

BOARD OF ZONING APPEALS

MAY 11, 2020
VIA VIDEO CONFERENCE

7:00 PM

CITY HALL, COUNCIL CHAMBERS
 127 South Court Street Circleville, OH

MEETING CALLED BY	Tom Spring, Chairperson
TYPE OF MEETING	Board of Zoning Appeals
CLERK	Pat Hughey, BZA Clerk
MEMBERS PRESENT	Members present: Tom Spring, Jeff Carithers, Richard Liston, David Getreu (in Council Chambers) and Josh Ford (via-videoconference). Also present: Brent Bowers (alternate, non-voting) and Caryn Koch (alternate, non-voting) Staff and support personnel present via video conference: Terry Frazier, Director of Public Service Director and Donna Karoscik, Court Reporter.
1. MINUTES	Carithers motioned to approve the March 9 meeting minutes. Getreu seconded the motion. Motion passed.

New Business

2. Welcome an Introductions

	<p>Tom Spring, Chairperson, introduced Board members and the Clerk. Spring stated the Board of Zoning Appeals is established by City Ordinance 12.68.2019, effective January 16, 2020, as a quasi-judicial board administrative body to hear, issue opinions on, and decide appeals of the [decisions of the] Zoning Inspector, and requests for variances from the strict zoning code in regards to building requirements for land use based on specific criteria established by ordinance and court case law, applicants bear the burden of proving the existence of a practical difficulty in an area variance.. The Board of Zoning Appeals will hear and look at the factors articulated in the code in determining variances. The board also hears and considers conditionals uses as specified in the Zoning Ordinance where uses are subject to conditions put in place to protect community interest, including the health, safety, and welfare, and to ensure the use is harmonious with the surrounding area. The Board hears requests for non-conformities and may be asked to determine whether to declare a permit null and void. The Board is charged with receiving evidence, weighing the evidence against the criteria established by the Code to determine whether to grant the request that is sought. After the hearing is concluded, the Board has thirty (30) days to render its findings of fact, conclusions of law, and vote in public session on the application(s).</p> <p>Mr. Spring stated that due to the State order limiting assemblies of people and requirements for social distancing, the hearing tonight will be conducted by video conference with the Chair, Board members and Clerk physically present in Council Chambers. David Getreu will manage the video conference. If participants have any difficulties, please direct your questions to him.</p> <p>Mr.Spring stated that Donna Karoscik is the Court Reporter and she and/or the Clerk will be administering oaths. Mr. Spring also outlined the procedures for the meeting.</p>
3.	<p>(1) Case 2020—BZA-01 - An application from Vickie Steininger, 705 South Court Street, for extension of a non-conforming use of property as a residence located at 705 South Court Street in an area zoned (GE) General Employment District.</p> <p>Mr. Spring asked Board members if they had any conflicts of interest with this case. No conflicts noted. Mr. Spring verified with the Clerk that notice of the public hearing was advertised in a</p>

newspaper of general circulation and the Applicant and all adjacent property owners within 100 feet were notified of the Hearing. The Clerk replied the notice was posted and letters were mailed. Mr. Spring invited City staff to provide a report on this case. Terry Frazier, Public Service Director, 104 East Franklin Street, Circleville. Mr. Frazier stated the applicant, Vickie Steininger, 705 South Court Street, is asking for verification and certification that the property at 705 South Court Street was a legal, non-conforming use. It is in a General Employment District (GE). Her stated use is a single-family home and it has been that way for a long period of time. Mr. Frazier stated his research indicated that substitutions, extensions, discontinuances of non-conforming uses are under the jurisdiction of the Board of Zoning Appeals (BZA). Frazier stated that although there was a legal non-conforming use as a single-family home in a GE (General Employment District), he stated he did not feel it was proper for him to issue any type of formal declaration or certification. Therefore, Ms. Steininger was referred to the BZA for a hearing and action on this matter. Mr. Frazier referred to Article 10.01 on page 2-29 of the Zoning Ordinance.

Mr. Spring asked Board members if they had any questions for Mr. Frazier. Hearing none, Mr. Spring called upon Ms. Vickie Steininger. Mr. Spring asked Ms. Donna Karoscik to administer the Oath to Ms. Steininger. Ms. Karoscik noted that due to rule changes for video conference, she is allowed to administer the Oath even though individuals are not in the same room. Ms. Karoscik administered the oath to Ms. Steininger.

Mr. Spring requested the applicant to state her full name and address. She stated her name is Vickie Steininger, 705 South Court Street, Circleville, Ohio. Ms. Steininger stated she is requesting the non-conforming use so she can qualify for a residential loan. Mr. Spring asked Ms. Steininger what the home was zoned when she purchased it. Ms. Steininger stated it was zoned commercial, surrounded by residential homes.

Mr. Spring inquired if anyone present or on the video conference would like to testify in favor or opposition of the Application, or ask any questions regarding the Application. Hearing none, Mr. Spring asked for a motion to close the hearing.

Motion:

Mr. Liston motioned to close the Hearing. Mr. Carithers seconded the motion. Motion passed. Hearing closed.

(2) Case 2020-BZA-02 - An application from Kessler Sign Company, 2669 National Road, Zanesville, OH, 43701 for property owned by Marc and Aime Palmer, 23305 Walston Rd, Williamsport, OH 43164, to vary the minimum number of signs, and maximum square footage in Article XXXV, Section 35.09 J 12 of the Zoning Code at 130 Morris Road from two signs per frontage to three and from 100 square feet to 146.08 square feet in an area zoned (GB) General Business District.

Mr. Spring asked Board members if they had any conflicts of interest with this case. No conflicts noted. Mr. Spring verified with the Clerk the Public Herring Notice was advertised in a newspaper of general circulation and the owner and all adjacent property owners within 100 feet were notified of the Hearing. The Clerk replied the notice was posted and letters were mailed.

Mr. Spring called upon Mr. Frazier to provide a report on this case. Mr. Frazier stated the applicant

is from the Kessler Sign Company, 2669 National Road, Zanesville, Ohio for a property at 130 Morris Road, Circleville, which is in a General Business Zoning District (GB). Mr. Frazier stated the sign regulations in Section 35.04 for GB, a use is permitted for two (2) signs, per frontage and the size is limited to 100 square feet maximum for all signs. Mr. Frazier stated the Applicant is requesting three (3) signs instead of the permitted two (2) signs and an increase of the area from 100 square feet to 146.08 square feet. Mr. Frazier stated this is a relatively common request for a variance and because it does require a variance, the Applicant's application was forwarded to the Board of Zoning Appeals from the Service Office.

