

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

Wednesday June 3, 2020
City Hall Council Chambers

MEETING MINUTES

Members Present

Terry Frazier
Dorcas Morrow
Mike Combs
Don McIlroy
Chad Kiser
Marsha Griebel Graham
Brenda Short, Clerk

Visitors

Terry Frazier called the meeting to order at 6:03 p.m.

Brenda Short did a roll call. Don McIlroy made a motion to excuse Al Sedlak from tonight's meeting and Dorcas Morrow seconded the motion. All in favor, motion carried.

A resignation letter was received from Marshal Griebel Graham. This will be her last meeting.

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

Don McIlroy made a motion to approve the March 2020 meeting minutes as submitted and Marsha Griebel Graham seconded the motion. All in favor, motion carried.

Mr. Frazier announced that there were two members present from our Board of Zoning Appeals and introduced Tom Spring and Josh Ford.

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 Frazier stated this is an amendment to amend the Circleville Zoning Map for Englefield Oil / Duke & Duchess. He gave a brief overview. On application to amend the zoning on the zoning map or the text, the Planning & Zoning Commission shall issue a recommendation regarding application or proposal for these amendments to Council. The application has a number of elements that have been met when submitted to service office and the Planning & Zoning Commission will review this tonight. We have some flexibility when it comes to review of a zoning amendment. Within 60 days, after the first regular meeting of P&Z, the commission shall recommend to City Council that the amendment be approved as requested, approved with modification or that the amendment be denied. We are issuing a recommendation to City Council. A Public Hearing may be held by P&Z for consideration. Immediately following our recommendation, City Council will hold a Public Hearing and notify adjacent property owners. In considering the zoning amendment, Planning and Zoning Commission may seek the input of the Pickaway County Planning Commission and any other locally established outside consultants. Terry stated that he did have a brief conversation with Mr. Spring, Board of Zoning Appeal's chairperson and with legal counsel regarding this matter as well in regard to the non-conformity of the City's ordinance as to whether or not that applied. With that being said, he introduced John S. Gordon, Vice President of Maintenance & Construction for Englefield Oil Company to present his application.

John Gordon stated they had purchased the paint store and it is their thoughts and wishes to remove both of those buildings and build a larger store. He presented copies of the building plans. He explained there are currently four fueling stations and he wants to add another island and turn them for easier access. There are currently three curb cuts on Main Street. With the new construction, there will only be one curb cut and it will be wider. It will be moved 5 feet away from traffic light. There will be one also on Washington Street but it will be moved 22 feet south on Washington Street. That leaves only two access points off the street. The building will actually move about 14 feet away from Washington Street toward where the paint store currently is.

Don McIlroy inquired if they were present tonight to just change the rezoning from Downtown Business to General Business?

Terry Frazier stated yes that is correct. This property in is the Downtown Business District and in the Comprehensive Plan from the late 90's it is a Historic District. This is to help maintain the historical character of downtown Circleville. Englefield Oil business has been on the site for some 35 years. It is considered to be a legal non-conforming use. That is to say that when zoning changes, your business operations do not have to change. You can continue and even expand to a certain extent. This is the last remaining gas station in the DB area of Circleville. Tonight we are here to make a recommendation on the rezoning. The actual development plan will be reviewed by the Board of Zoning Appeals because the retail operation is a permitted use in the Downtown Business District subject to the DB setbacks and development regulations. The fuel station is not a permitted use. It is a conditional use. This means the Board of Zoning

Appeals will review the development plan and approve with certain conditions to be determined by the BZA.

Don McIlroy stated he feels it would make sense to take it out of Downtown Business if this is the only gas station that we have and rezone to General Business. It probably fits well within in GB.

Terry Frazier stated that rezoning to General Business would require that the development be in compliance with the development standards of General Business. The company could do improvements to certain extent under the non-conforming use legally but to have it rezoned to GB, if the Board of Zoning Appeals makes the approval, the gas station as a conditional use and then the improvements that will be presented in the development plan could be reasonably expected to be accomplished.

Don McIlroy inquired about only having one curb cut and if that would be sufficient with the amount of traffic in and out.

John stated one curb cut on each street will be sufficient. The one on Main Street will be 50 feet and Washington Street would be 40 feet.

Don McIlroy asked if there would be more employees at the new location.

John stated yes there will be more but he is unsure as to how many since he is with the construction end of the business.

Terry Frazier asked Tom Spring to explain the role of Board of Zoning Appeals.

Tom Spring stated with the case for Conditional Uses, he spoke with the applicants for the two rezoning requests tonight. Both are coupled with Conditional Uses request. The dilemma they are facing with being a new BZA is that as the existing zoning is today, it is their understanding that there is no Conditional Use permitted. They have been advised that they can hear the case but cannot render a decision until after City Council renders its decision. Terry and Tom have been having conversations about the best approach and have reached out to both applicants.

Don McIlroy asked if it would be City Council's decision on the rezoning and not Planning & Zoning Commission.

