



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

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

November 6, 2013
Minutes

Members Present

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

Visitors Present

Andy Chileski
William & Patricia Rice
Jason Harral
Angelina Nutter
Patricia Farian
Gail Brown
Daryl Wolfe
Christine Spring

Al Sedlak called the public hearing to order at 6:00 p.m.

As requested by Circleville City Schools, 388 Clark Drive, to rezone Court Street Elementary School, 1250 South Court Street, from SU, Special Use District to GB, General Business District.

Al Sedlak explained the process of the public hearing and that the Commission only makes a recommendation to City Council and City Council will make the final decision. John Ankrom on behalf of the City plans to speak on this issue.

John Ankrom stated the application was filed by Circleville City Schools at the request of the City of Circleville and particularly Council to consider rezoning the current South Court Street Elementary School which is now a Special Use District to a General Business District. This is in accordance with the city's Long Range Plan. With the school going to be abandoned next May because of the construction of the new schools, we thought this was a good time before the school property is put on the market to get it rezoned to the General Business District. There are three parcels that are identified as school property. I have the

legal descriptions and one parcel doesn't appear to have a parcel number. Starting at McDonald's and going north there is a piece that is 2.798 acres and an additional 3.12 acres. The tract north of that behind the fire department that is now used for the schools parking lot is .884 acres. This is the tract that doesn't have a parcel number. With not being able to identify the third parcel, I would ask that the recommendation include a total acreage or any property conveyed by the Circleville Schools be included in the request to rezone the property to General Business.

Al Sedlak stated you can identify it by location and acreage and you have done that.

John Ankrom stated we do have the deed and legal description for it. The County Auditor has never assigned a parcel number to it that anyone can find.

Al Sedlak stated where McDonald's and the parcel to the north where the Fire Station is located what are they zoned?

John Ankrom stated it appears both are zoned GB, General Business District and the properties across the street are zoned GB.

Al Sedlak stated the rezoning would bring it to conformance. At the end of this school year the district will quit using it as a school.

John Ankrom stated I think Council's push to get this rezoned to a commercial piece is to keep it from becoming housing or something of the sort. They want to keep it in line with the Long Range Plan.

Al Sedlak asked if there was anyone in the audience who wished to speak on this topic. City Council will also hold a public hearing.

No one in the audience commented.

Al Sedlak closed the public hearing at approximately 6:10 p.m.

The first item on the regular agenda was approval of October's Planning and Zoning Minutes. Terry Leasure motioned to approve the minutes as submitted, seconded by Bob McCrady. All in favor, motion carried.

The next item on the agenda was to vote on a rezoning recommendation for 1250 South Court Street to forward to City Council.

Al Sedlak stated I received an email from City Council Member Tom Spring yesterday. I will read the email to you.

Tonight at council meeting the members reviewed the criteria Council shall consider in reviewing recommendations from P&Z concerning rezoning applications. The criteria are found in Section 6.01.04 of the Zoning Ordinance. I remarked that it would be nice if the P&Z Commission would provide to council their findings on its criteria. The Zoning Ordinance seems to be silent to the criteria for P&Z. I can only conclude this was an oversight by the drafters. It would seem incongruous to me that there would be a different set of criteria by which to evaluate an application at the P&Z level. By way of example: I share with Council the seven criteria also attached required to be evaluated for rezoning by the City of Gahanna. The criteria begin with the application itself. Gahanna requires the applicant to prepare statements that address each of the seven criteria which generally

includes Circleville's A & C although worded differently. The only thing I could find in Circleville's is Section 6 is a requirement the applicant states how the proposal will impact the adjacent and approximate properties. This doesn't seem to come close to addressing the three criteria in Circleville Section 6. David Crawford suggest that I convey this information to you considering the impacts positive and or negative the rezoning decisions may have on achieving specific goals in the comprehensive plan but also be helpful to receive any recommendations the commission may have concerning how to best implement these goals because the city doesn't have a planner on staff or contract it would seem we unnecessarily look to P&Z and the administration for such an assessment.