Mr. Spring asked Board members if they had any questions for Mr. Frazier. Mr. Getreu inquired if Mr. Frazier knew the square footage of the existing signs on the building. Mr. Spring asked Mr. Frazier to describe the existing signs on the building. Mr. Frazier stated that he was not in his office and did not have contact with the Applicant and, therefore, would refer to the owner or Applicant for any description of the signs and building. Mr. Frazier stated the signs would be on the North side of Morris Road, an even address number, and East of North Court Street where there are a number of business along that suburban mall area.

Mr. Spring asked Ms. Donna Karoscik to administer the Oath to Mr. Ray Lynn, Kessler Sign Company. Ms. Karoscik administered the oath to Mr. Lynn.

Mr. Lynn stated he could provide information regarding the signs that were previously on the building. Mr. Liston questioned how many square feet are in the present Physical Therapy sign. Mr. Lynn stated there are two (2) signs and he was not sure of the size of the signs. Mr. Lynn stated the request is to replace both signs with OhioHealth signs: one to note Ohio Health Rehabilitation Services and one for OhioHealth Physician Group.

Mr. Carithers asked how the proposed OhioHealth signs compare to the current Adena signs on the corner of the building. Mr. Lynn stated there are channel letters for each sign and the total length of the signs are 17' by 2 & 3/8 in. by 40 in high.

Mr. Spring inquired how many frontages are involved in this project? Mr. Lynn stated there are three (3) doors, but only two (2) entrances into the offices. Mr. Spring inquired if there are different parcels to the two doors. Mr. Lynn replied the OhioHealth and Adena offices are on the same parcel.

Mr. Spring asked if Mr. Lynn had any additional information for the Board. Mr. Lynn stated Kessler is asking for approximately an additional 49 square feet. Mr. Lynn stated 100 sq. feet is the maximum.

Mr. Carithers inquired if each letter will be lighted as opposed to the current sign where the entire box is lit. Mr. Lynn stated that is correct.

Mr. Spring stated if for some reason the Board decided not to grant the variance, can the property in question yield a reasonable return, i.e. is there still a beneficial use of the property if the signs are smaller? Mr. Lynn stated the signs are identification for OhioHealth and for all patients to direct them where to go. Mr. Spring stated would it be safe to say that this use could continue with a smaller sign if necessary? Mr. Lynn stated the purpose of the signs are for identification and

direction.

Mr. Spring asked Mr. Lynn if he knew if the property owner knew of the restriction when they acquired the property? Mr. Lynn replied that he did not know the answer to that question.

Mr. Spring stated in the Application, there is a monument sign. Mr. Lynn replied this sign is not part of the variance request.

Mr. Spring inquired if any Board members or anyone participating via video conference had any questions or wanted to testify in favor of this application. Hearing none, Mr. Spring asked if anyone wanted to testify in opposition of this application.

Mr. Spring asked if the Application is for a portion of the property that has two (2) entrances with three (3) doors. Mr. Lynn stated that was correct. Mr. Spring inquired if there are signs above each door? Mr. Lynn replied there are only two (2) signs. Mr. Spring inquired if the monument sign was considered the third sign and that is the purpose of the variance request? Mr. Lynn stated the monument sign was standard and not included in the variance request. Mr. Lynn stated the extra 49 square feet is included in the 100 square feet that is permissible.

Mr. Spring stated in the application there is a page that states Sign # 2, with the numbers 130 -140. Mr. Lynn stated there are two (2) signs, the OhioHealth Rehabilitation Services and the OhioHealth Physician Group, which is the variance request. Mr. Lynn stated the monument sign is not part of the variance request.

Mr. Spring stated he had a question for Mr. Frazier regarding the variance requests for three (3) signs and he questioned what was the third sign. Mr. Frazier stated the permitted use in General Business is two signs per frontage and only one can be free standing, which would be the monument sign. Mr. Frazier stated one square foot of sign for each lineal foot of building frontage, with a hundred (100) square foot maximum. Mr. Frazier stated if a person requested signage on both sides of the building (Morris and Atwater), the requester would be permitted two per frontage, but only one (1) free -standing. Mr. Frazier also stated signs are issued per building, not per owner or use, up to 100 square feet if they are claiming frontage on both Morris and Atwater. This would result in four (4) signs; however, the owner would be limited to 100 square feet. Mr. Frazier stated this information is on page 4-27-28 section 35.09. Mr. Spring asked if both signs are on the Morris Road frontage. Mr. Lynn replied that is correct.

Mr. Spring asked if there were any additional questions for Mr. Lynn. Mr. Ford replied he that had a question. Mr. Spring requested Donna Karoscik to administer the Oath to Mr. Ford. Ms. Karoscik administered the oath to Mr. Ford.

Mr. Ford asked if the variance was for the signs going on the building. Mr. Lynn stated that was correct. Mr. Ford inquired if the building was two (2) different parcels. Mr. Lynn replied it is one owner, leased by different tenants.

Mr. Spring asked if there were any further questions of Mr. Lynn or Mr. Frazier or anyone who would like to speak in favor or opposition of this request. Mr. Lynn stated Mr. Lytle, representing OhioHealth, would like to speak on behalf of the request.

Mr. Spring asked Donna Karoscik to administer the Oath to Mr. Lytle, sign consultant for OhioHealth. Ms. Karoscik administered the oath to Mr. Lytle.

Mr. Spring requested Mr. Lytle provide his full name and affiliation. He responded his full name is Jim Lytle, Sign Consultant for OhioHealth.

Mr. Lytle shared photos of the project. He stated the monument signage will be replaced as the signs are faded. The current “cabinet” signs will be replaced with individual channel lock letters. Lytle stated the proposed sign is 86.625 square feet. He stated there is a “reveal” line down the center of the building which is the reason for the two (2) signs. Mr. Getreu stated on the application, sign # 3 is 1.67 feet by 30 feet, equaling 50.10 square feet, which is the OhioHealth Physician Group sign. On the slide that you showed, the sign is 86.265 square feet. Therefore, the variance is actually 180 square feet. Mr. Lynn stated the process is to take each letter and take the space out between the letters and that reduces the square footage; it’s not actually height times length when you have channel letters.