Terry explained that yes, P&Z makes the recommendation to Council and it is Council's decision on how to move forward. City Council will have a Public Hearing. After the Public Hearing, the proposed ordinance to amend will go to Committee. Perhaps Long Range Planning or Judicial. After that, it will go to City Council for up to three readings. At some point it will obviously be voted upon by City Council and then perhaps only then, and that is up to Mr.

Spring, will the Board of Zoning Appeals actually hear the Conditional Use Permit for the gas station.

Dorcas Morrow asked that if Council approves the rezone and then it comes back and it is not approved for Conditional Use, then what happens.

Tom Spring stated the applicant could go to Court of Appeals for an appeals process.

Don McIlroy made a motion to recommend to send this to City Council for a Public Hearing to rezone from Downtown Business to General Business District. Mike Combs seconded. Mike Combs Yea; Don McIlroy Yea; Terry Frazier Yea; Marshal Griebel Graham Yea; Chad Kiser Yea and Dorcas Morrow Yea. All in favor. Motion carried.

Our office will send a recommendation to City Council and ask that they put on their agenda a Public Hearing.

Zoning Permit, as requested by Richard Rhoades, for a double curb cut at 106 & 114 S. Washington St, Circleville OH 43113, to allow a double driveway to be installed without removing the large tree on the property in a DB, Downtown Business District.

Richard Rhoades stated he owns both properties. Stated he would like to provide off street parking and park within the residence instead of parking around the corner depending on other traffic parking on the street. There is a big tree there and wants to keep that for the shade.

Don McIlroy thanked Richard for his continued investment in the community

Terry Frazier stated the specific code to reference is Section 31.09C. All new curb cuts in the DB District shall require specific approval by the Planning & Zoning Commission. The Street Superintendent did look at it and approves.

Mike Combs made a motion to approve the double curb cut and Dorcas Morrow seconded the motion. Mike Combs Yea; Don McIlroy Yea; Terry Frazier Yea; Marshal Greibel Graham Yea; Chad Kiser Yea and Dorcas Morrow Yea. All in favor. Motion carried.

Rezone, as requested by John Walsh, Lemmon Development, 8230 Pittsburg Av NW, North Canton, OH 44720 to rezone Parcel # A3500010002303 from an AR, Apartment Residential District to an SU, Special Use District for a Senior Living Facility

Tony Perez stated he was present to discuss Senior Living Project on Stoutsville Pike. 9.56 acre site. Lemmon Development founded 42 years ago. Over the past 20 years they have developed just senior living and operate under Danbury Senior Living. 20 communities in Ohio with three under construction. They build, develop and operate all of their senior facilities. Obviously, they hire local and use local people. Assisted living and memory care in the main building. They also want to do 14 villa style units on the back half, which is like an independent living. \$18million investment. 85-95 employees. Currently zoned AR. AR Zoning mentions senior

housing but in Special Use Zoning, it also mentions assisted living and senior housing as well. It was recommended to request to have the property rezoned. Once it is approved to be rezoned to Special Use, then they will come back for Conditional Use Permit for the assisted living portion.

Terry Frazier stated that as Mr. Perez stated the current zoning is AR, Apartment Residential. Residential is the expressed for proposed future land use. Senior citizen housing is in fact residential. The AR District does allow senior housing but when you have memory care, that many employees, and the footprint; that takes it to the Special Use District. There is a specific category in SU, Article 24, titled Senior Citizen Housing. Specific approval of Planning and Zoning and City Council is required for rezoning and that is what we are doing tonight. We are only addressing the rezoning tonight. Building and land within the SU District shall be utilized only for uses set forth in that chapter. All listed uses shall be considered as Conditional Uses. The suitability of the area or partial of land for a permitted Special Use shall be approved by the Board of Zoning Appeals. This will require development planning review and approval by the Board of Zoning Appeals.

Tom Spring stated the work flow would be the same as the Duke & Duchess.

Don McIlroy asked if we could put any restriction on it.

Terry stated Planning & Zoning would make a recommendation to approve, approve with modification or deny.

Don McIlroy stated his biggest issue with this is the entry to the property. You are going through an existing condominium. He stated he thinks there will be a lot of push back from those residents. He suggested that the developer look at alternative entrance.

Don McIlroy made a motion to recommend approval of the rezoning from AR Apartment Residential District to SU Special Use District and Chad Kiser seconded the motion.

Mike Combs Yea; Don McIlroy Yea; Terry Frazier Yea; Marshal Greibel Graham Yea; Chad Kiser Yea and Dorcas Morrow Yea. All in favor. Motion carried.

Zoning Approval, as requested by Horizon to discuss a proposed accessory building to be located on City property at 586 N. Court St., Circleville, OH 43113 in an SU, Special Use District.

Lee Rutherford from Horizon Chillicothe Telephone introduced himself.

Terry Frazier stated he invited Lee here tonight because he is involved with a discussion in administration with Horizon for a broad ban project within the City of Circleville. Part of this project is a partnership between the City of Circleville and Horizon where the City of Circleville would seek advantages in exchange for allowing Horizon to site a relatively small accessory building on city property for something called a Point of Presence (POP) site. Part of our dual

diligence is not in a contract yet, we are in discussions. Intent was forwarded to Judicial Committee to discuss.

