



**Planning and Zoning - Minutes
Wednesday, February 06, 2013**

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

WEDNESDAY, FEBRUARY 6, 2013
MEETING MINUTES

MEMBERS PRESENT

BILL MOSHER
DON MCILROY
MIKE COMBS
TERRY LEASURE
JOHN ANKROM
MARSHA GRIEBEL GRAHAM
AL SEDLAK
VALERIE GOELLER, CLERK

VISITORS PRESENT

JOHN HOWLEY
DOYLE KISER
WENDELL BEACHY
TOM TOOTLE
STEPHEN GARY
DAVID WINNER
ERNIE ENOCH
DAVID CRAWFORD

HAROLD BOWER
GEOFFREY BISHOP
ROBERT HUFFER

Chairman Bill Mosher called the meeting to order at 7:00 p.m. and stated David Moss has left the commission due to taking on another commitment to sit on Berger Hospital's Board of Governors. Marsha Griebel Graham, who previously served on this commission, will be replacing Dave. Dave will be missed however we are pleased to have Marsha back with us.

The first item on the agenda was approval of January's meeting minutes. Don McIlroy motioned to approve as submitted, seconded by Terry Leasure, all in favor, motion carried.

The first item on the revised agenda was a Lot Split, as requested by Wendell Beachy, 19880 Wampler Drive, Stoutsville, OH to divide 390 Ray Avenue, in an area zoned R-4, Historic Neighborhood Single Family Residential District.

Wendell Beachy was sworn in and stated I plan to divide the property and put in two, single family, manufactured homes on permanent foundations. These will probably be used for

rentals to qualified individuals.

Bill Mosher stated currently the one lot has a house on it and a large garage to the east of it.

Wendell Beachy stated we got a grant from the city of Circleville to demolish the structures. It was recently torn down and removed. The work must have been completed yesterday. The lot is currently empty. I have been working with Michael Clark's Office on a survey. I have a drawing I can submit with the proper setbacks.

Bill Mosher stated will there be off street parking?

Mr. Beachy stated if it's approved, I would like to have the parking in the front of the houses. There would be gravel put down the width of the houses and extend off the street enough for two cars to park.

Marsha Griebel Graham stated will you need to surrender the mobile home titles. You will want them on the tax duplicate as real estate. You will apply to the County Auditor's to surrender those titles.

Mr. Beachy stated that is what I will do. I am new at this and learning the process.

Bill Mosher stated it's a clean split and they meet the criteria for an R-4 lot.

Al Sedlak motioned to approve the lot split as submitted, seconded by Terry Leasure. VOTE ON MOTION: BILL MOSHER, YEA; DON MCILROY, YEA; MIKE COMBS, YEA; TERRY LEASURE, YEA; JOHN ANKROM, YEA; MARSHA GRIEBEL GRAHAM, YEA; AL SEDLAK, YEA. 7 YEAS, 0 NAYS, MOTION CARRIED.

The next item on the agenda was Alley Vacation, as requested by The Savings Bank, to vacate Johnson's Alley, located north of Pinckney Street and south of North area Alley, in an area zoned DB, Downtown Business District.

Tom Tootle, Esq. stated he is on the Board of Director's at The Savings Bank. With him tonight is Stephen Gary, President of the Savings Bank.

John Ankrom stated I will need to abstain from voting on this request.

Don McIlroy stated he too will need to abstain due to the new findings of the city owning adjoining land.

Marsha Griebel Graham stated she too needs to abstain.

Bill Mosher stated there is no problem with them listening and joining in on the conversation.

Tom Tootle stated he was fine with them participating in the discussion. Johnson Alley is a 12' wide alley that extends from Pinckney Street up to another alley that is just north of the Elks. The alley is bordered on the southern end by land the Savings Bank owns and north by two lots owned by the Elks. To the west it is bordered by a 12' strip of land owned by the City of Circleville. I recently discovered the city owned this land after I filed the initial petition; this is the reason for the amended petition. That strip of land was deeded to the City of Circleville when another alley was vacated west of here on Pinckney Street. The purpose of the alley vacation is we are getting ready to build a new building. The extension of the

drive thru from the building we are proposing to build, which will sit at the corner of Pinckney and Court Street. It will extend across this alley if it is vacated. That is our initial plans and that is why we are here. We would like for you to make that recommendation to City Council.