Mr. Lytle inquired if the Board had concerns regarding the total square footage of both the signs. He stated if this was the concern, once he knows the actual square footage allowed for the signs, his solution would be to reduce the size of the OhioHealth logo which would eliminate the square footage of the signs. Mr. Lytle stated he did not want the letters denoting the two areas reduced in size as they need to be visible from the road. Mr. Lytle stated only the size of the logo would be reduced.

Mr. Spring asked if there were any other questions of the Board. Hearing none, Mr. Spring asked for a motion to close the hearing.

Motion:

Mr. Liston motioned to close the hearing. Mr. Carithers seconded the motion. Motion passed. Hearing closed.

Mr. Lynn requested the hearing be continued to the next meeting to allow for the presentation of the revised signage.

Mr. Spring asked for a motion to rescind the motion to close the hearing.

Mr. Getreu motioned to rescind the motion to close the hearing. Mr. Carithers seconded the motion. Motion passed.

Mr. Spring asked for a motion to continue the hearing to June 8th, 7 pm.

Mr. Getreu motioned to continue the Kessler Sign application hearing until the June 8th meeting. Mr. Carithers seconded the motion. Motion passed.

Mr. Spring stated the next two hearings involve property at 1395 South Court Street, Circleville. Mr. Spring inquired if the Board and the Applicants wanted to hear the two cases together as part of one discussion. Hearing no opposition, the Clerk read the following:

(3) **Case 2020-BZA-03** - An application from Andrew Gardner, Agent, 3500 Snouffer Rd, Columbus, OH, 43235, for conditional uses of a car wash and gas station on vacant property at 1395 S. Court St. owned by Connie Klema, 1395 S. Court St., LLC, in an area zoned (GB) General Business District.

(4) **Case-2020-BZA-04** - An application from Andrew Gardner, 3500 Snouffer Rd, Columbus, OH, 43235, Agent for Connie Klema, 1395 S. Court St., LLC, to vary the setback requirement in Article XXII Section 22.04 of the City Zoning Code from a minimum front yard depth of 40 feet to 13 feet from the right of way for car wash structure at 1395 S. Court St., in an area zoned for (GB) General Business District.

Mr. Spring asked Board members if they had any conflicts of interest with this case. No conflicts noted. Mr. Spring verified with the Clerk the Public Hearing Notice was advertised in a newspaper of general circulation and the owner and all adjacent property owners within 100 feet were notified of the Hearing. The Clerk replied the notice was posted and letters were mailed.

Mr. Spring asked Mr. Frazier to provide a report on this case.

Mr. Frazier stated the proposed project, Sheetz, 1395 Court St., is south of the newly constructed connector on the west side bounded by U.S. 23 and South Court Street, occupying part of what was part of Clifton Motor Sales and across the street from McDonalds. It is nearly 3 acres in size.

Number of site plans with amendments for this project - 4 components:

A building – restaurant and some retail, within the GB General Business District on page 3-28, Article 22.

Mr. Frazier stated he has reviewed the Edsall plans – 2007-2008 comprehensive plan for Circleville and Circleville Township and commercial use is supported for this site. South Court is a connector street designed to handle heavy volumes as is the connector so as far as plans go this project is supportive.

Retail and restaurant are permitted uses under current zoning, and not subject to variances or conditional uses or planning and zoning action. In section 22.03 conditional uses on page 3-29 A Self-service car washes are a conditional use; fueling stations are as well. That would be E. Automobile service establishments including gas stations. That is why the applicant was required to submit a conditional use permit.

There is a variance for part of the car wash facility where a typical setback of 40 feet there is a request for a shorter distance.

Mr. Liston - Is the front yard setback being varied down to 13 feet to provide vehicle access and to get into the car wash?

Mr. Frazier-Engineers will have to answer that, not me, but it appears the answer is yes. Perhaps some larger trucks would have trouble with that radius but I leave that to the engineer.

Mr. Liston - Coming off the connector we have ingress to business but I don't see any egress back

onto the connector.

Mr. Frazier – When the connector was engineered several years ago, concessions were made by the Ohio Dept. of Transportation to allow curb cuts for this property and the parcel to the north. This was one parcel and was split. There is a proposed right turn in to the connector; and the egress would be on South Court street. GB permits two curb cuts per parcel and the 150-foot pacing requirement has been met per the zoning code. Exit right or left by the restaurant or fuel station or if they use the car wash, they could use the exit from the southernmost curb cut.

Mr. Liston -Would there be problem if ingress off connector be ingress and egress to avoid traffic on making left turn on Court Street and left on Connector. Could we do an ingress and egress there?

Mr. Frazier - In our general discussions from the City, we would not favor ingress and egress there because of the lanes of travel, the traffic for public safety purposes – that was the consideration we gave to right in only. If that is your wish, obviously, we'll entertain that and make it a part of our discussions.

Mr. Liston – If it is public safety, I would be willing to honor that.

Mr. Frazier – Right turn in is smooth flow coming east bound, you slide in– there is no obstruction, no reasonable public safety (issue) but if you would have cars stacking to go out turn left crossing the east bound traffic could potentially be a problem. If the east side of Court Street is developed then could have ingress and egress and cross traffic right there to handle traffic.

Mr. Carithers: How many lanes is it currently on Court Street – one north, one south, and a turn lane?

Mr. Frazier - That is correct.

Mr. Carithers – In the future if we would have to widen Court Street, how much more would we need for an additional lane?

Mr. Frazier - Typical lane width would be 12 feet, that depends on a number of factors. As it is now, Court Street is four lanes and when you come up to this intersection you lose a lane. And we don't have a turn lane into McDonald's and that causes a gridlock sometimes.

Mr. Carithers - If Court Street would have to be widened and car wash set back is 13 feet, I wonder what the impact would be?

Mr. Frazier - The set back is from the right of way line. If the city wished to acquire additional right of way, it would be subject to negotiations and the city has the authority to do that. It is a point we would study. We have not approved a site plan and would not until it gets through Board of Zoning Appeals. We are mindful of the need for an additional lane on South Court Street between Circle and down here to the connector. I believe within the existing footprint we could accomplish that.

Mr. Getreu – The first ingress egress has a left turn egress as you just said – traffic turning into McDonald's backs up and I happened to be coming from the South to the North the other day and four cars were backed up because one person was trying to turn into McDonalds and traffic was backed up all the way to the connector. You have people coming out of Sheetz and I think there is going to be a big problem. Any way to change that or put in a traffic light or widen that a little bit there or just make the left turn lane out of Sheetz closer to the car wash?

