Donahue, Wildenthaler, Richey, Deeds, Goodin, McDonnell & Palsgrove

Staff noted that the next two applications on tonight's agenda are variance requests for the site plan based on the drive-thru configuration on the site. The full site development plan will be a future application.

A motion was made by Joe Wildenthaler, seconded by Steve Palsgrove that Conditional Use application #CU-23-003 be approved as presented.

The motion carried by the following vote:

Yes: 7 – Donahue, Wildenthaler, Richey, Deeds, Goodin, McDonnell & Palsgrove

VA-23-008

Property Owner: Central Ohio Transit Authority

Applicant: Jeffrey Lonchor – CESO, Inc.

Location: PID 184-003362

Request: Variance to Chapter 1199.04(a) to get relief from the 25 foot build-to line on Trillium Ave.

Mr. Moore presented the application for Jeffrey Lonchor representing Del Taco. The applicant is requesting a variance to Chapter 1199.04(a) to get relief from the 25 foot build-to line on Trillium Ave for Parcel 184-003362.

The subject property has frontage on Gender Road to the west and Trillium Ave to the south. The build-to line on Gender Road is 50 feet. The build-to line on Trillium Ave is 25 feet. The building is shown 46.75' - 48.4' from Gender Road and 76' – 90.6' from Trillium Ave. The commercial development standards in regards to build-to-lines were set up to promote pedestrian friendly and walkable streets. The plans call for an 8' sidewalk on Gender Road and 5' sidewalk along Trillium Ave. The plans note a sidewalk connection to the outdoor patio on the front of the building. The plans promote pedestrian related amenities with the design.

Special circumstances and conditions do not exist which are not applicable to other lands and structures within the same zoning district. However, the applicant has positioned the building on the site to allow for optimal traffic flow and site routing for the drive-thru by pushing the building as far north as possible. The literal interpretation of this Zoning Code would deprive the applicant the rights commonly enjoyed by other surrounding properties in the same zoning district. The applicant has designed the building to have the primary frontage face Gender Road and is requesting relief from the build-to line on Trillium Ave. This is similar to Friendship Kitchen to the south and also Sheetz developed to the north.

Granting this variance will not confer on the applicant any undue privilege that is denied by this Zoning Code to other lands or structures in the same zoning district. Surrounding developments have received relief from the build-to line based on the location of the drive-thru lane and optimizing internal traffic flow and stacking. Granting the setback variance will not create a safety concern, or adversely affect the public health and general welfare. The applicant has put together a site plan to optimize the parcel and increase the efficiency for the drive-thru, while still putting priority on the primary frontage of Gender Road.

The proposed site plan puts priority to fronting Gender Road and providing pedestrian scale amenities with the patio space. Given the size and location of the outlot, relief for the build-to line on Trillium Ave makes the drive-thru on the facility work in an optimal condition. Staff is recommending that variance application #VA-23-008 be approved as presented.

Staff noted that the Variance approval does not tie a Del Taco specifically to the site, but would allow for another fast-service user with a similar site configuration to use the variance for a future project.

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

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

The motion carried by the following vote:

Yes: 7 – Donahue, Wildenthaler, Richey, Deeds, Goodin, McDonnell & Palsgrove

A motion was made by Rick Deeds, seconded by Deborah McDonnell to approved Variance Application #VA-23-008 as presented.

The motion carried by the following vote:

Yes: 7 – Donahue, Wildenthaler, Richey, Deeds, Goodin, McDonnell & Palsgrove

VA-23-009

Property Owner: Central Ohio Transit Authority

Applicant: Jeffrey Lonchor – CESO, Inc.

Location: PID 184-003362

Request: Variance to Chapter 1199.05(a) to allow for parking to be located between the building and the public right-of-way.

Mr. Moore presented the application for Jeffrey Lonchor representing Del Taco. The applicant is requesting a variance to Chapter 1199.05(a) to allow for parking to be located between the building and the public right-of-way.

