

**CITY OF CIRCLEVILLE
PLANNING AND ZONING COMMISSION
104 EAST FRANKLIN STREET
CIRCLEVILLE, OH 43113
(740) 477-8224**

Wednesday, January 8, 2020
City Hall Council Chambers

MEETING MINUTES

Members Present

Al Sedlak
Marsha Griebel Graham
Larry Logan
Terry Frazier
Don McIlroy
Dorcas Morrow
Mike Combs

Brenda Short, Clerk

Visitors

Dean Miller
John Libnoch
Craig Stevenson
Joe Uhler
Elizabeth Clawson
Todd Willis
Robert (Pete) Hartinger
Tyler Hartinger
Mimi Courtright
Jeremy Newman

Al Sedlak called the meeting to order at 6:00 p.m.

Mr. Sedlak stated the first item on the agenda is to approve the December 2019 Meeting Minutes.

Don McIlroy made a motion to approve the December 2019 meeting minutes as submitted and Marsha Griebel Graham seconded the motion. All in favor, motion carried.

Mr. Sedlak stated the second item on the agenda is the election of officers and he made an executive decision to defer that to be the last item on tonight's agenda.

The next item on the agenda is an **Application for Amendment to Zoning Text**, as requested by Terry Whaley, to amend Section 19.02 of the current Zoning Code to allow single family structures, when part of a condominium project, in an AR District, Apartment Residential District.

Mimi Courtright stated she was here on behalf of Mr. Whaley to give an update.

Mr. Sedlak stated she did not need to be sworn in.

Ms. Courtright stated she was here at the December meeting.

An application and a letter from Mr. Whaley is on file requesting the text change.

She stated they want to build single family condos there instead of double and they are asking that it be changed by one word "to include singles".

These are called Courtyard Homes. These are the same as the Crossings. It will be another Epcon project. There are 40 proposed at this time. More may be built later.

Mr. Sedlak asked Terry Frazier if he felt we had appropriate language.

Mr. Frazier stated he would approve the suggested language to amend the AR Zoning District, subject to review by the Law Director and subject to review by our Zoning Consultant and forwarded to City Council.

There was no one present in the audience that wished to speak on this matter.

Mr. Frazier made a motion to amend section 19.02 of the Planning and Zoning Book to add a sub paragraph C that would read single family structures when part of a condominium project. Larry Logan seconded the motion. 7 Yeas. 0 Nays. Motion carried.

The next item on the agenda is **Review of Preliminary Plan**, as requested by Harral & Stevenson, 2869 North Court Street, Circleville, OH for Progress Park, Section 2, in a GB General Business District.

Craig Stevenson was sworn in.

He stated he is presenting a Preliminary Plan. This would be Section 2. This is in the Progress Park (the Thompson RCA site). This is commercial front part. This falls south of Circle Lane, currently undeveloped. The proposal is for a subdivision of a lot. This takes up all of the frontage between Circle Lane and the creek on the south side. Access for this being proposed to a dedicated public street. It would be the extension of South Court Street. It is shown as a cul de sac. It is proposed to be the exact street section that has already been built. There is no further subdivision proposal on the east side at this point. It will be unencumbered for future development, with the exception that there is proposed to be a possible sanitary sewer easement. That is the only off-site improvement that we are showing. It would be served by sanitary sewer through a short extension of the sewer that was put in as part of the jobs ready site grant project. Storm water is all handled by storm sewer. The street will discharge to the ditch. Storm water management will be handled on site by future development of the site. It has public water extended down the street as well. It is in the GB District.

Mr. Sedlak stated the procedure for approval of a Preliminary Plat requires first to be submitted to Director of Public Service. He stated that they would turn to Terry Frazier for an update on the procedures as to how we got to this point.

Mr. Frazier stated this Preliminary Plan was reviewed by the Service Director and the City Engineer. It appears to contain all elements required for a Preliminary Plan, however, in the research there are a couple points that need to be addressed. First, the Etsel Plan from the late 90's and then 2007. The Comprehensive Plan recommends the future alignment of South Court south of Circle to align eastward around this ditch. He stated he had spoken with Mr. Stevenson perhaps to reserve for future roadway.

Mr. Stevenson stated he had met with Terry Frazier to go over the plans prior to coming before the Commission. He now comes back with some suggested changes from what was presented the first time, to remedy the first situation about allowing for future extension. Having looked at the ditch and the cost of a bridge and knowing something about the future land use, we do not feel that it is terribly likely that that future extension will happen. One change we have made is the proposed setback on Lot A that would be in the corridor there as that extends out. This would actually increase those from what is required by zoning. We have increased those by the same amount as half of the right of way, which in effect precluding any building or parking lot from ever being constructed along that corridor. This would allow the city to take right of way in the future if it ever needed to be extended. That has been included as well on the un-platted east side. That is the attempt at reserving a corridor there without doing anything more irreparable like dedicating right of way.