Mr. Frazier – There is a left-hand turn lane out onto South Court. Two curb cuts on South Court – one in front of the restaurant retail near the gas station and one south of that just outside the car wash. The arrows indicate a right- or left- hand turn. We need to be mindful of traffic flow in this area clearly. There are some discussions of alternatives as the east side of Court is developed north of McDonald’s to look at new ingress/egress with McDonalds participation would help with that along with lane improvements on South Court but there is no immediate need to engineer or construct.

Mr. Spring – Is it indicated that the former South Street school entrance would be where the connector and traffic light is?

Mr. Frazier – Yes.

Mr. Spring – So then down from there to the McDonald’s is the parcel for the proposed development?

Mr. Frazier -- Do you mean Sheetz?

Mr. Spring – Yes.

Mr. Ford – From the connector to Sonic, I think it would cause more delay. I do see the problem of congestion.

Mr. Frazier –During plan review this would be considered. The zoning site plan that you have, the plan you have is the proposal that we are starting with.

Mr. Spring - We have three representatives from the applicant. I will have Miss Karoscik swear them in. Ms. Karoscik administered the oath to: Jesse Burns, 3918 Crestfield Drive, Groveport Ohio; Engineer Andrew Gardner; Mike Casale with our client Sheetz.

Jesse Burns – Project manager with Skilken Gold Development. I was contacted by Sheetz to help them with their entrance into the Columbus market.

(Mr. Burns shared images of the building interior.)

Mr. Burns – Let me share my screen here. Sheetz is a family company that has its start in the dairy farming industry, evolved into offering gasoline sales and made to order food. It is a restaurant service, not just a typical convenience store.

The conditional use permit we are asking for gasoline fuel sales is a component to Sheetz business model - clearly which drives the traffic and clearly there is a clientele that comes for the food. That is why we are requesting the conditional use permit. # 4 – quick diagram to answer questions from some of board members.

The setback I know we are asking for a 13-foot setback rather than 40 feet, the actual right of way line does not follow the same path along the road. I wanted to give you an effective right of way line on Court Street. If you retain the right of way it is technically a 22.33-foot setback. That may alleviate some concerns.

Mr. Spring -- Does that 22.33 represent the nearest setback?

Mr. Burns –Per property line survey, the right of way marked in black on screen is the survey line – which is where we are deriving our 13-foot setback request. If you take into account right of way

line as it flows from traffic to north along the curb in effect it is a 22-foot setback. The road obviously was relocated from Crites intersection. This is an effective right of way setback we wanted to present to you to two review for you to take into consideration.

Mr. Spring – Is there a drive lane between the car wash and retention pond?

Mr. Burns – That would be a bypass lane to escape if there was an emergency or they had to get out of the lane they would have a way to exit.

Mr. Spring – What is parking spaces next to dumpster for?

Mr. Burns – General parking

Mr. Spring – If that parking was eliminated to allow more flexibility for the basin would it be possible to put the car wash where that bypass lane is and put the bypass lane where the car wash is shown to alleviate the setback.

Mr. Burns – Yes. We do have an alternate that we prepared because we also thought of that. This is something we could look at just as you suggested to alleviate some of the issue; the problem is we start taking yard space that we were dedicating to our storm detention, so, we would have to relocate that storm detention or underground pipes or oversize pipes. We have to reserve space for storm water.

Mr. Spring– That’s why I wondered if the parking spaces were eliminated if that would give you more flexibility, if that were an option.

Mr. Burns – Do you have a preference? Obviously, our preferred layout is the one we presented and requested the variance for but just so you are aware that option for us to entertain if that is a comment that you are sensitive about.

Mr. Spring – This is a reduction of more than 50 percent in terms of the variance request.

Mr. Burns – Are there any questions regarding the use that we can help or other questions about the setback?

Mr. Spring – Does the board have any questions about the setback?

Mr. Spring -- Do you have an alternative plan view that we can see? Mr. Liston is asking.

Mr. Burns – I do not, but I can pull up the previous.

Mr. Liston – Can you put the car wash on the Rt. 23 side of the property instead of Court side?

Mr. Burns – We thought of that and knew you guys would probably ask. This is about a stacking issue and a safety issue. We were more concerned about a long line lined up to use the car wash on a hot sunny day. Rather than worry about traffic exiting, we would help route traffic along 23 and stack traffic along that property line to the east rather than block our access points on Court Street and cause more congestion. We thought it was better to stack traffic and have it wrap around this way, than to have it along Court Street.

Mr. Spring – The way you have it now you have cars exiting?

Mr. Burns – We’re more concerned about traffic backing up to the clearance bar on a busy day. If we were to rotate everything, we would be concerned about traffic stacking on the exit site.

Hopefully we can have traffic back up along the west property line and avoid safely these access points.

(Mr. Spring asked board members if they have questions.)

Mr. Spring – Can you describe the lighting on this site?

Mr. Burns – Yeah.

Mr. Spring -- Is there a bleed across property lines?

Mr. Burns – No

Is it downward?

Mr. Burns – Yeah, of course. We are using a shielded light, so we are chaining zero footcandles at the property line. (Our photometrics consultant designs each photometrics plan to make sure that we don't have that spillover and bleedover. I do have a photometrics plan that I believe we submitted in our documents with all of our content. It has the point light load. Let me see if I can find it in my application file.)

Mr. Gardner – Page 3 of the site plan submittal shows we have zero or near zero footcandles on the property lines. The fixtures are cutoff fixtures so they do not direct light away from the site.

Mr. Spring – The building looks to be brick and stone or the appearance of that. What is the canopy on the gas pumps? What kind of materials is that?

Mr. Burns – I think it is aluminum.

Mr. Casale – Stamped steel, finishing steel and wraparound steel with a stone base up to same water table height as the building.

Mr. Liston - Is the structure going to be built per the renderings submitted to us?

Mr. Burns – Yes, that is the prototype that Sheetz is building in this market. Here are some images of the actual finished canopy.

Mr. Spring – Are the windows transparent or is there mirrored glass or a combination? I'm trying to visualize it.

Mr. Burns– That's a good question; I don't know the answer.

Frank Petruziello —Could I be sworn in please? I'm the president of development for Skilken Gold, 4270 Morse Road, Columbus, Ohio .Ms. Karoscik administered the oath to Mr. Petruziello.

