



**Planning and Zoning - Minutes
Wednesday, July 11, 2012**

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

Wednesday, July 11, 2012
City Hall Council Chambers

Minutes

Members Present

Bill Mosher
Don McIlroy
Mike Combs
Terry Leasure
John Ankrom
David Moss
Al Sedlak
Valerie Goeller, Clerk
Sam Shapiro
Linda & TD VanCamp

Visitors Present

Betty & Randy Dockery
Andy Chileski
Marilyn & Bob Johnson
Tom Gifford
Scott Ewing
Marcia & Steve Helwagen
Steven Marshall
Mike Lusk

At 7:00 p.m., Chairman Bill Mosher opened a public hearing that had been requested by Berger Health Systems, 600 North Pickaway Street, to rezone property located at 600, 706 and 720 North Pickaway Street, in areas zoned R-2 and R-3, Single-Family Residential Districts to SU, Special Use District.

Mike Lusk, Lusk Architecture, representing Berger Hospital, was sworn in and stated the purpose of this request is the need for additional parking. There are two residential properties along Pickaway Street that are zoned residential and one piece to the back of the hospital that evidently has never been rezoned at an earlier time. Currently there is a buffering fence that is located there. We will extend it around to the proposed parking area along Pickaway Street. It will be the same type of fence.

Don McIlroy stated are the two homes occupied?

Mike Lusk stated one is unoccupied and the other is used for overnight stays by visiting doctors.

Bill Mosher stated there are three existing residences between the existing parking lot and the house on the corner of Pickaway Street and Northridge Road. Will the third house remain?

Andy Chileski replied yes.

Bill Mosher stated when the parking lot was developed years ago; the P&Z Commission required that one house remain a residence as a buffer to the other two houses on Pickaway Street. Berger Hospital agreed to this. They indicated they would use this residence for temporary residency for visiting doctors.

Al Sedlak stated are you saying one of the houses they own should remain a house?

Bill Mosher stated several years back when they approached us wanting to make a parking lot out of what is there now; the request also included the existing house next to the parking lot that is there now. We required it to remain as a residence to serve as a buffer to the other residences. I'm not suggesting it has to remain that way. That is the history and I am not sure all of you are aware of this. Since then they have purchased the house next to the house they owned that serves as the buffer.

Don McIlroy stated do you plan to use the same fence that runs down between the property lines next to the parking lot?

Andy Chileski stated the green fence will run along Pickaway Street, but between the house and parking lot is a much higher fence.

Mr. Shapiro stated there was a third property listed in the letter. It's 600 Pickaway Street.

John Ankrom stated that is the address of the hospital. It's a piece of land to the back.

Mr. Shapiro stated there is a house south of Berger on Sharon Road. That is where the additional parking is needed.

Andy Chileski stated we looked at that years ago and that house has a retaining wall and wouldn't allow for much more additional parking.

Don McIlroy stated they aren't the highest employer in the Pickaway County, but they are right at the top. If you ever have to go over there you will see they need additional parking.

T.D. VanCamp was sworn in and stated because of the eminent domain where they took an acre of our property, I am now the neighbor to Berger Hospital on the east and south sides. Now they are going to be on the west side of me. I guess they sent out 25 notices to surrounding property owners and we weren't notified. I'm not sure who was in charge of this. They said Berger Hospital prepared the list. This is the second or third time this has happened. Whoever is in charge of that, I would really like to get on the mailing list.

Right now where our lots join there is no shrubbery. Our bedroom is up against where the proposed parking lot is going in.

Bill Mosher stated you are already experiencing next door status to Berger's parking lot.

There is a six foot fence existing.

T.D. VanCamp stated a six foot fence would be worthless, but they did put shrubbery on their side of the fence. It does cut down on the noise. We are experiencing people cutting through our yard. There are three places in the fence that do not fasten to the four inch posts. People can walk through it. It is mostly kids. There have been some theft problems where items have been stolen out of the garage. The house on Pickaway Street that will be directly next to the proposed parking lot, the fence will be 10' from her house. I would hope they put up some type of plant growth for a buffer to the noise and lights. Right now the lights from the parking light shine through the windows. When they put up lights in the new parking area, the lights will shine in our bedroom.