I have not responded to Mr. Spring however will do so tonight after the meeting. I will share with him any comments we might have. I don't think it was an oversight that the zoning ordinance does not have criteria for us. There is no requirement that we make findings and I think this is because we are only making a recommendation. We are representatives of the community and that is how we have addressed things as a commission. We don't make the final decision, only giving a sense of our recommendation. Council has more criteria to address. Mr. Spring provided an application for rezoning that the City of Gahanna uses. It includes seven items for rezoning criteria. They are very similar to the three items we have in our ordinance for council to consider. Our three are a little broader and more general than Gahanna's. They cover the same ideas and considerations. My thought is that we go through and address each of the criteria in our ordinance. I believe our minutes will give Mr. Spring the feedback he is asking for. I feel John well summarized the request and the other factors in the adjacent properties.

Section 6.06.04 Criteria – In reviewing the proposed amendment and arriving at its decision, the City Council shall consider the following factors:

A. Compatibility of the proposed amendment with the zoning and use of adjacent land, and with adopted land use plans for the general area.

Al Sedlak stated that John pointed out that our Long Range Land Use Plan adopted and approved by City Council has this area being a commercial district and the adjacent properties are already zoned General Business District. I think that addresses Criteria A.

B. The effect of the adoption of the proposed amendment on motor vehicle access, traffic flow, and the provision of public services in the general area.

Al Sedlak stated John, as Service Director do you get a sense of what type of commercial development might be interested in this parcel?

John Ankrom stated it will be about six and half to seven acres of ground. I don't think it could be a huge box store. It could be a medium size large retailer. There has been some interest in multiple tenant space. As far as traffic flow, part of the reason council was interested in pursuing this rezoning classification was because of the potential South Court Street Connector Project that will come from Route 23 directly to this property. We thought if we were going to make an investment in that infrastructure in our community it needs to come to something. We want to promote the commercial use of that area that will produce tax revenue and potential jobs.

Al Sedlak asked when the school was built.

John Ankrom stated it was built in the early 60's. It is at least 50 years old.

Al Sedlak stated the whole time it's been used as an elementary school with the traffic in the morning and in the afternoon and flowing through the property by a couple alleys. Would you envision commercial development having more traffic than a school? I am sure it would be spread out in the day.

John Ankrom stated the main collector road bring traffic to that area will be Court Street from both north and south. I would think there would be less traffic. We just got done paving Town Street. In the morning from 8:15 to 8:45 and then again in the afternoon from 2:45 to 3:15 there is a lot of traffic that comes in from the back side of that facility to pickup children. That would go away. It would be less of an impact for the residents to the east toward Pickaway Street.

Al Sedlak stated so you don't see Criteria B as being any worse or more detrimental.

John Ankrom stated this property is nicely positioned as far as our infrastructure being able to handle the traffic. As a P&Z Commission we will have the ability to review any development plans for that property.

C. The effect of the adoption of the proposed amendment upon the public health, safety and general welfare of the residents of the City.

Al Sedlak stated that is really broad and can take in a multiple number of things including Criteria A & B. John mentioned a commercial development with the connector coming from Rte 23 would lead to commercial development that would enhance the city. It is compatible with McDonald's and the Davy Property.

John Ankrom stated from the competitive advantage to the city we want to promote properties that are within the city that can be used for commercial development. That goes to the general welfare of our city.

Al Sedlak stated this was open for public discussion earlier at the public hearing. No one stood up to speak, but it isn't too late if someone wants to add something.

No additional comments were made.

Terry Leasure motioned to forward to City Council with the recommendation the rezoning request to be approved, seconded by Marsha Griebel Graham. VOTE ON MOTION: AL SEDLAK, YEA; MIKE COMBS, YEA; TERRY LEASURE, YEA; JOHN ANKROM, ABSTAIN; MARSHA GRIEBEL GRAHAM, YEA; BOB MCCRADY, YEA. 5 YEAS, 0 NAYS, 1 ABSTENTION AND 1 ABSENT (MCCILROY), MOTION CARRIED.

The next item heard was Conditional Use Permit #7-13, as requested by Berger Health Systems, 600 North Pickaway Street, to install an emergency gate in an existing rear yard fence near Wood Lane, in an area zoned SU, Special Use District.