Lee stated the overview of the project would be designing fiber access to every customer in the City of Circleville. They are in the engineering phase now and have been for 6 months. The site would be a 40x40 fenced lot and there would be a 12x16 block building on side with gravel for a parking spot and a generator for emergency power. Lee stated they have another site in Darbyville and it has been there for about 10 years.

Chad Kiser inquired if the generator ran on natural gas.

Lee stated that is the preferred and it is very quiet.

Terry stated that when the Fire Department was constructed in or around the year 2000, this was not Special Use Zoning. Our current Zoning Code under compliance with a development plan states that any subsequent substitution of uses or significant changes to the property shall not be permitted as a matter of right but shall require specific approval of the Planning and Zoning Commission. This is the size of a garden shed and it is not permanent. No employees there. It will be a small building with a generator for the network hardware. This will sit behind the Fire Station and will be mostly out of site.

Don McIlroy made a motion to move forward with the plan. Dorcas Morrow seconded the motion. Mike Combs Yea; Don McIlroy Yea; Terry Frazier Yea; Marshal Greibel Graham Yea; Chad Kiser Yea and Dorcas Morrow Yea. All in favor. Motion carried.

They will come back at a later date with a site plan for approval.

Consultation, as requested by Terry Whaley regarding development guidelines for The Courtyard at Northridge, Condo Development.

Terry Whaley and Scott Clifton appeared to request development guidelines for the Courtyard at Northridge, a condo development.

Terry Whaley stated the challenge they have, even though the property is AR zoned, is with some of the setbacks as they are a little limited. He stated they are building homes that will range from 1400 feet to 2000 square feet. Therefore, Mr. Frazier suggested they look at the R3 guidelines. He believes they can meet those guidelines. The largest home they build is 78 feet deep and the smallest is 59 feet deep. R-3 setback is 35 feet back yard setback.

Terry Frazier stated Mr. Whaley has proposed a 41 unit condo project on Northridge Road between The Red Barn and Wyngate. There was an amendment in February for AR Zoning District text. In certain areas of Central Ohio and including northern Pickaway County, single family unit dwelling condominiums were approved but in Circleville they were not. You had to be at least a duplex, tri or quad condo. There were no design standards for the single unit, single

family condo. To an observer, they look like a single family home. They have their own lot with setbacks between the two. After speaking with Gary Kenworthy and Mr. Whaley to see if it would be acceptable in this case, as a matter of our approval. This will be presented to the Planning Commission as a part of a subdivision because there is a requirement that a new city street be plated in conjunction with the development. If the development does not have any highway frontage, the long range plan calls for a connector between Dunkle Road and Northridge Road. The plan also calls for re-alignment of Pontious Road at the west end of Mary Virginia Crites Hannah Park. Pontious Road comes in at an angle. The long range plan is to realign Pontious Road which would align with proposed future city streets that Mr. Whaley would contract with his condo project. The request is that we apply the R-3 guidelines for setbacks. Mr. Whaley needs this before he finishes his design engineering for the project.

Don McIlroy asked what the clientele would be.

Mr. Whaley stated very similar to The Crossing that are already there. Their price range is the low \$200,000 to mid \$200,000. He stated his price range would be mid \$200,000 to lower \$300,000, although with this being sometimes the last home, people tend to put higher grade material into them.

Mr. McIlroy stated that this project allows the seniors to stay in our community and sell their current home to new people which brings new into the community

Don McIlroy made a motion to adopt the R-2 standards as setbacks to this particular development Mike Combs seconded the motion.

Mike Combs Yea; Don McIlroy Yea; Terry Frazier Yea; Marshal Greibel Graham Yea; Chad Kiser Yea and Dorcas Morrow Yea. All in favor. Motion carried.

The Mayor stated he wanted it on records that we heard some really good project tonight and we knew this was going to happen but didn't realize it would happen this quickly and there are more to come.

Terry Frazier stated he had one other issue he wanted to discuss tonight. He was approached by a council member who had been approached by a resident of Plum Street. It is a dead end street and only has two houses and then the one at the end. In some administrations it has been taken care of and in other it becomes the property owner's responsibility. Resident wants it to a public street to where the potholes are filled and it is cleaned when it snows. The properties are rentals and the property owners does not want to invest the money into it to pave the street. There may be a request to circumvent some of the development standards for that and directly go to Council with a recommendation to accept that a public street.

Mayor stated that if it becomes a public street, we would not be able to pave it for at least 4-5 years down the road. Also sidewalks would have to be put in since that is a requirement for any new street development.

Terry explained we are the plating authority for the City and that is why they are looking to us to make the recommendation to council.

Adjourn: Dorcas Morrow made a motion to adjourn and Mike Combs seconded. All in favor. Adjourned at 7:33 p.m.

Submitted by Brenda Short, Clerk