Larger plans were displayed and viewed by the Commission.

Bill Mosher stated the alley will become the drive thru.

Tom Tootle stated this is in the initial planning and a contract has not been let. This is the proposal that has been presented to us and we like it. In order to get the building we want, located where we want, we need the alley vacated.

Bill Mosher stated how does the 12' wide strip of land owned by the city complicate this issue?

Tom Tootle stated it is another step. Even if it is vacated, city council would have to agree to deed that property to the Savings Bank to proceed with the proposed plan.

Bill Mosher stated that isn't a concern we need to address. That is for city council to address. Correct?

Tom Tootle stated I don't know if council would ask your opinion or not.

Bill Mosher stated if we recommend to vacate this alley and city council can't reach an agreement to deed the property over than that stymies what you want to do. The intersection on the north side of the Elks Club area alley intersects with the alley that runs to High Street.

Tom Tootle stated I am told that is not an alley. That is private property however everyone thinks it is an alley. The alley goes from Pinckney Street to North Area Alley that is as far as it runs.

Bill Mosher stated North Area Alley runs all the way west to Scioto Street and it won't be affected by this.

Tom Tootle stated correct. If the alley was vacated, the 12' would be divided equally so the city would end up with an additional 6' that they would also deed to the Savings Bank. That is if we can reach an agreement.

Al Sedlak stated I didn't get the amended petition until today. When I printed it off, I couldn't see the color coding. Do you feel a better order would be to negotiate the 12' strip with the city?

Tom Tootle stated we can if that is what you want. We haven't even approached the city.

Al Sedlak stated I am afraid if you can't reach an agreement with the city, then you will have a mess.

Tom Tootle stated P&Z isn't going to vacate the alley, you will make a recommendation to Council and Council is the one to vacate the alley. We would have an understanding at that time and if we can't reach an agreement, we wouldn't proceed.

Bill Mosher stated if we recommend to City Council that the alley should be vacated, and

Council deems not to vacate the alley, it will require a supermajority vote to go adverse of the P&Z recommendation.

Tom Tootle stated if City Council isn't satisfied with what the Savings Bank is doing and haven't reached an agreement with us, I don't think they would vacate the alley.

Al Sedlak stated my concern is the alley vacation issue is forced to come before City Council before the strip of land.

Tom Tootle stated we won't proceed if we can't reach an agreement with the city on the 12' strip of land. It would go almost simultaneously with the vacation of the alley. We don't want to vacate the alley if we can't agree on the land.

Al Sedlak stated I am trying to think of a scenario on the alley vacation where we vacate the alley without the bank plans coming into fruition. I don't know if you have a timing concern where you need us to move forward tonight.

Tom Tootle stated I would rather that we proceed tonight. We are approaching spring when we hoped to get under construction, somehow and somewhere.

Bill Mosher stated we are dealing with a request to vacate an alley. Personally, I don't have a problem vacating that alley. At one time there was a problem with cruisers using that alley for a turn around. I think it is a good idea to vacate the alley. I don't have a problem doing it tonight. That is what this commission is addressing. If a mess occurs at council where they say yes we will vacate the alley, but can't agree on the 18' city owned strip, then you have a vacated alley. How big of a deal is that?

Al Sedlak stated is the strip the city owns located in the alley?

Tom Tootle stated no, it is adjacent to the alley. It's to the immediate west. The actual alley is 24' wide.

John Ankrom stated he spoke with both the Police and Fire Chiefs. Chief Gray was overwhelmingly in favor of vacating the alley. Chief Tener had no objections, but didn't necessary like it because it causes some restrictions to accessing structures.