Andy Chileski was sworn in and stated we are requesting to put up a three foot gate that will be installed at the back of Wood Lane. If you know where Dr. Moshtaghi house is it's on the same fence that is on the back side of TD's property. We had a problem last year where a car took out a telephone pole in front of the hospital. They had to shut down part of North Pickaway Street. We have two entrances there, but it came real close to shutting down both entrances. If we had to shut down both entrances we wouldn't be able to get any ambulances in or fire trucks for emergency. We are proposing an emergency gate in the back which would blend into the fence. If there was ever an emergency where they shut down Pickaway

Street that would be the only reason we would ever use it. We could open it up to get ambulances in and out.

John Ankrom stated I have aerial photographs of that area if anyone on the commission or audience wants to see them. One question I have is looking at it you have landscaping materials along that fence. It appears some of that will have to come out, possibly a tree or two to allow for that gate to come in.

Andy Chileski stated we have a curb on our side that needs to be taken out. We would put stone down so if we ever needed to go over it we could. We don't plan to pave out to Wood Lane, just a small gravel access.

John Ankrom stated would those gates always remain shut?

Mr. Chileski stated they would remain locked only unless there was an emergency when the other two entrances would be shut down. They will not be used as a typical ingress/egress for emergency vehicles.

John Ankrom stated do you anticipate having to do anything with lighting?

Mr. Chileski stated we hadn't planned to.

T.D. VanCamp stated the access to the gate is on Wood Lane, correct?

Mr. Chileski responded yes. We had to make it that width because of the angle they would have to come in. We made it the worst case scenario if we had to bring in a fire truck.

Al Sedlak stated do you know if Arbor Drive if you extend it to the west beyond the area you are talking about is that where you would go into the parking lot? The pavement goes beyond that and seems to end at the fence.

Mr. Chileski stated the pavement goes beyond that and stops at the fence that used to be a part of T.D.'s property.

T.D. VanCamp stated that driveway comes in on my property. It's a place where the police will come in and sometimes sit there and let their dog out.

Al Sedlak stated it will come in opposite of that island at the edge of the parking lot. Do you envision any other situation other than both entrances off Pickaway Street being blocked that you would want to use this?

Mr. Chileski replied no, I don't.

Terry Leasure stated have the neighbors been notified?

Mr. Chileski stated yes, I went up and down Wood Lane and Arbor Drive and spoke with each of the property owners. Their only concern was that we don't use it for day to day use.

T.D. VanCamp stated I don't think any of the neighbors have a problem with it, only that they weren't notified of the meeting.

Valerie Goeller stated yes, I have a list Berger provided me. T.D.'s name is not on this list. I apologize, if I had caught it, I would have also sent you a notice. I want to say you were

missed a few years ago too.

Mr. Chileski stated but I did go over and talk with T.D.

T.D. VanCamp stated I don't have a problem with it; I just want to be on the list.

Marsha Griebel Graham motioned to approve provided the gate only to be used if both entrances on Pickaway Street are blocked in the event of an emergency, seconded by Bob McCrady. VOTE ON MOTION: MIKE COMBS, YEA; TERRY LEASURE, YEA; JOHN ANKROM, YEA; MARSHA GRIEBEL GRAHAM, YEA; BOB MCCRADY, YEA; AL SEDLAK, YEA. 6 YEAS, 0 NAYS, MOTION CARRIED.

The next item heard was Variance #28-13, as requested by Angelina Nutter, 559 East Mound Street, to construct a 30' x 28' garage and to vary the maximum height allowed for accessory structures from 18' to 24', in an area zoned R-4, Historic Neighborhood Single-Family Residential District.

Angelina Nutter was sworn in and stated I am proposing to build a garage. The barn that is in behind my building is old, it's been patched, repaired and it still leaks. Currently I use it to house junk, it's a catchall. I have my car that sits in the driveway and there is a lot of theft in the area. I would like to park my car in the garage. I do have an upstairs now in my garage, but it isn't water tight. I am proposing to build the new garage and the reason I want to go higher than what is allowed is because with the pitch of the roof you wouldn't be able to stand in the garage. In the down stairs portion I would like to build a room for my shop storage, which needs to be air tight. I have had problems with theft in my shop. I have storage in one room which is my tanning room and it's open to the public. I have even had employees steal from me. I want to get my car and storage in the downstairs and all my personal things will go upstairs. The measurements are 24', the bottom floor would be 8'1", the floor between is 1' and the top is another 8'1". The barn I have now is 16' x 30' and my car won't fit in there.