Regarding the right of way width, after looking at the comprehensive plan and the Etzel Plan, it does require 70' for a collector street. It requires the 40' curb to curb payment section, which is what is proposed and in fact is what is constructed in the rest of South Court Street. We have proposed to dedicate additional utility easement outside of the right of way. We feel like we have all the elements and all of the reasoning that would go to that right of way. We could not find a reason to go ahead and do that 70'. With that said, Dean Miller with IRG, the developer is present today to discuss if needed.

Terry stated that the zoning ordinance requires for 70'.

Mr. Logan asked what would be the impact on future development if we approved 60'.

Mr. Frazier stated that would depend on the kind of development we get and if we would want a two lane road or three lanes. It may never happen, but that is in the plan

Don McIlroy stated we annexed part of this property within the last 8 years. Is any of this annexed to the ditch?

Mr. Stevenson stated south of the ditch was annexed.

Mr. Sedlak stated this is an engineering matter and what we need to know is whether we should approve this or does it needs to be zoned different.

Mr. Miller stated he is the developer. He was sworn in. He stated he thinks the 60' is equivalent to Court Street to the North that what we built already in the park. We think a three lane section fits in that right of way, so from a practical stand point, we think that can be a collector section. With regard to the continuation of the right of way, we left the room to do it. We haven't provided the right of way for it at this point. We are open for discussions. If instead we receive an approval with a condition on one of those things, we would probably be able to move forward. We are trying not to dedicate the right of way yet until we know for sure there is a road headed through.

No one in the audience had any comments.

Mr. Frazier stated he is comfortable going forward with 60' right of way. He stated he would like to have a mechanism in place where future development could occur without having to dedicate high prices for a small piece of land.

The Preliminary Plan would be approved with the condition that the Final Plat would include a reserve for an extension of South Court Street as set forth in the City's 2007 Long Range Plan.

Mr. Miller stated there is a reserve there that is an area that they are not going to build that is part of the Preliminary Plan. What there isn't is the giving of the property to the city, the actual granting of right of way in that area.

Mr. Frazier stated he would not be asking for dedication. We would be asking for easement or statement on the plat reserved for future highway development.

Mr. Miller stated his plan isn't intended to preclude the future extension, but we also are not doing it yet.

Mr. Sedlak stated the criteria for approval set forth in Section 5.06 is does it comply with Provision of the Ohio Revised Code, our regulations and any other codes or ordinances in the city. It can be adequately served with public facilities and services and it is suitable for development.

Terry Frazier stated those are all satisfied.

Mr. Sedlak stated that with the suggested condition that the final plat include a reserve for a possible right of way for extension of South Court Street as set forth on the 2007 of Circleville Thoroughfare Plan. Can we have a motion to approve the Preliminary Request?

Marsha Griebel Graham made the motion and Larry Logan seconded the motion. 7 Yeas. 0 Nays. Motion carried.

Preliminary Plan, as requested by Willis Engineering and Surveying, 12512 W. Bank Dr., Millersport, OH for Heritage Ponds, Section 4 in an R3 District, Single Family Residential District.

Mr. Todd Willis was sworn in.

He explained he represents Rockford Homes in the development, History is that this was originally developed in the late 90's and the first preliminary plan was approved about 2001. They built three sections over the next six years. The last section was built about 2007. The real estate market was not too good about 2007 & 2008, so nothing happened during that time. Since then, in the last year or so, Rockford has stated selling most of these lots and building most of the houses. They are running out of lots. This would be the next section.

Pretty much follows the original preliminary plan. Since it has expired over the time period, we just brought it back today with Section 4. There are 21 lots and a couple street extensions. Utilizing existing utilities and extending water and sanitary sewer. The storm water pond up front we will have to modify the outlet structure because about 2005 – 2006, Ohio EPA came out with Storm Water Quality Regulations and that pond was not designed for storm water quality. We were able to back off how much drainage watershed we would actually bring into that pond. We modified the outlet structure to hold the water for 48 hours and let it seep out slowly and then let it all run out. We had to borrow a little bit of drainage area from future sections that will take to a different location and continue to use the same pond.

M. Whaley stated the Preliminary Plan was submitted to him for review. It is a proper submittal. It complies with required contents with Section 5.04.

Mr. Frazier stated yes it is in compliance. There are no modifications needed at this time. Criteria has been met.

Robert Hartinger inquired what the future plans are for the area (future houses). Is there any plan in the future to add a neighborhood park? With all the development of new homes, it would be nice to have a park for the kids to go to.

Mr. Willis stated there is a park up front by pond, but there were no discussions for this area. He stated that as they move to the east, there will be some space in there that we look at adding a park. The next section is where that would probably come up and they could dedicate some land then.

