



**Planning and Zoning - Minutes
Wednesday, May 01, 2013**

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

May 1, 2013

MEETING MINUTES

MEMBERS PRESENT

Mike Combs
Terry Leasure
John Ankrom
Marsha Griebel Graham
Al Sedlak
Valerie Goeller, Clerk

VISITORS PRESENT

Andrew & Linnea Mahlman
Steve Eversole
Chad Dawson
Craig McMillon

Vice Chairman Alan Sedlak called the meeting to order at 7:00 p.m.

The first item on the agenda was approval of April's Meeting Minutes.

John Ankrom stated Mr. D'Aiello came into the office after the meeting and requested an additional square footage to his Variance #5-13. I wonder if that should be noted somewhere in the minutes that he went with 24' x 32' by extending it 8' to the rear? I spoke with Bill about it and we didn't see any reason why not to grant the request. It didn't change the actual variance for the side yard setback.

Al Sedlak stated minutes speak for themselves typically. Do you have an amendment form or application? You could also attach a memo to the minutes explaining the difference between what was constructed and what was approved.

John Ankrom stated we will attach a memo to the minutes.

Marsha Griebel Graham motioned to approve the minutes as submitted, seconded by Terry Leasure. All in favor, motion carried.

The next item on the agenda was Conditional Use Permit #3-13, as requested by Eversole Builders, Inc., 2495 Election House Road, Lancaster, OH for Lloyd Helber, Pizza Cottage, 23401 Goodchild Service Road, for outdoor dining, in an area zoned GB, General Business District.

Steve Eversole was sworn in and stated also with me tonight is Chad Dawson, General Manager of Pizza Cottage, and Craig McMillan, who will be the manager of the Circleville Store.

Al Sedlak stated you have two requests on tonight's agenda. Can you tell me in regards to the Conditional Use Permit what it is you are requesting?

Mr. Eversole stated we are proposing to put an outdoor dining area on the north side of the building. This is a rendering of what it will look like. It will be fenced in with a four foot high fence so people can't come in from the parking lot. The only access will be from inside of the building. The north side of the building we felt was the least problematic area for it. Pizza Cottage is a family based restaurant and they close at 10:00 p.m. during the week and 11:00 p.m. on Friday and Saturdays.

Al Sedlak stated Outdoor Dining is a Conditional Use in a General Business District. One condition is that it is not located within 500' of a residential district and it is not. It requires a development plan to be submitted. Do you have anything in the way of specs or a narrative of the plan?

Mr. Eversole stated we do have tentative drawings done on it. There will be sealed detailed drawings on it, but we didn't want to invest the money into the engineering of it, if it didn't pass. It will be an aluminum frame canopy with black canvas covering it; which will match the other colors on the building.

Al Sedlak stated I understand your approach. Assuming this is approved, prior to construction we would like a copy of those plans submitted to the Service Department.

Mr. Eversole stated we will submit the detailed sealed plans to the Service Dept.

John Ankrom stated is that a new door that will come out to the outdoor dining?

Mr. Eversole stated yes, but it has already been installed. We hope to get approval on it, if not, we have another way out of the restaurant.

John Ankrom stated is your idea to take the asphalt out and put in a concrete patio?

Mr. Eversole stated we will take the asphalt out and put curb all away around it and pour a new concrete pad so it ties right into it on grade.

John Ankrom stated does this affect your signage?

Mr. Eversole stated no, the signage is all along US Rte 23.

John Ankrom stated the depth extending north, cuts you down to about 38'.

Mr. Eversole stated we aren't going out any further than the existing parking spaces. We are losing three parking spaces. It won't protrude into the drive isle on the north side; the width remains the same.

John Ankrom stated it appears that it is getting out there a little bit, that was the reason for the question.

Terry Leasure stated you said there would be a fence around it, will there be a gate?

Mr. Eversole stated yes, it will be the aluminum wrought iron fence look in black. There has to be a gate to get out for emergency purposes. The intent is not for people to come and go through it.

John Ankrom stated will there be lighting?

Mr. Eversole stated yes, there will be no cast out lighting. It will be all in the canopy and down lit. There will be no TV's, but the music from indoors may be piped out and nothing live.

Terry Leasure motioned to approve with the stipulation a Development Plan to be submitted to the Public Service Department prior to any construction, seconded by Mike Combs.
VOTE ON MOTION: MIKE COMBS, YEA; TERRY LEASURE, YEA; JOHN ANKROM, YEA; MARSHA GRIEBEL GRAHAM, YEA; AL SEDLAK, YEA. 5 YEAS, 0 NAYS, 2 ABSENT (MOSHER AND MCILROY) MOTION CARRIED.

The next item on the agenda was Variance #9-13, as requested by Eversole Builders, Inc., 2495 Election House Road, Lancaster, OH for Lloyd Helber, Pizza Cottage, 23401 Goodchild Service Road, to vary the number of parking spaces from 98 to 84, in an area zoned GB, General Business District.