Al Sedlak stated the additional 8' will go toward Mingo Street.

Ms. Nutter stated it's actually giving more room on each side of the barn.

Al Sedlak stated it will obviously be close to the house to the south of you on Mingo Street.

John Ankrom stated how tall the current garage is measuring from the yard to the highest point.

Ms. Nutter replied 23' at the highest point.

John Ankrom stated so it is approximately the same height as what you are planning to build. Our code only allows for 18' in height for an accessory building. Do you live at this address? Is there any intent to make the second story of the proposed garage living area?

Ms. Nutter replied yes, I live there and no the upstairs will not be used for residential.

Patricia Fabian, 315 Mingo Street, was sworn in and stated I live right next to the barn. I agree with Angelina, I am waiting for that roof to come through my house at any time. The barn is 4' from my house. I agree it needs to go. My concern is that the current building is 16' and that takes up four of my eight windows on my house. She is going to extend it another 12'; I will lose all the windows on that side of the house looking toward Mound

Street with the exception of the two in my kitchen. I have concern with it being that far out. I do thank her for wanting to improve the property.

Bob McCrady stated what if the building was moved closer to her property towards Mound Street?

Ms. Fabian stated that doesn't take care of the 12' she wants to extend it out toward Mingo Street. Moving it toward Mound Street won't help.

John Ankrom stated you said you have four feet from the current barn to your house. Do you know where the property line is?

Ms. Fabian stated about halfway in between.

John Ankrom stated to make the three feet she will shift it about one foot more to the north.

Ms. Fabian stated my concern is not the location being so close to my house it's the fact it will be deeper and block my view.

John Ankrom stated, Angelina, have you considered shifting the building to the north? From the aerial we have it appears you have room to do that.

Ms. Nutter replied I could do a slight adjustment. I want to leave room for parking for my tenants. It is a convenience for them to pull right up and go inside. I could go a little closer to the house. It will be better because my car will be in the garage. Now the way it sits you have the truck and car sitting out there that I am sure obstructs her view.

Ms. Fabian stated I can see around the vehicles.

Terry Leasure asked how many feet this will be located off the house?

Ms. Nutter stated if it helps I can go 26' instead of 28'. It will be tight, but I can still get my car in the garage. We can even shift to the north a little.

Al Sedlak asked how far north do you think you can move it?

Ms. Nutter replied maybe 2' take it 5' off the property line.

Bob McCrady stated Ms. Fabian stated she needed 24' to be able to have a view.

Ms. Fabian stated I have a four season room and it has three windows. All of those windows will be blocked. Then I have my computer room and one window will be completely blocked and I can see out two windows. If you take it to 28' I will lose the two additional windows in my computer room. I will lose six windows all together on that side of the house if she builds the way it is proposed.

Ms. Nutter stated I originally was approved for a 33' x 28', but I was thinking of my neighbor at that time and went 3' less. The variance is for the height. I am willing to move it over by a foot or two more. I want to maintain parking for my tenants.

Al Sedlak stated what is being discussed is taking the depth off Mingo Street 24' rather than 30' and shift the new structure 2' to the north.

Bob McCrady said yes, but allow for a few more feet for her storage.

Bob McCrady motioned to approve with the condition the structure will be 24' deep x 34' wide and 5' off the south property line, seconded by Marsha Griebel Graham. VOTE ON MOTION: TERRY LEASURE, YEA; JOHN ANKROM, YEA; MARSHA GRIEBEL GRAHAM, YEA; BOB MCCRADY, YEA; AL SEDLAK, YEA; MIKE COMBS, YEA. 6 YEAS, 0 NAYS, MOTION CARRIED.