Bill Mosher stated it is typical with commercial establishments that put in parking lots, for us to discuss buffers for noise and lights. The lights need to shine inward. There are requirements that have to be met in that regard. I would like to think we can do everything possible to not allow that to be a problem. I think the fence needs to be secure and totally enclosed with no gates or any possibility for someone getting through.

T.D. VanCamp stated there is one intentional gate on the south fence along Wood Lane. It's near the helicopter pad.

Sam Shapiro stated their proposed parking lot expansion will only gain them 12 parking spaces.

Al Sedlak stated their plat shows 68 parking spaces.

Sam Shapiro stated I too share T.D.'s points on the lights.

Mr. Lusk stated Berger's intent is to be a good neighbor. We will look at what we need to do to tighten that fence up. As far as the lighting, I thought the lights were shining down to the lot. If it's not we will look at that. The north is the area they can expand a lot at this time. Going south is not feasible at this time.

John Ankrom stated I know we aren't reviewing the parking lot at this time, but I had a view on it. People are still coming in and out of the same area. You still have the same curb cut that feeds the whole parking lot. Is that a concern to you?

Mr. Lusk stated no, our prospective is municipalities don't usually want additional curb cuts. Our civil engineers, who are traffic engineers, didn't view it as an issue. We are also trying to maximize the parking. I think you make it confusing if you add another cut. Right now it is clear to people they go in and out the same entrance.

John Ankrom stated I think there is more confusion with your southern entrance.

T.D. VanCamp stated adding 68 parking spaces and with cars today, people walk away from their car and hit their button and the horn sounds twice. Is there a commitment on their part to put in tall shrubbery on their side of the fence? When is that decision made?

John Ankrom stated I would think this commission could make those stipulations.

Mr. Lusk stated my client is okay with that. We have another review process to go through before we get a permit for the parking lot. We will be back before this commission. We want to get this parking lot in during this construction season. Can we work with Zoning to get

our permits for the parking lot while we are going through the rezoning process?

Bill Mosher stated we will make a recommendation to City Council tonight on the rezoning. Council will also have a public hearing and they will take action on it. We can hear your request, but your plans will need to be very detailed. Any action will be contingent upon rezoning approval.

Public Hearing was closed.

The next item on the agenda was approval of June's Meeting Minutes.

Don McIlroy motioned to approve, seconded by Terry Leasure. All in favor; minutes approved.

The next item on the agenda was to vote on a recommendation to forward to City Council on Berger Health Systems request.

Bill Mosher stated their request consists of rezoning 3 residential lots to a Special Use District. This Commission can recommend to City Council that the request be approved as submitted, denied as submitted, or some type of variation to the request.

I should have asked this earlier. You use the property that exists now as a temporary residence for incoming medical staff. I assume this has been used pretty regularly. Do you find you don't need that anymore?

Andy Chileski stated we have two houses on Wood Lane that we use and that seems to be sufficient.

T.D. VanCamp stated the plans they have shared with me do show landscaping behind my property, but the lady to the north doesn't have any between the fence and the side of her house.

Bill Mosher stated we will have that opportunity to debate that with them. Property owners will be notified again when that discussion comes before us. Your name has been added to the list. Any type of development that is done in a Special Use District will require a Conditional Use Permit. They have to come before this commission to obtain that. They will have to submit thorough architectural plans of what they want to do. We have to okay that.

Al Sedlak motioned to recommend to City Council to approve the rezoning request as submitted, seconded by David Moss. VOTE ON MOTION: BILL MOSHER, YEA; DON MCILROY, ABSTAIN; MIKE COMBS, YEA; TERRY LEASURE, YEA; JOHN ANKROM, YEA; DAVID MOSS, YEA; AL SEDLAK. 6 YEAS, 0 NAYS, AND 1 ABSTENTION; MOTION CARRIED.

The next item on the agenda was Variance #8-12, as requested by Thomas Gifford, 118 Park Street, to attach a 20' x 21' carport to an existing garage, and to vary the left side yard setback from 6' to 1' and the allowable lot coverage from 35% to 43%, in an area zoned R-3, Single-Family Residential District.

Tom Gifford was sworn in and stated the middle garage door toward the alley is where the carport will start and run back to the chain link fence. It will go west to the edge of the concrete and out to the end of the shed. The shed is on my neighbor's property.

John Ankrom stated your carport will be in line with the shed.

Bill Mosher stated how far off the property line is the shed?

Mr. Gifford stated about one foot off my neighbor's property line. It won't come any closer toward the alley than what the shed does.