Mr. Petruziello – I have answers to many of your questions that I can offer. In terms of building, the building is brick on all 4 sides with full thickness stone base on all four sides – same stone foundation as on the canopy. The windows – these are the actual building – windows are all clear glass, We have nothing to hide. We want good eye contact from inside outside and back in – we have prominent glass entrance ways in our building. This is long-sided elevation – this building does not have a drive through so this is a solid wall.

Metal canopy roofing at the entrance and exterior dining in addition to interior dining. Unlike typical fuel stations there are no lights in the canopy – the canopy is all lit from underneath and indirect lighting so there are no bright spots to get into people’s eyes.

Mr. Ford – Where will the exterior dining be?

Mr. Petruziello: Go to site plan please. The exterior dining is right where Jesse is notating along the side of the building facing Court Street. This shows dining on both sides – the Connector Road and Court Street.

Mr. Spring– Question about landscaping. Can you elaborate a little about it? Andrew, you have detailed planting notes. Can you share the thoughts behind the landscape plan?

Andy Gardner, 6628 Burbank Place, Westerville, Ohio – Our landscape plan is not on the clock right now, but we tasked him to prepare a plan that masks Circleville landscape code and provide tasteful features. We have some mulched landscape on the corners, both corners of the connector road, and landscape areas with some shrubs along 23 and some canopy trees to break up that elevation while still giving nice view into the site, and then again on Court Street some large landscape trees. Truthfully, I’m not 100 percent versed on the City landscape code so I don’t know if those are required trees or something our consultant added. [...] We haven’t provided a bunch of detail around the detention basin yet other than just being lawn surface. That can all be finalized later as we get into the detailed final design of stormwater. We also have some landscape areas around the car wash to break up the elevation and provide a little color as that looks onto South Court Street.

Mr. Petruziello - We always give our landscape architect direction to go beyond what is the minimum and we ask them to provide feature landscaping so that it is not spread out all over the site, but has some concentrated feature locations to make a better dramatic look on the street and that is what is represented by the many clusters you see in the landscape plan.

Mr. Spring – I wondered if it would enhance or soften the impact of all the cars. It looks like some thought has gone into as you say kind of dress up the perimeter there along Court Street.

Frank Petruziello – Yes.

Mr. Spring – Mr. Carithers is asking the board if it would like to see alternative plans with respect to the car wash. Mr. Liston suggests that we should see them at the risk of possible rejection if we don’t. He would like to see them. It would be nice to have as a possible alternative that we could entertain.

Mr. Burns – We can definitely do that.

Mr. Spring - A plan view?

Mr. Burns-Yes.

Mr. Spring asked if anyone like to speak in favor of the project or speak in opposition of the project?

Mr. Spring – We have a comment from a concerned citizen, Caryn Koch. You'll need to come up here, I think. Donna if you will swear her in. Ms. Karoscik administered the oath to Ms. Caryn Koch – Esterline.

Ms. Koch-Esterline – Yes. Thank you for bringing these plans to us in Circleville. My concern is a question for Terry Frazier. Mr. Frazier and the Sheetz company – we have a problem already without this business. We have a problem with people illegally turning left into the McDonalds business across a double yellow line. Now in this proposal there is an exit and entrance into Sheetz directly across from the McDonalds turn in. I don't understand how that would be safe for anyone. As a concerned citizen, I don't see how it would work. Is there anything else we can do in and out of the connector? I can understand you would not want to come South because that would come into the reservoir and your car wash. I can understand not wanting to cross a lane of traffic from the connector but this will not work. I want it to work.

Mr. Petruziello - This is going to be reviewed by staff and their traffic consultants and I think those issues will come out in that analysis. I don't think we are going to be able to get into traffic engineering design at this meeting but if Terry is still on the call, maybe he could comment.

Mr. Frazier -That's correct; we have not begun a detailed engineering analysis of this yet because, obviously, prior to doing that we need to hear the comments from the Board of Zoning Appeals and learn whether or not there is a reasonable expectation that the Conditional Use and the Variance would be granted. That is why we do not have an engineering study at this time. And, after this meeting and after whatever it is you recommend, we will work with Sheetz and the traffic engineer to make sure these concerns are addressed.

Mr. Spring – I have a question for Mr. Frazier, too. There are a lot of signs on this plan. Signs would be another matter that would be subject to permits. There are limitations in our Code on signs. Would that take place after our consideration, too?

Mr. Frazier –The applicant would separate the sign application from the site plan approval. There are two separate permits and if there are any variances desired, they would come back to the Board of Zoning Appeals. It is not something that we have evaluated yet.

Mr. Liston – From my own perspective, as a board member, I personally don't have a problem with this project in its entirety as long as the traffic control issues are worked out Terry and the signage will be another issue. My personal overview is the Sheetz project will be an asset to the south end of our community, so I do not have a problem with it. Just wanted to express that.

Mr. Frazier – Thank you, Mr. Liston.

Mr. Spring – I've heard two things this evening from the car wash with respect to the right of way and a desire to see an alternate site plan and the second one has to do with the ingress and egress on South Court Street with respect to McDonalds. Did you indicate that ODOT has approved a curb cuts for the connector strip itself —the 120-foot connector?

Mr. Frazier – That's right. Initially the drawings for the connector were designated for limited access. The economic development director Ryan Scribner and I met with ODOT to talk about economic development opportunities here. One of the applicants, Connie Klema, indicated that there was in fact in the ODOT plans on like page 192 B or something like that, permitted curb cuts

on both sides of the connector on the north side and south side.

Mr. Spring – Would you anticipate were those to be opposite each other or do you know yet?

Mr. Frazier – The city requirements that the curb cut be 150 feet from the property line of an intersection would somewhat regulate where that would be, but because we would have a right-turn in only it wouldn't directly affect the curb cut on the north side, but generally speaking they would approximately be in alignment, yes.

Mr. Spring – So, this is right turn in only as if you were coming north bound on 23 turning right, and there would be a right-turn only, or could you come from Court Street turn on the connector and turn left on the Connector.

Mr. Frazier – My understanding is right turn only. We would discourage cars turning left across two lanes of traffic. I don't see any on this drawing. I don't think there would be an opportunity for any other lane changes there.

Mr. Spring – Any other questions for Mr. Frazier or the applicants? I have heard two things: You would like to see an alternative plan for the car wash and set back. Is there anything else you would like to see? I don't even know what to ask for the traffic. We don't have a detailed engineering plan.

Mr. Liston-Are you going to work with Sheetz on traffic flow?