The next item heard was Variance #27-13, as requested by Kessler Sign Company, P.O. Box 785, Zanesville, OH for Daniel and Marilyn Delong, to install 6.41' x 6.3', two-sided, digital display sign in front of 123 North Scioto Street, and to vary the district in which digital display signs are allowed, and the maximum square footage allowed for signs from 20 square feet to 80.76 square feet, in an area zoned DB, Downtown Business District.

Conditional Use Permit #6-13, as requested by Kessler Sign Company, P.O. Box 785, Zanesville, OH for Daniel and Marilyn Delong, to install a 6.41' x 6.3', two-sided, digital display sign in front of 123 North Scioto Street, in an area zoned DB, Downtown Business District.

Bob Kessler of Kessler Sign Co. was sworn in and stated this project is an electric message center, full color, 19mm and total height is 10'. The monument sign is in nice keeping with the neighborhood. It has their address prominently displayed on the sign. Their logo is at the top of the sign with the message center being 41" high by 7'1" wide. The viewing area is approximately 39" x 83".

Bob McCrady asked the height of their current sign?

Bob Kessler stated the existing sign which will be eliminated is roughly 9' tall.

John Ankrom stated the proposed sign will be on the south side of the building instead of the north side. Will it be the same distance off the curb as the current sign?

Mr. Kessler replied yes, if not a little more.

Dan Delong stated we want it to stay inside of the fence area because of Pumpkin Show and potential vandalism.

Bob Kessler stated the visual display will be controlled from Mr. Delong's office. There is a very small antenna that communicates with the sign and he will run it off his computer. He can display different community events and the products they sell.

John Ankrom stated how often will the display change?

Bob Kessler stated we are saying a minimum of 8 seconds. That gives folks time to read it. According to the Ohio Basic Building Code on the state route signs they only want them to change every eight seconds no more. An attention span of a human being is only 7 seconds.

John Ankrom stated I believe we have set another sign at 30 seconds. Is the top of the sign going to be internally illuminated too?

Mr. Kessler replied yes. The only thing that will light up is their logo and the letters. The background is non-illuminated aluminum. It is LED internally illuminated.

John Ankrom asked is it 24 hours illuminated? My concern is immediately to the north on Scioto Street you have residential properties.

Mr. Kessler stated we can program these signs to go on and off anytime you want.

Mr. Delong stated I would like to capture the traffic heading out of town in the mornings.

Christine Spring, 335 Meadow Lane, was sworn in and stated I am here this evening to express my opposition to this sign. I would like to remind you this sign is only a few feet away from a historic district. A digital sign has no business being in a historic neighborhood. The visual pollution and lights don't belong in this setting. The request is for four times of the existing standard. What is the purpose of having a standard if someone can come in and ask for something so much larger? We have standards for a reason. I think this is an excessive request. Do signs like this belong in neighborhoods like this? The request for a variance has to meet the five criteria of Section 7.02. I hope you at least see if all five have been met.

Mike Combs stated it is a very nice sign but I don't think it is appropriate for the neighborhood.

After a lengthy debate and few modifications on the hours allowed for the illumination and time length of message rotation, Bob McCrady motioned to approve Variance #27-13, with the condition the sign illumination can go on at 6:30 a.m. and off by 9:30 p.m. and the message rotation can change no less than every 20 seconds, seconded by Terry Leasure. VOTE ON MOTION: JOHN ANKROM, YEA; MARSHA GRIEBEL GRAHAM, YEA; BOB MCCRADY, YEA; AL SEDLAK, YEA; MIKE COMBS, NAY; TERRY LEASURE, YEA. 5 YEAS, 1 NAY, MOTION CARRIED.

Bob McCrady motioned to approve Conditional Use Permit #6-13, with the same conditions as Variance #27-13, seconded by Terry Leasure. VOTE ON MOTION: MARSHA GRIEBEL GRAHAM, YEA; BOB MCCRADY, YEA; AL SEDLAK, YEA; MIKE COMBS, NAY; TERRY LEASURE, YEA; JOHN ANKROM, YEA. 5 YEAS, 1 NAY, MOTION CARRIED.

The last three items on the agenda were heard together.