The site is considered a corner lot with primary frontage on Gender Road. The applicant is requesting to install 21 parking stalls on the south side of the building. Section 1199.05 of the Zoning Code, which regulates commercial buildings, states: "All parking spaces, drives or other structures for vehicular parking or movement shall be located to the rear or side of the principal building with no more than fifty (50) percent of such parking area located to the side of the principal building".

Staff discusses that Special circumstances and conditions do not exist which are not applicable to other lands and structures within the same zoning district. However, the applicant has positioned the building on the site to allow for optimal traffic flow and site routing for the drive-thru by pushing the building as far north as possible. With pushing the building north, the parking got shifted to be between the building and Trillium Ave.

The literal interpretation of this Zoning Code would deprive the applicant the rights commonly enjoyed by other surrounding properties in the same zoning district. The applicant has designed the building to have the primary frontage face Gender Road and screen the drive-thru from both Gender Road and Trillium Ave. With these choices, the parking is located between Gender Road and Trillium Ave. The conditions and circumstances do result from the applicants

request to have a drive-thru on the proposed building. The drive-thru location on the building has pushed the building away from Trillium Ave to support the traffic flow around the site. With the location of the building, the parking is located between the building and Trillium Ave.

Granting the setback variance will not create a safety concern, or adversely affect the public health and general welfare. The applicant has put together a site plan to optimize the parcel and increase the efficiency for the drive-thru, while still putting priority on the primary frontage of Gender Road. Both of these choices have resulted in the parking being located on the south side of the building.

The proposed site plan puts priority to the building fronting Gender Road and increasing the efficiency for the proposed fast service restaurant with a drive-thru. With the plans that are presented relief to the parking location works for the proposed use. Staff is recommending that variance application #VA-23-009 be approved as presented.

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

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

The motion carried by the following vote:

Yes: 7 – Donahue, Wildenthaler, Richey, Deeds, Goodin, McDonnell & Palsgrove

A motion was made by Rick Deeds, seconded by Steve Palsgrove that Variance Application #VA-23-009 be approved as presented.

The motion carried by the following vote:

Yes: 7 – Donahue, Wildenthaler, Richey, Deeds, Goodin, McDonnell & Palsgrove

ZM-22-001

Property Owner: Shree Kulkarni – Shrimangeshi LLC

Applicant: Donald Plank, Esq. – Shrimangeshi LLC

Location: 16.36 acres of property located the corner of Diley Road and Busey Road (PID 042-0388810)

Request: Property be rezoned from PCD (Planned Commercial District) to PUD (Planned Unit District).

Mr. Moore presented the application for Donald Plank for a 16.36 acre property located at the corner of Diley and Busey Road. The applicant is requesting approval to rezone the property from a Planned Commercial District to a Planned Unit District with a preliminary development plan for 244 apartment units and 5.41 acres of commercial outparcel development.

Staff provided the commission with an overview of the location for the subject property and surrounding developments and zoning. The applicant is proposing to develop this site with two distinct subareas. Subarea 1 is for 5.4 acres of commercial development that fronts Diley Road. Subarea 2 is 10.8 acres that is

proposed for 244 multi-family residential apartments that will have access off of Busey Road and the extension of Greengate Blvd.

Staff went over the proposed development text for the commercial subarea. The access for the commercial outlots will come from the private road that separates the two subareas, with pedestrian connectivity on all four sides. The development text outlines a set of permitted uses within the area, noting what uses are strictly prohibited. The text states that the minimum building height will be 28 feet and a maximum of 40 feet, unless it is a hotel user which will be permitted a maximum building height of 60 feet. Building setbacks prioritize the public right-of-way, requiring buildings to be pushed to front the public roadway and parking located behind. The setbacks are similar to what is required in the Meijer development to the south.