Robert Huffer, Esq. stated he is speaking on behalf of the Elks. The Elks and The Savings Bank have been good neighbors for many years. We want to continue that relationship, but the Board of Trustees of the Elks is the body that has to make the decision whether or not they are in favor of having this alley vacated back to their building. Behind the Elks building there are nine to ten parking spaces that are used by the members of lodge. Those people using those spots access them by coming in off of Pinckney Street, the alley off of Court Street, or the passage along Wittich's. If that isn't a legitimate alley running to High Street next to Wittich's, that is going to cause another problem. When we start turning these things up and information comes out, and then other things pop up. The position of the trustees of the Elks is that they haven't had an opportunity to evaluate the entire effect that this may have on the Lodge and therefore they feel like it would be advantageous to delay the process. This would give time to get all the parties having an interest to sit down and talk about all the ramifications. If this alley is vacated clear through to the alley to the north of the building, the Elks would acquire 6' and I don't know if the Savings Bank has a particular use for that. We don't know the plans. This is our position; it's not that we are against it. We would like more time to talk it over and if there is a problem we would like to resolve it short of falling out.

Bill Mosher stated what Bob has presented has caused a little more stickiness that we have nothing to do with. The city needs to talk about city owned property, not only with the city, but with the Elks Lodge too. I agree with you that more people need to sit down and talk about this beside the P&Z Commission. I would be in favor of tabling this until we are given a better idea of how these issues are going to be resolved.

Al Sedlak stated if the alley vacation goes into effect. The Elks will receive 6' of the alley behind the lodge. The city will receive another 6' strip, totally 18'. That goes from North Area Alley and dead ends into the Savings Bank Property. This would be of no use to the city. A few minutes ago it was said the city and Savings Bank will need to work out their problems with the south end of the alley or it won't fly anyhow. If that is true, it's truer that the Elks and city will be able to resolve their issues to the north end of the alley. All these things need to be resolved before City Council can make a decision on this. My thought is the commission makes a decision tonight to get this on the road. Let them start negotiating and talking. Hopefully in a short period of time they can present it to City Council. Otherwise if we table it, we are going to force them to talk and then come back to us and then to council. I think everyone can work out their differences or respected interest.

Bob Huffer stated I think it should be worked out before you act on it. For the simple fact, like Bill said, you require super majority from council contrary of what you recommend. I think it needs to be resolved here because of the importance of this commission to the overall finality of the project. That is why we suggest working it out first. When it comes back to you next time, it will be rubber stamped and on its way.

Stephen Gary was sworn in and stated we have been good neighbors and that won't change. Parking is their biggest concern.

Bob Huffer replied and access.

Mr. Gary stated you have access off the alley and we will get you access. Parking has never been a problem that I am aware of. I don't think there will be any problem negotiating with the city or the Elks. We have looked at this in many ways. I ask that you act on it tonight to get it on its way. We will work it out with both parties.

Bill Mosher stated we can make a motion to recommend the alley vacation or we can motion to table this item until it is clear what the ramifications are. I'm not sure what their timing is or if it's an issue.

Valerie Goeller stated if you act on it tonight, it will go to City Council for a public hearing and then to a committee.

David Crawford stated the public hearing would be scheduled 30 days out from when Valerie has tonight's meeting minutes complete.

Valerie Goeller stated April 9th is the first regular date that it could go before Judicial Committee.

David Crawford stated we can schedule one earlier if needed.

Al Sedlak motioned to recommend to City Council the approval of the amended petition to vacate Johnson Alley, seconded by Mike Combs. VOTE ON MOTION: BILL MOSHER; YEA; DON MCILROY, ABSTAIN; MIKE COMBS, YEA; TERRY LEASURE, YEA;

JOHN ANKROM, ABSTAIN; MARSHA GRIEBEL GRAHAM, ABSTAIN; AL SEDLAK, YEA. 4 YEAS, 0 NAYS, 3 ABSTENTIONS. MOTION CARRIED.

The next item on the agenda is Variance #1-13, as request by Geoff Bishop, 448 North Court Street, to construct a 24' x 40' = 960 square foot garage and to vary the allowed use of an accessory structure in the front yard (corner lot) and the front yard setback from 20' to 5', in an area zoned RO, Residential Office District.