Lot Split, as requested by Craig Stevenson, Harral and Stevenson, 120 East Main Street, for DK Wolfe Family Investments, 134 North Court Street, to divide the entire south side of the 300 block of East Mill Street into three lots, in an area zoned LI, Limited Industrial District.

Variance #29-13, as requested by Craig Stevenson, Harral and Stevenson, 120 East Main Street, for DK Wolfe Family Investments, 134 North Court Street, for Lot 1, located on the south east corner of East Mill and South Washington Streets, to vary the following Lot and Area Requirements: The minimum lot area and minimum lot width; minimum side yard from 25' to 2'; minimum front yard depth from 25' to 12'; minimum rear yard depth from 40' to 25'; maximum lot coverage from 60% to 92%; distance from residential districts from 100' to 78', in an area zoned LI, Limited Industrial District.

Variance #30-13, as requested by Craig Stevenson, Harral and Stevenson, 120 East Main Street, for DK Wolfe Family Investments, 134 North Court Street, for Lot 2, located in the mid south side of the 300 block of East Mill Street, to vary the following Lot and Area Requirements: The minimum lot area and minimum lot width; minimum side yard from 25' to 10'; minimum front yard depth from 25' to 12'; maximum lot coverage from 60% to

83%; distance from residential districts from 100' to 78', in an area zoned LI, Limited Industrial District.

Jason Harral of Harral and Stevenson, 120 East Main Street, Ste A, was sworn in and stated as the property currently lies it is nine or ten separate tax parcels. Mr. Wolfe would like to condense these into three parcels, clean it up and make it marketable.

Al Sedlak stated it is hard to follow the different parcels and deed to locate them, but the plat that is attached to the application very well sets forth what the plan entails and where the new lot lines would be.

Bill Rice, 352 East Mill Street, was sworn in and stated I have some concern with the layout. Lot two where the entrance is you have an old culvert you have to come across. This culvert always backs up when it rains heavily. Lot three also backs up. If he puts traffic coming in on the east side of the building, that culvert will continue to collapse and it will back completely up and flood the street. I live on the east side of the last alley. My problem is the entrance into lot two and possibly with lot three, but they don't have it laid out so you don't know how they are proposing to get into lot three. I am not sure if this is a parking lot or what?

Jason Harral stated I don't want to confuse anyone, but this is only a conceptual layout of how parking could be configured. At this time there are no proposed improvements to the site. It's only a configuration of how the lot could be configured. If there were any improvements such as parking and access management those would have to go through the city to address storm water detention, etc.

Bill Rice stated not since it's already developed. If its split and two different people purchase these lots, that are the only way you have to get into those lots. It's going to continue to be a problem because it will continue to collapse.

Marsha Griebel Graham stated the buildings that are there now are they existing?

Jason Harral stated they are existing buildings and that is where all the variances relate to. They are already too close to the property lines.

Bob McCrady stated you have 92% lot coverage on lot one. Is that what that building is covering?

John Ankrom stated that also includes the parking lot.

Bill Rice stated I lived down there when the mill was open and parking was always an issue. If you approve this, don't you have to consider parking? Everyone on the north side is residential and when the mill was open no one ever had a place to park in front of their own homes. If you approve the lot splits, you should put something in there that lot three when developed has to provide parking for their employees.

John Ankrom stated part of the reason they show a parking lot here is because they had to prove to our Zoning Department that they had the capability of parking enough cars to satisfy the size of structure there.

Bill Rice stated how would you figure the existing building and how many parking spaces are required?

Jason Harral stated if there was a change of use for this structure, they would have to come back through the zoning office.

John Ankrom stated lot 3 when it is developed would require a Zoning Permit. That is when the access for that lot would be reviewed.

Bill Rice stated on lot 2 the east driveway is also collapsing.

John Ankrom stated I think we can make it a requirement of the approval that at a minimum of a Zoning Compliance Certificate to be issued prior to occupancy of that office building. That would give our office time to review it. We would check it for adequate parking based upon the projected use, lighting, ingress/egress, etc.

Bill Rice stated I think Bob can attest that street has backed up with rain water in the past.

Bob McCrady replied yes, it has plugged up before. I think a larger pipe would resolve that issue.

Terry Leasure stated why hasn't the problem been addressed?