Jeremy Newman stated that the pond in the front has some issues. It is supposed to be a 48 hour drainage, but it hasn't been.

Mr. Willis stated it will be corrected with the future development. It will continue to hold the water. It is dispense slowly at first and then it will all go out fast. The timing will be corrected.

Dorcas Morrow made a motion to approve the Preliminary Plan for Heritage Pond and Marsha Griebel Graham seconded the motion. 7 Yeas. 0 Nays. Motion carried.

Pre-Application Meeting, as requested by Harral and Stevenson, 2869 North Court Street, Circleville for proposed Lot A3 in Progress Park for zoning permit for retail development and Replat of Lot A3, in GB, General Business District.

Mr. Sedlak explained that our Zoning Code does allow in Section 5.01 for a pre-application meeting between the developer and the board. That is what they are here for today.

Mr. Stevenson stated he had presented the site plan with a zoning permit application. Terry Frazier and he have reviewed this and Terry has given him some comments back. He stated his understanding is the site plan was in conformance with the Zoning and did require variances for setbacks, had the correct number of parking spaces.

Lot A is all the frontage along US 23 and it was necessary to plat that because the road cut it off from everything else. When the strip center was developed, it was replotted into A1 and A2; this would be the south half of A2. The site actually fronts on all three roads, US Route 23, Circle Lane and North Court Street.

They will be presenting a Preliminary Plat application at next month's meeting. The site developer here is ahead of the curve. They are seeking zoning site plan approval from the administration to run at the same time as the platting process. You have not seen a preliminary plat yet for lot A3. On the site plan, the boundaries are shown and proposed. The most important line is the top one where the remainder lot will be subdivided. On behalf of the developer, we presented a Zoning Application. The feedback we received was there were no hurdles we could not get over with the exception of the right in and right out curb cut onto Circle Lane. That is the purpose of discussion tonight. It is essential for the developer's site plan for their operation. To support that, they requested recommendation from a traffic engineer that has studied the previous traffic study in the area.

That engineer determined that a right in and right out access at this location would provide safe and efficient ingress and egress for the proposed facility. This would have minimal adverse effects on the operation of the adjacent intersections.

The right in part will not be used very often, it is not of great importance because most would enter from other entrances. The right out is very important. That saves anyone heading back out to 23.

The way this is designed, it has a hard medium in between and completely precludes any left turn movement there.

Mr. Sedlak stated that anyone that would use the right in would have already passed the main entrance.

Circle Lane extends all the way back to Progress Parkway, which we hope will develop and have a lot of traffic at some point.

Mr. Sedlak commented on the same entrance/exit on 23 in South Bloomfield at McDonalds. He stated that people will cut across lanes of traffic and turn in there when heading southbound and can cause a traffic mishap.

The developer stated this is a deal breaker with future expansion to the east.

Craig Stevenson stated this pork chop in and out is a better design than the one in South Bloomfield. It is an engineering matter.

Terry Frazier stated he spoke to Chris Mullins at the County Engineer's office and he is opposed to any curb cut on the short tracks of property. Terry stated that he could approve the zoning application on everything but the curb cut. He stated that he feels this is the responsibility of the platting process. The lot does not exist. This would be during the platting process that a curb cut is discussed.

Mr. Stevenson stated in order for the developer to continue to move forward with the deal, they need to know that they could get a right in and right out. He then stated that if he leaves from here tonight and tells the developer that he is not sure that he can get a right in and right out, then the deal is gone.

Jon Libnoch from CC Construction who is representing the developer from a general construction perspective stated it is his understanding that they are in final discussions with the tenant and essentially the right in and right out is a deal breaker. This lot has one half of one curb cut.

Don McIlroy stated that across the street is Arby's and they do not have a curb cut with a right in and right out.

Mr. Libnoch stated the peak time for this business is 7 – 9 am daily. Get in and get out, rush hour.

Mr. Stevenson stated Sperry Drive is a certain length, this is an additional 150-200 feet longer than the throat at Sperry Drive.

Mr. Sedlak inquired if there would be new curb cuts off the new connector.

Terry Frazier stated yes the ODOT Plans did allow for curb cuts for the north lot and the south lot.

Mr. Sedlak asked why is this different than that.

Mr. Frazier stated because it is part of the engineering and went to the platting process with ODOT.

Don McIlroy stated if they come back for platting and they show the curb cuts, then we would approve that.

Mr. Sedlak stated that is what they are requesting today, the assurance that when they come for platting, the curb cut will not be denied.

Mr. Frazier stated he would not make that decision

Mr. Sedlak asked if there was any possibility instead of the "pork chop" having a left turn lane. Would the width of road tolerate a left turn lane?

Mr. Frazier stated the burden is on the engineer to provide a solution to us, not for us to engineer for them.