Mr. Eversole stated when Mr. Helber acquired this building; we were working with an existing developed parcel. It met the bare minimum number of parking spaces required. With us adding on the patio area, we lost three spaces. With the addition of the patio, now we need to add a few parking spaces. We are asking for a variance so we can have the patio. We can use the area behind the building where the drive thru window is for parking spaces. We don't have a drive thru window; there is no menu board or ordering, it's only a pickup window. We have also been in contact with Advanced Auto Parts. They are looking forward to us coming into the area. Mr. Helber has struck a deal with them to trade some mowing in return to allow us to use their parking lot at anytime.

All members felt the allowance for parking for the drive thru lane was excessive, considering there is no menu board.

Al Sedlak stated what is your general rule for parking spaces for your other stores?

Mr. Eversole stated the general rule typically applies; 1 parking space per each 75 square foot of building area. That's what I have noticed is average for other zoning ordinances. We hope we fill up all the parking spaces and all of them next door too. Generally, there is plenty of parking unless there is a big event. We are in a good location that will provide for overflow.

All members agreed there is plenty of parking in the surrounding area.

Marsha Griebel Graham motioned to approve, seconded by John Ankrom. VOTE ON MOTION: TERRY LEASURE, YEA; JOHN ANKROM, YEA; MARSHA GRIEBEL GRAHAM, YEA; AL SEDLAK, YEA; MIKE COMBS, YEA. 5 YEAS, 0 NAYS,

MOTION CARRIED.

The next on the agenda was Variance #10-13, as requested by Andrew Mahlman, 303 Watt Street to construct a 22' x 36' = 792 square foot garage and to vary the maximum allowed lot coverage from 45% to 55%, in an area zoned R-5, Two Family Residential District.

Andrew Mahlman was sworn in and stated I plan to build a 22' x 36', two-story (loft) garage. I would also like to add a height variance. My contractor is coming up with 21' 2.5" for the peak height. Is there any chance I can get a variance from the 18' maximum to 21' 2.5"?

John Ankrom stated it is something we can discuss tonight.

Mr. Mahlman stated I want to take down the existing carport and install a driveway that will come straight out from the garage. The three trees will have to be removed and all of those are on my property

John Ankrom stated I assume the height variance is to accommodate the loft area.

Mr. Mahlman replied yes. The downstairs level ceiling height will be 9' and the upstairs ceiling height will be 8'.

John Ankrom stated how does that compare to the height of your residence?

Mr. Mahlman replied I would say comparable. Our home is a Cape Cod style, one and half stories.

Marsha Griebel Graham stated will this be attached to the house?

Mr. Mahlman stated no, it is freestanding. There will be a stairway in the inside of the building.

Al Sedlak stated will that be an apartment or an area for living?

Mr. Mahlman replied no. It will be approximately 12' wide by 36'.

Al Sedlak stated were you before us a few years ago?

Mr. Mahlman stated about 5 years ago. I was going to do a garage back then and then ran into some other structural issues and had to use my garage funds for other repairs.

Marsha Griebel Graham motioned to approve with the addition to vary the maximum height from 18' to 21' 2.5", seconded by Terry Leasure. VOTE ON MOTION: JOHN ANKROM, YEA; MARSHA GRIEBEL GRAHAM, YEA; AL SEDLAK, YEA; MIKE COMBS, YEA; TERRY LEASURE, YEA. 5 YEAS, 0 NAYS, MOTION CARRIED.

John Ankrom stated Jeff Bishop was before us a few months ago. He was the insurance agent across from Ted Lewis Park who was building the garage. He contacted our office about installing a sign to include time and temperature. The best description we could come up with was a digital display sign. Those types of signs are only allowed on major arteries. He is located in a Residential Office District. I don't know what it would be if it wasn't a digital display sign? Are we going to have a problem approving a sign with the time and temperature on North Court Street?

Marsha Griebel Graham stated what is the open/closed sign at the library?

Everyone agreed it was a grey area and it was a residential neighborhood and could be a little evasive. They would like for him to come to the board informally and discuss it in further detail.

John Ankrom stated the other informal item I wanted to run by you was we are getting a request for a gun shop in the downtown. We had a visit from an ATF Agent wanting to know if we have approved anything for them, which at this point we haven't. They will be coming before the HDRB this month. They were looking more for any zoning that would restrict them from coming in to the downtown. We had the Bunker on West Main Street which was the same type of business.

Marsha Griebel Graham stated the pawn shop also sells guns.

Al Sedlak read from the code the purpose of the downtown.

Everyone agreed that it fits the purpose of the downtown.

Marsha Griebel Graham motioned to adjourn, seconded by Terry Leasure. All in favor, motion carried.