Staff notes that the standards for parking, landscaping, signage, lighting and building design are a copy of the Commercial Development Standards or better. The applicant chose to enhance certain of these areas in the text to provide for more identity to this development including the brick color for the commercial outlots needs to match the residential subarea. Another section the applicant included that is similar to the Meijer Development Text is to prohibit drive-thru traffic circling the building, so those outlots would be developed similar to the Chipotle and Taco Bell if that type of use wants to locate there.

Staff discusses that all of the stormwater for this project is planned as a regional system collected on the south side of Greengate Blvd.

For the residential subarea, the applicant is proposing 244 units, at 22.41 units per acre and 389 parking stalls on the site. 299 of the parking will be surface parking and 90 are shown as internal garage spaces. Staff notes that the applicant is showing the residential subarea is proposed to be developed as phase 1 of the project. Preliminary site plans have been provided showing the building layouts and utilities. The applicant shows pedestrian connectivity and greenspaces that will be provided throughout the development.

Staff notes to the commission that this site is part of the greater Greengate/Pifer development that dedicated the site for Busey Road Park to meet the open space requirements. The applicant has provided a landscape section in the development text that shows they will meet the number and quantity of trees required, along with a lighting plan showing the maximum height for site lighting is 18' with a 6" riser.

The development gateway signage at Diley Road will feature the name for the residential development, along with space for the commercial bar/restaurant integrated into the residential subarea and provide for additional outlot identification. The residential subarea will have 1 entry sign at each access drive leading into the development.

Building designs were shared with the commission, noting that the development text has now nailed down the first floor on all of the units shall be brick with the upper floors using a horizontal vinyl siding. All trim on the buildings is noted to be a cementitious material. Other details for windows, railings, rooflines and gutters are provided. The applicant has also created a 2-story product for the unit facing Busey Road based on feedback from the Planning and Zoning Commission. Staff does recommend that the development text be updated to add information for HVAC locations and screening within the residential subarea, recommending that they be rooftop mounted and have the parapet to the height of the mechanical units.

Staff does note that in order for the applicant to retain the number of units by removing the third floor on the building facing Busey Road, that building and the two on either side have been modified to remove the garage units on the first floor to pickup the units that were removed. The site plans show a 50 foot setback to building number 9, while the development text states the minimum setback is 40 feet. Staff thinks that unit could get pushed closer to Busey Road and pickup an additional 6 parking spaces on site if needed.

The unit sizes being requested are the same as previously presented with 1 bedroom units at 726 sq. ft. all the way to three bedroom units at 1,451 sq. ft.

The CEDA Land Use Committee met on June 8, 2023 to review the proposed plans and recommends that Zoning Map Amendment ZM-22-001 and Preliminary Development Plan PDP-22-001 be recommended to City Council for adoptions.

Staff is recommending that Zoning Map Amendment ZM-22-001 and Preliminary Development Plan PDP-22-001 be recommended to City Council for adoption with the following condition:

1. The applicant adds to the development text that within subarea 2 all mechanical units be rooftop mounted and screened to the height of the unit.

Mr. Deeds asked staff if a residential mixed-use project would be permitted in the commercial subarea. Staff noted that residential is not a permitted use in the commercial subarea based on the development text. However, an office/commercial mixed use would be permitted. Mr. Deeds noted that based on the height of the commercial units it may work in the developers benefit to permit residential to have more flexibility.

Mr. Donahue asked staff if the deviations listed in the development text be worked through now and the Final Development Plan. Staff noted that the deviations are things the applicant is requesting for now so they do not need to ask for variance later. It is the intent to build the project with the deviations being requested.

Mr. Richey asked staff if they have communicated their staff recommendation with the applicant. Staff noted they sent the applicant their recommendation but did not hear back. Mr. Haire noted that other similar complexes this architect has designed have rooftop units.

Representative Craig Moncrief introduced himself to the commission. Mr. Moncrief noted that in February there were 23 staff comments and today there is only 1 remaining with a recommendation for approval. The development text in February was 9 pages and that has increased to 17, to make sure there is no confusion and a comprehensive and mixed-use development. The development text requires a comprehensive and unified development with high qualities and new materials.