Mr. Sedlak stated there are two issues. Do we want a curb cut? Is this something we are comfortable with?

Mr. Sedlak stated he has an issue with granting a curb cut up north, but down south they are treated different and don't get the curb cut.

Tim Mitchel, City Engineer stated that with the right in and right out, that is the safest way to do a curb cut.

Mr. Sedlak stated that we are not taking any formal action today, we are only giving them a sense as to our determination. We will be voting on whether we would be agreeable to approving the preliminary plat with the curb cut as shown on the plat plan.

6 Yeas. 1 Abstain. Consider this as possible feedback that if and when Lot A3 is presented, the existence of curb cut as shown on Site Plan on Circle Lane would not be a ground for denial.

Preliminary Plan, as requested by Harral and Stevenson, 2869 North Court St., Circleville, for Walnut Creek Estates #10, in an R3 District, Single Family Residential District.

Craig Stevenson stated this is a preliminary plan that would plat two additional lots in Walnut Creek Estates #10. A subdivision of two lots essentially that have presented a preliminary plan, also it includes the extension of one utility, sanitary sewer will have to be extended through an existing easement and road right of way to service the two lots. Water is existing on the north side of the road, storm water was addressed with road construction design in the past. Very simple lot split.

No variance needed. Georgia Road would extend in the future. The property as it sits today actually includes that 60-70 feet that would be future Georgia Road. We prefer not to have to construct that now until things develop at some point in the future. We want to reserve that for future use to the City so that if and when it needs to be extended, the City has what they need to proceed.

Mr. Sedlak stated we would be doing a Minor Subdivision Lot Split and then the parcel can be split into three separate tracks.

Larry Logan made the motion to approve a Minor Subdivision Lot Split and then split into three separate tracks and Mike Combs seconded the motion. 6 Yeas. 1 Abstain (Marsha Griebel Graham). Motion carried

Preliminary Plan, as requested by Armstrong Development Properties, Inc, Butler, PA for Del Taco, US Route 23, Circleville, OH in a GB, General Business District.

Elizabeth Clawson was sworn in.

They are proposing to re-develop the lot between Route 23 and Goodchild Service Road south of the Court Street connector to a Del Taco Restaurant with a drive-thru facility. This would be a permitted use. They show three access points to the site which can be discussed – two on Goodchild and one on the Court Street connector. Thirty-four parking stalls with 9 stacking spaces for the drive-thru lane which meets requirements. One loading space near the northwest corner of the building. Received some storm water comments yesterday that were relatively minor and can have addressed before final approval. Here today to ask for approval of the Preliminary Plan.

Terry Frazier stated that when this was submitted it was uncertain as to whether this was a subdivision or not because there were utility issues that had not been resolved. It appears it is not necessary to plat this as a subdivision. There are some items that need discussed. The same connector plan that we talked about for ODOT permitted two curb cuts. Goodchild Road and the connector remain part of that original limited access plan. General Business District does not require the submittal of a development plan. There is a zoning site plan required. This project is in compliance with our zoning requirement other than the pavement setback on Goodchild Road and the drive up driveway. It is less than what is required by our zoning code. The major problem is that they are proposing two curb cuts, one very near Goodchild Road along the connector and one very close to US23 along the connector. Requirement is 150' away from an intersection. Both of these are too close to the intersection. Two feet south on the south end there is a designated curb cut and that is what the applicant should be held to.

Mr. Sedlak stated that as far as the one north cut on Goodchild is only about 50' and it should be 150'.

Elizabeth stated the north one on Goodchild was a mix up on their part, they can lower that one to be 150' back from intersection.

John Uhler from Armstrong stated they will not accept the change in curb cut because then that will take away from their stacking process for drive thru. The customer will not come all the way down to the curb cut in order to go in.

Mr. Logan stated they could reposition the building and make it work. If you came in on the bottom curb cut, you could have your fast food on the long stretch for stacking.

Mr. Uhler stated he isn't sure the business would be willing to make that change.

Mr. Sedlak stated this is a unique parcel of land and it has to be designed to work in that spot. You could redesign the building and have two curb cuts off Goodchild Road away from the connector.

Terry stated he didn't see any problems other than the curb cut.

Terry stated that if they would agree to the two curb cuts being made on Goodchild Road, one 150' back from the intersection and the other one approximately where one is designated on the engineers drawing, then they could just come back to him for site plan approval.

Mr. Uhler stated they would take it back and review.

A motion was made that we approve a second curb cut on Goodchild Road as long as it's location is in conformance with our Zoning Code by Larry Logan and Dorcas Morrow seconded. 7 Yeas. 0 Nays. Motion carried.

Larry Logan made a motion to adjourn and Marsha Griebel Graham seconded. The meeting was adjourned at 8:00 p.m.

Submitted by Brenda Short, Clerk