Mr. Frazier – Yes, we will. The city will have an engineer help us with the plan review. We have to get past the regulatory issues before we would get our engineer involved with traffic flow. If we had an engineering study now and you change the entrances or other, we would have to go back and make changes. Have our engineer take a look if this is acceptable as presented and what minor or other changes are necessary. Historically we have used CT consultants from Columbus for our plan review. Not sure if we will use them or not, Dick, but we would have this reviewed, yes.

Mr. Liston – So it would be reviewed based on favorable or unfavorable review from the consultants then you will address that, that will not come back before us, is that correct?

Mr. Frazier—Typically, the site plan is reviewed by the Service Department and Service Director and approved based on current zoning and the Board of Zoning Appeals would give conditional use permit and grant the variance and the site plan as reflected by those conditional uses and variance – that would be the firm plan that we would move forward in our review. The plan would come back to you yes, but what I am waiting for is permission for the conditional use and variance.

Mr. Spring -- Brent Bowers, citizen, would like to be sworn in.

Ms. Karoscik administered the oath to Mr. Bowers.

Mr. Bowers - This is a question for Terry and everyone else. I have three questions:

- 1) The infrastructure water pressure for the areas.
- 2) EPA concerns for the area.
- 3) I echo Caryn's comment about the traffic.

Mr. Frazier – Mr. Bowers, the utilities are available and of sufficient capacity to serve this site –

sewer and water. Stormwater engineering is a review that will be reviewed as well. Storm water quality will be addressed. Once I get confirmation on what the site plan will be and curb cuts and if that is amended, we will engage our traffic engineer and he will address traffic flow.

Mr. Bowers – In the area of Circleville I live in, there has been a lot of development and water pressure at times is not very good. That’s why I bring that up about the south end having low water pressure.

Mr. Frazier – There are parts of the City of Circleville that has lower static water pressure than others. In this area, my understanding there is sufficient fire flow and static water pressure to serve this development. When you go further east in Circleville, there are some somewhat lower water pressures. They still meet or exceed EPA standards. And certain developments can lose water pressure, of course, but I am not aware of any problems or difficulties in this area.

Mr. Bowers - All right.

Mr. Liston - We would put a condition for use would be that a traffic study is completed and approved by the city engineer, Terry Frazier, that would be my recommendation. From hearing Terry’s comments, it sounds like that is going to be done correctly. Is that correct, Terry?

Mr. Frazier –The City will conduct an engineering review of the zoning site plan and construction drawings and the submittal. The City would not necessarily conduct a traffic study. The applicant would be required to submit that to the City of Circleville as a condition. There is a difference between a traffic study and engineering review of a submitted site plan to comply with whatever it is that you need.

Mr. Liston - Would the engineer give us satisfaction that there would not be a traffic nightmare in that area of South Court Street?

Mr. Frazier – That would certainly be our instructions to the consulting engineer to ensure that that does not happen, yes.

Mr. Liston – So we could put that as a condition that it be attached to the Conditional Use Permit and that’s going to be done, correct.

Mr. Frazier – Yes.

Mr. Spring – Does the applicant have any more questions?

Mr. Burns – I want to thank you for setting this up. I know it gets difficult during this shut down to keep things moving. Thank you for putting together this Zoom meeting to keep things on schedule, so I just wanted to send my thanks.

Mr. Spring – I want to thank you for the transparent windows and the landscape plan. Those are nice additions. I think what I am hearing from the board I would entertain a motion to continue this hearing for the purpose of –

John Ankrom – 390 Lawnwood Drive, Circleville requested to address the Board. Ms. Karoscik administered the Oath.

Mr. Ankron - This has gone on way too long but I wanted to throw a couple comments in. My father owned the property directly across the street from where you want to develop next to McDonalds so I am familiar with the area.

I echo comments about traffic access and the wisdom of having that major entrance right across from the McDonalds entrance. Because the people coming north on South Court will have to use the left-hand turn lane to turn onto the connector at that point. If that main entrance egress was shifted to the south to approximately where the existing Clifton entrance was, it would better line up with your drive out between the building and the dumpster and would get away from the left-hand turn lane from the connector. You would have a suicide lane there to be able to negotiate left hand turns onto your property. That would seem to make more sense to me, but I guess the traffic study will bear that out.

Two, I wondered about sidewalks. I don't see any sidewalks shown and there are sidewalks down in front of Huntington and Sonic and I know we've allowed for pedestrian crossing on 23 on the connector so I wondered about sidewalks installed.

As far as variances are concerned, it seemed to me like if you simply flipped the car wash and put the mechanical bay backing up toward the retention basin that instead of a variance from 40 to 13 it would be like a variance from 40 to 30. So, it would be much less of a variance required there. I also was a little concerned about fuel trucks coming in and out of the property and maneuverability on the property, especially as they would have to come in and out of Court Street and I didn't know if there was adequate room for that.

The last thing I had was part of the conditional use, the outdoor dining area needs to be part of the conditional use and I didn't notice that on the application. I didn't even know there was outdoor dining until it was mentioned earlier, but that is part of the conditional use request. Along with that you have to provide hours of operation and your plan for running that outdoor dining area. For example, is there going to be amplified music, for instance? Hours of operation, et cetera. Those were the comments I have. Overall, I am in favor of the development, I think it is great for that area. I think it will go well, but we do need to work out some of these issues.

Mr. Spring – Thank you Mr. Ankrom. Permitted uses include food and food products, groceries and vegetable markets. Restaurants and taverns. Those are permitted uses. Carryout establishments and drive through facilities. But I see under Conditional Uses – outside dining areas associated with restaurants provided they are not more than 500 feet from any existing residences and that a development plan including specific hours of operation and a management plan for the facility is submitted to and approved by the Board of Zoning Appeals. We haven't seen that yet. I think that is what Mr. Ankrom is referring to in Section 22.03 Conditional Uses on page 3-29. So, I think I would like to ask the applicant if he could comment about that.

Mr. Burns – We will add that to our follow up here. I was not aware that that was missing.

Mr. Liston – About how long is it going to take to get an opinion from the consultant on the traffic.

Mr. Frazier – Probably less than a month, I would think. We have qualifications based RFQs on a number of engineering firms. Depending on the timeline, once I have some clarity on what is the reasonable expectation of the zoning site plan will be, I would move forward immediately with getting that started. In view of the current COVID-19, I know a lot of engineers are working from home and they are working on a lot of other projects. I do not see an unreasonable delay, but I

would think about a month.

Mr. Liston – That sounds good. Thank you.