John Ankrom stated will the last post of your carport be in the concrete or in the yard?

Mr. Gifford stated it can sit either way. There are special fasteners for the concrete. I would rather set it in the ground.

John Ankrom stated where is your property line relative to the concrete?

Tom Gifford stated the property line is the end of the chain link fence.

John Ankrom stated the concrete looks to be less than one foot off of that.

Tom Gifford stated 13". The builder wants to set it off my concrete.

John Ankrom stated your variance request is from 6' to 1'. It's your responsibility to keep it 1' off the property line.

Tom Gifford stated it will be on the concrete.

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

The next item on the agenda was Variance #9-12, as requested by Betty Dockery, 629 Mowrer Road, to construct a 12' x 17' front porch with a roof and to vary the front yard setback from 25' to 17'; to erect a 6' fence along Edgewood Drive and to vary the allowed use of a 6' fence in a front yard, in an area zoned R-3, Single-Family Residential District.

Betty Dockery was sworn in and stated the porch will come out at the midsection of the house. The roofline will match the existing.

Bill Mosher stated a 12' x 17' front porch is very large. How did you come up with that size?

Mrs. Dockery stated we wanted to go from the edge of the driveway over to the bedroom area for the width. We have a lot of children and grandchildren and when they are all visiting we need the space.

Mr. Mosher stated you are really encroaching on the front yard setback a great deal. I would like to see it come out 9' opposed to 12'.

Mr. Dockery stated our plans eventually will be coming off the deck with a 4' inset step going to the driveway. The opposite side of the porch will also have a 4' inset steps leading to a stone patio. We want to have a big flag pole on the corner. I've have spoken with all four neighbors. We feel our improvements will provide a gateway to a nicer neighborhood.

Al Sedlak stated the front door is setback from the upper part of the house. By shortening the porch from 12' to 9', you probably aren't giving them enough room for a walkway around to the side of the house.

Bill Mosher stated you are on a corner lot, so you have two front yards. That is why the 6' fence is an issue.

John Ankrom stated the fence will come out 4' from the northeast corner of the house toward Edgewood Drive and follow Edgewood Drive up to the property line. I would guess it's going to be around 20' off the road. Because of the road curve you are getting more frontage.

Mrs. Dockery stated boys can climb a four foot fence easily and be out in the road. A six foot fence is a little harder for them.

Mr. Dockery stated we have four large pine trees along the back of the property. Will we need to put the fence in front or behind the trees? This boundary abuts the Helwagen's property and they are here tonight. I told them I wanted to put the fence on the backside of the trees, but because the pine trees are so old and the roots are so deep we didn't know if that would be possible. They mentioned possibly encroaching on their property a little to get the holes dug. If it's a problem we can put the fence in front of the trees.

Bill Mosher stated you have to understand, even if they say its okay, you can't put your fence on their property. We typically suggest keeping fences 1' off the property line so that you can maintain the fence; however, our code allows putting a fence right on the property line.

Mr. Dockery stated we plan to have a gate in the back. Along Edgewood Drive will be professionally landscaped.

John Ankrom stated there is a 10' easement to the north.

Mr. Dockery stated I think it's for the electric.

Bill Mosher stated you have to understand, if you put something in that area and the electric company has to get in there, they will take out whatever they need to. You take a chance by putting something in it that you could lose it. It is at your risk.

Mr. Helwagen stated I don't think there is room for a fence behind the trees. You could get it in, but the trees would have to be trimmed. What type of fence are you talking about?

Mrs. Dockery stated a white, vinyl, privacy fence. The variance wasn't for the north property line.

Terry Leasure motioned to approve both variances as requested, seconded by Mike Combs. VOTE ON MOTION: MIKE COMBS, YEA; TERRY LEASURE, YEA; JOHN ANKROM, YEA; DAVID MOSS, YEA; AL SEDLAK, YEA; BILL MOSHER, YEA; DON MCILROY, YEA. 7 YEAS, 0 NAYS; MOTION CARRIED.

The next item on the agenda was Variance #10-12, as requested by Circleville Ag Products, 347 East Corwin Street, to add a 40' x 58' addition to an existing structure located at 585 Clinton Street and to vary the rear yard setback from 40' to 8', in an area zoned LI, Limited Industrial District.

Scott Ewing was sworn in and stated they want to add onto an existing structure to be used for storage.