Bob McCrady stated the problem was worse when it was the feed mill. My house is directly across the street and I have never had a problem.

Bill Rice stated I am not saying it floods the house, but it does go into the road. Now is the time to take care of it.

John Ankrom stated do you feel it is a storm sewer maintenance issue in terms of the storm sewer in the area.

Bill Rice stated I don't know if it's a storm sewer issue or collapsed pipe.

Bob McCrady stated I believe it to be a collapsed pipe underneath their driveway in the culvert. It's only an eight or ten inch culvert running through there.

Marsha Griebel Graham asked if it happens every time it rains or only during heavy rainfalls?

Mr. Rice replied heavy rain.

Marsha Griebel Graham stated my street floods too and I am on Scioto Street.

Mr. Rice stated we are talking backup that shouldn't be there.

Terry Leasure stated has the city ever checked it out?

Mr. Rice stated the street department ran their rod machine through it.

Terry Leasure stated it sounds like the city needs to take a look at it.

John Ankrom stated I wasn't aware of the problem until tonight.

Marsha Griebel Graham motioned to approve the lot splits as requested, seconded by Mike Combs. VOTE ON MOTION: BOB MCCRADY, ABSTAIN; AL SEDLAK, YEA; MIKE

COMBS, YEA; TERRY LEASURE, YEA; JOHN ANKROM, ABSTAIN, MARSHA GRIEBEL GRAHAM, YEA. 4 YEAS, 0 NAYS, 2 ABSTENTIONS. MOTION CARRIED.

Jason Harral stated they planned to keep the warehouse as a warehouse. There will be no change of use and it is an existing site. We don't see why this would need an additional Zoning Certification prior to occupancy.

Al Sedlak stated because it could possibly be used for something other than a warehouse.

Daryl Wolfe stated it could change ownership.

Al Sedlak stated we aren't concerned with ownership, our concern is use. Is it currently being used?

Mr. Wolfe replied no, because it is currently owned by the bank. It will be used for a warehouse by me. I am asking for a warehouse.

John Ankrom stated if he continues to use it as a warehouse and the parking as shown is adequate for a warehouse, is it possible they only come back for a Zoning Compliance Certificate if it is going to be used for something other than a warehouse?

Mr. Wolfe replied correct.

Al Sedlak stated is seven spots adequate for a warehouse?

Bill Rice stated the problem is the number of employees.

John Ankrom stated for a warehouse you have to have two spots for every three employees you have on a work shift plus one for each vehicle that is maintained on the premises. If they have seven spots show they can have up to nine employees without needing additional parking. There is plenty of room on that site to get seven parking spots.

Bill Rice stated I agree.

Marsha Griebel Graham motioned to approve Variance #29-13 with the stipulation if the property is to be used for anything other than a warehouse they will have to apply for a Zoning Compliance Certificate, seconded by Terry Leasure. VOTE ON MOTION: AL SEDLAK, YEA; MIKE COMBS, YEA; TERRY LEASURE, YEA; JOHN ANKROM, ABSTAIN, MARSHA GRIEBEL GRAHAM, YEA; BOB MCCRADY, ABSTAIN. 4 YEAS, 0 NAYS, 2 ABSTENTIONS. MOTION CARRIED.

Daryl Wolfe stated I don't see the need for a Zoning Certificate if it's going to remain an office building.

John Ankrom stated is there a parking lot developed there?

Mr. Wolfe replied no.

John Ankrom stated a parking lot would require a Zoning Permit.

Marsha Griebel Graham motioned to approve Variance #30-13 as requested with a stipulation a Zoning Certificate be obtained before any use or occupancy of the building, seconded by Mike Combs. VOTE ON MOTION: MIKE COMBS, YEA; TERRY

LEASURE, YEA; JOHN ANKROM, ABSTAIN, MARSHA GRIEBEL GRAHAM, YEA;
BOB MCCRADY, ABSTAIN; AL SEDLAK, YEA. 4 YEAS, 0 NAYS, 2 ABSTENTIONS.
MOTION CARRIED.

Marsha Griebel Graham motioned adjourn, seconded by Terry Leasure. All in favor,
meeting adjourned.