Mr. Carithers – Mr. Ankrom’s comment made me think about something when he was talking about music. I have been into different locations, not necessarily Sheetz, but when you are in there getting gas, there are blaring speakers with self-promotions, advertisements music everything else. What is the Sheetz plans regarding outdoor speakers and music?

Mr. Burns – I would have to defer to operations on that one. I know they do have speakers outside. I do not know what decibel level they set that at or what sort of announcements they make over the speakers.

Mr. Carithers – There are still residents along Crites Road area and I don’t want them to be blasted out with music and advertisements.

Mr. Burns – Understood.

Mr. Spring – I will entertain a motion from the board.

Mr. Liston – I make a motion we continue this hearing until our next meeting when we have the consulting engineer’s report back on the traffic, and we have the alternate site plan, and the outdoor dining plan that is required by the zoning plan for the car wash.

David Getreu – My discussion was that I thought from talking with Terry in this conversation that the traffic study would come after we grant the conditional use so I don’t believe we should be asking for the traffic study now in the continuation at the next meeting. That comes after we give the conditional use.

Mr. Spring – Any further discussion?

Mr. Ford – I agree with Mr. Getreu that we should probably if we are seeking traffic pattern conditional use.

Mr. Spring – Any other discussion on the Board? Shall I call for the vote?

Mr. Petriuzello – I believe Mr. Frazier brought up as a point of process what Mr. Getreu said that the conditional use issues need to be resolved so that it makes the project potentially viable and puts it into a more technical review mode. And, we as the applicant before we go farther with consultants and that sort of thing, we would like some assurance that the use will be approved. So, we respectfully ask that you could rule on the conditional use permits as soon as possible so that we can move forward with the rest of the approval process.

Mr. Spring –Is this project dependent upon the car wash, in other words, if we can find an acceptable solution for the car wash? That has been raised as a concern the size of the setback.

Mr. Petruziello – I think what has been offered is we can get to less of a variance though I don’t know how clear it was to everyone that when South Court Street was located with the bend, the right of way stayed where it was – straight – so that really effectively, the variance we are asking for is 17 feet not 27 feet or whatever it was. So, and then we said we can probably do somewhat better than that. We have provided a drawing – Jesse, can you put that up? We have provided a drawing that showed a lesser setback variance. So that’s the one as presented to you and then you showed an

alternate.

(Drawing provided on screen)

Mr. Petruziello – That one there on the right and that shows an actual variance from the right of way of 24.49 feet and from where the right of way would normally be on a road 38.81 which is very close to the 40 foot that is required so we would ask that you provide the conditional use for the fuel station and the car wash with a setback there in as noted, not in this drawing but the one we were just looking at – setback from 40 to call it 25 and that would be effectively pretty much just putting it where it should have been if the right of way had been where it normally would be. So, to restate, what we are asking for is for the conditional use for the fuel station and for the car wash with a setback variance as noted not in this drawing but the one we were just looking at setback from 40 to call it 25.

Mr. Liston- We would put a condition for use would be that a traffic study is completed and approved by the city engineer, Terry Frazier, that would be my recommendation. From hearing Terry's comments, it sounds like that is going to be done correctly. Is that correct, Terry?

Mr. Frazier – The City will conduct an engineering review of the zoning site plan and construction drawings and the submittal. The city would not necessarily conduct a traffic study. The applicant would be required to submit that to the city of Circleville as a condition. There is a difference between a traffic study and engineering review of a submitted site plan to comply with whatever it is that you need.

Mr. Liston - Would the engineering plan give us satisfaction that there would not be a traffic nightmare in that area of South Court Street?

Mr. Frazier – That would certainly be our instructions to the consulting engineer to ensure that that does not happen, yes.

Mr. Liston – So we could put that as a condition that it be attached to the conditional use permit and that's going to be done, correct.

Mr. Frazier – Yes.

Mr. Spring – Does the applicant have any more questions?

Mr. Frazier – Probably less than a month I would think. We have qualifications based RFQs on a number of engineering firms. Depending on the timeline, once I have some clarity on what is the reasonable expectation of the zoning site plan will be, I would move forward immediately with getting that started. In view of the current COVID-19, I know a lot of engineers are working from home and they are working on a lot of other projects. I do not see an unreasonable delay, but I would think about a month.

Mr. Burns – Understood.

Mr. Spring – I will entertain a motion from the board.

Mr. Liston – I make a motion we continue this hearing until our next meeting when we have the consulting engineer's report back on the traffic, and we have the alternate site plan, and the outdoor dining plan that is required by the zoning plan. (pause) For the car wash, yes sir.

Mr. Spring – Mr. Carithers says I will second that motion.

Mr. Spring -Is there any discussion among the board members?

Mr. Getreu – My discussion was that I thought from talking with Terry in this conversation that the traffic study would come after we grant the conditional use, so I don't believe we should be asking for the traffic study now in the continuation at the next meeting. That comes after we give the conditional use.

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Jesse -- Here it is.

Mr. Petruziello –That one there on the right and that shows an actual variance from the right of way of 24.49 feet and from the where the right of way would normally be on a road 38.81 which is very close to the 40 foot that is required so we would ask that you provide if you would provide the conditional use for the fuel station and the car wash with a setback there in as noted, not in this drawing but the one we were just looking at – setback from 40 to call it 25 and that would be effectively pretty much just putting it where it should have been if the right of way had been where it normally would be. So to restate, what we are asking for is for the conditional use for the fuel station and for the car wash with a setback variance as noted not in this drawing but the one we were just looking at setback from 40 to call it 25 and that would be effectively pretty much just putting it where it should have been if the right of way followed correctly with the road. much just putting it where it should have been if the right of way followed correctly with the road.

So, to restate, what we are asking for is the conditional use permit for the fuel, the conditional use permit for the carwash and a setback variance from 40 to 25 and we would respectfully ask for those so we could move forward on the more specific engineering-based approvals.

Mr. Spring – And what was the setback again in your request.

Mr. Petruziello – 25 feet.

Mr. Spring – repeat what you just said.

Mr. Petruziello – A revised set back of 25 feet so that would be a 15-foot variance from the right of way line as it exists today even though that is much further away from the curb line than it is from the rest of Court Street. What we are looking for is to try to move forward because we have a lot of consultant dollars to spend and the city has a lot of consultant dollars to spend and it only makes sense to do those once we all know we are at least moving forward with the uses.