Bill Mosher stated that area abuts railroad property.

Scott Ewing stated we have been before you previously. We are out of room.

Don McIlroy stated I am glad your business is doing well.

Bill Mosher stated will the siding match?

Scott Ewing replied yes.

Terry Leasure motioned to approve, seconded by Al Sedlak. VOTE ON MOTION: TERRY LEASURE, YEA; JOHN ANKROM, YEA; DAVID MOSS, YEA; AL SEDLAK, YEA; BILL MOSHER, YEA; DON MCILROY, YEA; MIKE COMBS, YEA. 7 YEAS, 0 NAYS, MOTION CARRIED.

The next item on the agenda was Variance #11-12, as requested by Rob Neal for Jenine Daniels, 315 Lewis Road, to construct a front porch with a roof and to vary the front yard platted setback from 30' to 24', in an area zoned R-3, Single-Family Residential District.

Steve Marshall, representing the Home Center, was sworn in and stated we are in the process of residing the home. She likes the outdoors and wants us to build an 8' x 18' porch out of composite. It will be a matching gable roof. We are going to tear out the sidewalk that goes out to the street and relocate it to the driveway. There will be a rail on the porch and the composite will go clear to the ground to prevent critters under the porch. Vinyl lattice will be on the west end to shield the sun.

Don McIlroy motioned to approve, seconded by Al Sedlak. VOTE ON MOTION: JOHN ANKROM, YEA; DAVID MOSS, YEA; AL SEDLAK, YEA; BILL MOSHER, YEA; DON MCILROY, YEA; MIKE COMBS, YEA; TERRY LEASURE, YEA. 7 YEAS, 0 NAYS; MOTION CARRIED.

The last item on the agenda was a request for a Preliminary Plat of the Town Street/Crites Road Connector, as requested by the City of Circleville, Developer and Berry Leaf Holdings, LLC, Owner.

John Ankrom stated Craig Stevenson of Clark and Associates and Kevin Steward, the property owner is here tonight. We had an informal review of this last month. They have taken their drawings a little further.

Don McIlroy thanked Kevin Steward for his vision and being a good partner to the city.

Craig Stevenson stated we have firmed up a few details. The one question was the width of the right-of-way on the eastside that will abut Turner Subdivision. It will be 90' centered 60' with a 30' buffer. This will be taken by Fee Simple by the city to allow a buffer to satisfy the neighbors. The storm sewer and waterline will accommodate the Long Range Plan. Truck traffic was discussed and the turn radius on Town Street; now goes back and matches the existing curb.

John Ankrom stated the 30' buffer talked about will allow us to do some type of berming or

landscaping to help buffer the road from the rear of those residences. The road construction will be shifted to the west to provide for the additional buffer. This ties into the Casto piece which ties into the long range plan for our Jobs Ready Site at the Thomson location.

Don McIlroy stated we have been working with Health Care Logistics (HCL). HCL plans to build a warehouse, either here or in Grove City. According to them, this could bring in up to 60 new jobs. We are going in and cleaning up some vacant homes in the area. This connector will be a positive sign for them that Circleville is where they need to build their new warehouse facility. Eventually this will connect directly to Rte 23.

Al Sedlak stated how far does HCL own?

Don McIlroy replied all the way to the railroad tracks. There is also a lot of drug activity in the area. Those streets dead end and help assists the dealers. If we can get a flow through there it should help the safety forces.

Al Sedlak stated isn't there a long range plan to extend Crites Road all the way to Kingston Pike.

John Ankrom replied yes.

Al Sedlak stated that really opens the property to the east for development.

David Moss stated is this property zoned the way you want it?

Kevin Steward stated there is an approach almost directly across from HCL. To the left of that is zoned GE, General Employment and to the right is zoned AR, Apartment Residential. Since I am giving the city the right-of-way, which is grant funded by ODOT, I asked if we can get all that rezoned to GE, General Employment. That gives more land that is a job ready site. Sewer, water and storm are already there.

John Ankrom stated the plan is to have the rezoning before the commission next month. There will be an Owner/Developer Agreement we will enter into.

Kevin Steward stated I have a lot of confidence in this administration and I think it will happen. This will help the traffic in that area and open more property in the city for development.

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

Bill Mosher motioned to adjourn, seconded by Don McIlroy. All in favor, motion carried.