Geoff Bishop was sworn in and stated he is a new partner and agent with Zwayer and Associates. The first floor level is offices and the upstairs will be an apartment where I will live. The proposed garage is for my personal use, not for the business. There will be three doors facing towards the house. I would like to put two garage doors on the opposite side on the alley. This would be for a pass through.

Bill Mosher stated how many agents are at this business?

Mr. Bishop stated there are four licensed agents, including me. I plan to store vehicles, no boats. We do not plan to use street parking for clients or ourselves. There will be enough parking in front of the garage. Currently it is a gravel parking lot; my intention is to pave the parking lot in late summer.

Don McIlroy stated how many off street parking spaces do you have?

Mr. Bishop stated they fit 27 cars for the Pumpkin Show. We will never have that many.

John Ankrom stated he needs three spaces for the first floor and two for the upstairs for a total of five required by code. He has three just inside of the garage.

Mr. Bishop stated it will be a metal building and I plan to put radiant heat in the floors. There will be no attic, 12' to the ceiling. The colors have not been picked out, but it will be something nice to blend in with the neighborhood. There will be no windows however there will be a false window on the door.

Don McIlroy stated are you aware you are in the floodplain?

Mr. Bishop stated yes, I just got my flood elevation and survey yesterday. Based on your recommendation, we can put in flood doors. I want to be to code.

Marsha Griebel Graham stated will you take out flood insurance?

Mr. Bishop stated there will be no loan on it, so I haven't decided.

John Ankrom stated we have talked about the Floodplain Permit.

Mr. Bishop stated I have already signed the contract with the building contingent upon Zoning Approval.

John Ankrom stated your survey show the structure being 3' off the south property line.

Mr. Bishop stated I saw that, we can change that to 5'.

John Ankrom stated you may want to move it more toward the west so you can make the turning radius to get into the garage doors.

Mr. Bishop stated I don't plan to use those doors; they are more for opening up the garage and airing it out. I plan to enter from the front.

Mike Combs stated there is an alley; will you be able to see around the building to get out?

Mr. Bishop stated yes, we won't be flush against the property.

David Crawford stated will the curb cuts stay the same?

Mr. Bishop replied yes. Right now we get a lot of people who use the parking lot for a turn around and tear up the gravel. This will hinder that.

Don McIlroy motioned to approve, seconded by Terry Leasure. VOTE ON MOTION: MIKE COMBS, YEA; TERRY LEASURE, YEA; JOHN ANKROM, YEA; MARSHA GRIEBEL GRAHAM, YEA; AL SEDLAK, YEA; BILL MOSHER, YEA; DON MCILROY, YEA. 7 YEAS, 0 NAYS. MOTION CARRIED.

The next item on the agenda was Conditional Use Permit #1-13, as requested by the City of Circleville, Department of Public Service, 104 East Franklin Street, to place two storage units at 740 South Washington Street, in an area zoned SU, Special Use District.

John Ankrom and Don McIlroy both stated they would abstain from voting.

John Ankrom stated the Service Garage purchased two metal storage units. They are 8' x 16'. Our intention is to store road signs, to keep them out of the weather and keep them organized. The units will be flush with the buildings and the doors will open to the east.

Bill Mosher stated there is a 20' gap between the buildings. That gives you four feet to get around between them. Does the fire chief have a concern with it?

John Ankrom stated I didn't run it by him, but I will. There is access to the rear of the buildings.

Bill Mosher stated I wouldn't think it would be any different than a building.

John Ankrom stated I don't think anyone will even notice them where they are tucked away.

Al Sedlak motioned to approve, seconded by Terry Leasure. VOTE ON MOTION: TERRY LEASURE, YEA; JOHN ANKROM, ABSTAIN; MARSHA GRIEBEL GRAHAM, YEA; AL SEDLAK, YEA; BILL MOSHER, YEA; DON MCILROY, ABSTAIN; MIKE COMBS, YEA. 5 YEAS, 0 NAYS, 2 ABSTENTIONS. MOTION CARRIED.

John Ankrom motioned to adjourn, seconded by Don McIlroy. Motion carried, meeting adjourned.