

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

Wednesday March 4, 2020
City Hall Council Chambers

MEETING MINUTES

Members Present

Al Sedlak
Terry Frazier
Dorcas Morrow
Mike Combs
Don McIlroy
Larry Logan
Brenda Short, Clerk

Visitors

Craig Stevenson – Harral & Stevenson

Terry Frazier called the meeting to order at 6:00 p.m.

Mr. Frazier announced that there were two members present from our Board of Zoning Appeals and asked them to introduce themselves. Brent Bowers and Jeff Carruthers introduced themselves.

Mr. Frazier stated the first item on the agenda is to approve the February Meeting Minutes.

Larry Logan made a motion to approve the February 2020 meeting minutes as submitted and Dorcas Morrow seconded the motion. All in favor, motion carried.

Mr. Frazier stated we are going to reverse the order on the agenda tonight.

REVIEW OF FINAL PLAT APPROVAL, as requested by Dean Miller of IRGIP and ICP, LLC, in reference to Progress Park, Sections 2, Lot A in a GB, General Business District.

This is the cul-de-sac at the end of South Court Street just south of Circle Lane. We granted preliminary approval and we heard some testimony in the past on the cul-de-sac and an approximate 10 acre platted lot on the west side of this cul-de-sac.

Craig Stevenson was sworn in to speak on behalf of this.

Terry stated the Service Office has examined the proposed final plat as identified as Section 2, Lot A, Progress Park. Our City Engineer has made some notes and communicated those to the applicant for review of corrections and explanations of the plat. We are further awaiting a reply to a storm water management review that was just submitted today. Terry and the Law Director are working with Dean Miller, the applicant, on the developer's agreement and on a performance bond for this proposed subdivision. Our subdivision regulations Section 5.14 allows for Conditional Approval. The applicant has requested that we review and consider this plat for Conditional Approval. The conditions being: the satisfactory response to the storm water management review, a developer's agreement that is agreeable to the City of Circleville and applicant, also performance guarantees in the form of a bond, money in escrow or other instrument that would be acceptable to the Treasurer of the City of Circleville and the Auditor, and those minor clarifications on the plat.

Craig Stevenson stated he had very little to add. He stated he appreciated Terry taking the time he has with them on this. Most of the things on the checklist have been completed and they are just asking for a Conditional- Approval of the final plat.

Terry stated the term of the Conditional Approval is 30 days unless otherwise extended by this Commission. In that time, there is a reasonable expectation that everything will be according to the applicant approved by the Law Director and the Service Office. The idea of the performance bond is that the applicant can sell the lot, convey the lot and construction can begin and the proposed area for the cul-de-sac can be used as a construction road and during the terms of the development agreement. Before one year is passed or what other terms are agreed upon, the road will be completed to the satisfaction of our Planning and Zoning Regulations and to the Service Office. If not, the performance bond could be used to complete those improvements. Terry stated that it is his understanding that in a year or less, the construction would likely be completed. He stated that he has not seen the first draft copy of the developer's agreement, but as he stated earlier, the Law Director and he had met with the Dean Miller and discussed the terms of the agreement.

Mr. Sedlak stated that in previous discussions we indicated that we wanted a reserve for the future roadway. There is part of the road that extends south into the cul-de-sac in the City limits. On the long range plan, it has that roadway where South Court Street would go south of Circle Lane and would go down to about the township line and then curve to the east and meet Progress Parkway.

Terry Frazier stated the eastward director would be north of the ditch, if extended would be parallel to the ditch. It is not indicated on the plat they submitted. The condition we wanted was not to stop South Court Street at the cul-de-sac, to extend southward the opportunity the additional road right-of-way, but the question may be how far do we extend that. There are over 200 acres of property still owned by IRG, which would be in the other parcel.

Craig stated they had considered that and briefly talked about it in the January meeting. There are some engineering limitation, but it is not practical to curve the road in the area there, so

the degree of curve or radius of the curve would not fit north of the ditch. It almost necessitates the road crosses the ditch and then make the curve. That also opens up the other 180 acres south of the ditch. We have to do it in a way that we can physically construct it. The other part that has complicated that extension over to Progress Park is the conveyance of the doctor's office. It runs back almost to the ditch, so what would sort of be almost off the page there to the east is not enough room to squeeze a road through there. There is thought that went into extending it to the ditch so it could be connected to Progress Parkway in the future.