Mr. Liston – How are we assured that traffic flow will not be overburdensome in that area by the high rate of traffic flow in that area by a refueling station at this point if we go ahead and give a conditional use permit. What is my assurance that that traffic is not going to be a nightmare in that area? I need assurance before I give you a conditional use permit.

Mr. Petruziello – I'm just echoing Mr. Frazier's comments as to how to proceed. So, he should actually be able to answer that question.

Mr. Frazier – Dick, once I have it is not an assurance it is a reasonable expectation that the curb cuts and the use as presented will be favorably considered at the next meeting, our transportation engineers will look at things like the traffic counts on the lanes on South Court Street and work with Sheetz engineer on how many and what kind of traffic counts in and out might be expected. We need some figures like that and that would be something the City would meet Sheetz on. At the absolute least, we have a development plan, a site plan like this. We have an engineering review – and traffic and ingress and egress is a part of that. But it may involve traffic counts on the public street but not necessarily origination and destination of the various customers that the business might have so we would look to Sheetz for that. So, what the scope and cost of this is I don't know. We have committed to at least a cursory review of the site plan but when you start talking a traffic study that is an open-ended study and I don't know what that would look like. I agree with the other speaker that for something that is not warranted based on denial of a conditional use or variance.

M. Liston - Mr. Frazier, I understand that. I just don't want to see us go ahead and give a conditional use permit and then you come back based on what the engineers tell you that we have created a problem down there and we have already gone ahead and given the permits. Let me ask you, what is to stop them from building it if we go and give them the permits and the engineers come back and say we have a real problem here with traffic flow? What is the vehicle that you use to alter this plan at that point if it becomes necessary after we have given the conditional use permit?

Mr. Frazier – I think probably the location of the curb cuts and the widths and things like that ,but that is something I would have to have with the consulting engineer and that is a conversation that I plan to have tomorrow or in the next couple of days to find out what the recommended next steps are and my desires are the same as yours, Dick. I don't want a nightmare scenario there. I don't want gridlock and at times when cars are turning left into McDonalds and stopping and proper lane issue, so I want to get ahold of the entire issue there and not just this particular development.

I don't want to get boxed in and give the conditional use permit, now they've got it and, wow, all of

assurance that we are going to have proper traffic flow at this point and all I am looking for is that vehicle that guarantees our assurance of that.

Mr. Petruziello – If I may, a conditional use permit does not give us the ability to build anything. Only Terry’s department through review gives us the permit to build something. So, I would say that Mr. Frazer is correct in the fact that we have to be assured that the use is going to work and then go through the process of vetting all that. I can assure you that just the granting of a conditional use permit does not give me a permit to build anything.

Mr. Liston - I understand that. I don’t have a problem with the project at all. I just have a problem with the traffic in the area. I was on the board when the Kroger store was built and I know what we went through at that point in time. I just want assurance that there is not going to be a traffic flow problem. Thank you.

Mr. Frazier - Thank you.

Mr. Spring - I will ask this of Mr. Frazier and the Applicants. It would appear to me that this project will kind of set a standard of development for the area in that all the property around it is vacant ground except for McDonalds. Is that a fair statement?

Mr. Frazier -The property on the north side of the connector is vacant. The property north of the McDonald’s that was the site of the former fire station and South Court Street school remains vacant, yes.

Mr. Ford – Do you have any concerns about health, safety and welfare of this project other than the traffic we talked about. Do you have any concerns about police and fire, drainage, refuse, water and sewer that sort of thing?

Mr. Frazier – Each of those things will be reviewed and discussed and addressed if necessary. I see no outstanding issues and as Service Director our office still has the final zoning approval and site plan approval so that we have a mechanism to ensure that traffic is addressed even if the conditional use and variance are granted. As far as health, safety and welfare, at this point I have found nothing that is of a concern.

Mr. Spring – These are both standards that as a BZA we have to make findings that based on the evidence, the proposed project at the proposed location meet those requirements. Those are two I just read. The first has to be with harmonious with the character or intended character of the area. I don’t see a problem with that. The next criteria is that it will not require additional public facilities or services and will not be detrimental to the economic welfare. I am just speaking for myself. I don’t see a concern with that unless you are aware of anything.

Do you see any problems with traffic, noise, smoke or fumes? I assume modern safety requirements will be place for the operation.

Mr. Frazier - I believe that to be correct.

Mr. Spring – Item # F. has been sticking with us about vehicular approaches being designated not to interfere with approaching traffic on the streets.

Mr. Spring - We have a motion and a second on the floor. Is there any desire to withdraw the motion, amend the motion, or pursue the motion? The motion is to – one of things pointed out is we don’t have under section 22.03 there is to be a development plan with specific operations and

management plan to be approved by the BZA for outdoor dining.

Mr. Petruziello – We are not asking for that tonight, sir. So that will be coming forward.

Mr. Spring – So, you are looking for a partial approval I think on the conditional use. So, we would need a motion to continue the hearing to receive that component, a management plan, development plan, outside dining areas.

Mr. Petruziello – If I may, the outside dining areas is not part of this application, so I don't think it has to be part of this motion. We will go back and decide if we want to ask for that or not.

Mr. Spring – So that may or may not happen.

Mr. Petruziello – Correct.

Mr. Spring. So, you could come back for a separate conditional use for that?

Mr. Liston - I withdraw my motion.

Mr. Spring -- Do you withdraw your second, Mr. Carithers? He does withdraw the second.

Mr. Spring – I believe we can adjourn the hearing and then go into our private deliberations and issue our findings and our vote in public session at our next regular meeting. Is there a motion to adjourn the hearing?

Mr. Petruziello –Can I just reiterate that the variance we are requesting on the setback is from 40 to 25. I just wanted to let you know.

Mr. Spring -- Motion by Mr. Carithers, is there a second? By Mr. Getreu. Any discussion? Vote on the motion to close the hearing. Mr. Carithers – yes, Mr. Getreu, yes, Mr. Liston, yes, Mr. Ford, yes. Mr. Spring votes yes. The hearing is now closed.

I want to thank everybody who testified on the Sheetz hearing on the Sheetz project. We will take the matter under advisement and do our deliberations and report back to you in public session. The next regular meeting of this board is on Monday, June 8 at 7 p.m.

Is there any new business after we closed the hearing? Is there any other business before this board tonight? Hearing none, motion to close the public session.

4. Adjournment

Ford motioned to adjourn the open meeting. Carithers seconded the motion. Motion passed. Meeting adjourned at 11:00 p.m.