Mr. Moncrief notes that this development type is unique and will attract the 22 - 35 demographic. It is different from the adjacent Redwood Apartments and detached condo's in the area. This corridor is growing and this project will fit in. Adding that the landscape plan is showing trees being planted on the east property line for more buffer from Redwood.

Don Feathers with the applicant spoke to the commission stating that the family has owned this land since 2005, waiting for the right development for this location. The property owner has worked really hard with staff to get things right and are really excited about the project. Even with high interest and construction cost the demand is still increasing. The property owners plan on building a type A style investment that they will retain for a long time.

Mr. Feathers asks Mr. Richey what questions he had on the HVAC. Mr. Richey asked the applicant if the staff recommendation is okay with them. The applicant affirmed they will be rooftop units that will be screened.

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

Jonathan McCombs spoke to the commission stating that he lives directly across the street from this property. Mr. McCombs states that he and his neighbors oppose of the project based on the commercial the developers have added which create the need for the variance, or self-created hardship.

Mr. McCombs stated he has not seen the traffic study for this project but the traffic tends to go 60 - 70mph down Basil Western. Adding an additional driveway seems dangerous.

Mr. McCombs states that the applicant said this project is unique and there is nothing in the area like it, which is a reason to not approve the rezoning. The experience of the developer is also at question as he holds property and does podcasts but is only a single use commercial developer, not projects like this. The density for this small area is concerning and the precedent it sets is an issue. Not here and in this manner.

Mr. McCombs further adds the context of building height and lighting will directly affect him. The numbers of variances being requested seems to be an issue for this residential area.

A motion was made by Brad Richey, seconded by Steve Palsgrove to close this Public Hearing.

The motion carried by the following vote:

Yes: 7 – Donahue, Wildenthaler, Richey, Deeds, Goodin, McDonnell & Palsgrove

A motion was made by Rick Deeds, seconded by Eileen Gooding that Zoning Map Amendment #ZM-22-001 be recommended to City Council for adoption.

The motion carried by the following vote:

Yes: 7 – Donahue, Wildenthaler, Richey, Deeds, Goodin, McDonnell & Palsgrove

PDP-22-001

Property Owner: Shree Kulkarni – Shrimangeshi LLC

Applicant: Donald Plank, Esq. – Shrimangeshi LLC

Location: 16.36 acres of property located the corner of Diley Road and Busey Road (PID 042-0388810).

Request: Approval for a Preliminary Development Plan and associated development text for 244 apartment units and 5.41 acres of commercial outparcel development on the 16.36 acres.

Mr. Donahue opened up the Public Hearing.

A motion was made by Eileen Goodin, seconded by Joe Wildenthaler that this Public Hearing be closed.

The motion carried by the following vote:

Yes: 7 – Donahue, Wildenthaler, Richey, Deeds, Goodin, McDonnell & Palsgrove

A motion was made by Steve Palsgrove, seconded by Brad Richey that Preliminary Development Plan #PDP-22-001 be recommended to City Council with the following condition:

- 1. The applicant adds to the development text that within subarea 2 all mechanical units be rooftop mounted and screened to the height of the unit.**

The motion carried by the following vote:

Yes: 7 – Donahue, Wildenthaler, Richey, Deeds, Goodin, McDonnell & Palsgrove

Old Business

Staff provided an update on the draft for the Community Plan to the commission.

New Business

Mr. Haire noted that Turbo Wash stated construction and Sheetz plans on opening July 19th.

Adjournment

Time Out: 8:36pm

A motion was made by Brad Richey, seconded by Rick Deeds, that this Meeting be adjourned.

The motion carried by the following vote:

Yes: 7 – Donahue, Wildenthaler, Richey, Deeds, Goodin, McDonnell & Palsgrove

Date

Chairman – Joe Donahue

Secretary – Brad Richey