Mr. Sedlak stated he just wanted to make certain that we don't do anything that will contradict the long range plan.

Mr. Frazier stated it could still goes east from here for future development.

Mr. Sedlak inquired if there would still be room for a road from the intersection to go east from Court Street to Progress Parkway?

Mr. Frazier stated yes, because there is a right-of-way and you could perhaps do that and be parallel and adjacent to sanitary easement for example.

Don McIlroy stated there is another connector going south further east. The plan calls for it connect with Owens Road to the south.

Craig stated the number on this to include curb and gutter, pavement and storm sewer, water lines and sanitary totals about \$539,000.

Larry Logan made a motion to do a Conditional Approval for Section 5.14 with the conditions to include storm water management review, developer's agreement and performance bond. Mike Combs seconded the motion. 6 Yeas. 0 Nays. Motion passed.

Rezone, as requested by Wachtel & McAnally Architects, for Englefield Oil / Duke & Duchess, located at 235 E. Main St., Circleville, OH 43113, (Parcel # A0520420000300, A0520420000200, A0520420000100 & A0520420002200) to rezone area from DB, Downtown Business District to GB, General Business District.

Terry explained that a few weeks ago the architects for Englefield Oil submitted to the Service Office a Zoning Application to improve the Duchess lot by the demolition of their retail store and the construction of a larger store. The footprint being very close to the current store but larger to the west. There will be a re-alignment and an increase in the number of gas pumps. You would enter from Main Street and pull directly into the pump bays. The applicant asked for a Zoning Permit approval. There is no Permitted or Conditional Use for fueling stations in the DB, Downtown Business District. The current use is a Non-Conforming. It is allowed to go on as is, but when you have a demolition of the building and demolition of the pump bays with a relocation, that brings it under the jurisdiction of compliance with the new code. Therefore, he denied the Zoning Application. They inquired what the remedy might be and he suggested

continue to Non-Conforming use with a very limited change or to apply for a Zoning Amendment to a favorable Zoning District. The most favorable seems to be a General Business. The applicant applied for a rezoning and with that rezoning we found a couple of deficiencies. Mainly, the burden is on the applicant to provide the name and mailing address for properties within 100 feet. They were deficient with four owners. Therefore, we have postponed hearing their application until the next meeting.

That meeting will be April 1st.

Mr. Sedlak inquired if there was a reason they were not proceeding under Section 10 for an extension or expansion of a Non-Conforming use?

Mr. Frazier stated those would be heard by the Board of Zoning Appeals. They have not met yet nor informed us when they will be hearing the applications. They have not met to address these issues. There is a meeting planned with BZA on Monday to get meeting information.

Mr. Sedlak stated this is more of a Non-Conforming issue than a zoning issue. Doing spot rezoning is a dangerous road to go down. Mr. Sedlak stated that instead of denying it, we can table it and take it to our April meeting.

Mr. Frazier stated we are tabling this item until April. He stated he hoped that a lot of the BZA issues will be addressed on Monday.

Pre-development Consultation, as requested by Terry Whaley, 505 Kreisel Road, Kingston, OH 45644, to discuss a proposed condominium project in an AR, Apartment Residential District.

Terry Frazier stated he had met with Mr. Whaley. He proposes a condo project on Northridge Road in the AR District. Terry met with him and addressed his questions and that is why we are removing this item from the agenda tonight.

Terry explained that there are no specific condo guidelines and we need to address this. Sometime soon there needs to be some guidelines put in place.

Terry stated that Section 6.04, the Transmittal of Proposed Ordinance to amend the zoning map or the text, it states that within 60 days P&Z shall recommend to City Council that it be allowed or approved with modification. The next sentence states that a Public Hearing may be held. We have always had a Public Hearing. There are special requirements for a Public Hearing and he wanted to be sure that it is the wishes of this board to hear everything under a Public Hearing.

Al Sedlak stated that we have always heard everything under a Public Hearing. It would be hard to determine when and when not to hear items under a Public Hearing. He stated if Terry Frazier feels an item does not need to be heard under Public Hearing he can put it on the agenda but feels a Public Hearing on everything is good practice.

Larry Logan made a motion to adjourn and Dorcas Morrow seconded it. Meeting was adjourned at 7:50 p.m.

Submitted by Brenda Short, Clerk