

West Jefferson Ohio Planning & Zoning Commission

28 East Main Street

Regular Meeting 6:30 PM

Wednesday, October 5, 2022

Meeting Minutes

Call to Order: Chairperson Hay called the meeting to order at 6:30 PM

Roll Call: Mrs. Paula Hay, Mr. Jimmy Little, Mrs. Sandy Boucher, Mr. James Graham, Mr. Roy VonAlmen

Absent for Roll Call:

Approval to accept September 7, 2022 minutes:

Chairperson Hay asked for a motion to approve the minutes from the September meeting.

Motion by Mrs. Boucher to accept the minutes, seconded by Mr. Little to **approve** the minutes from the September 7, 2022 meeting.

VOTE YES: Mrs. Boucher, Mr. Little, Mr. Graham, Mrs. Hay and Mr. VonAlmen

VOTE NO: none

Motion Carried

New Business:

Case # WJ22-0008 - Property address: 300 Darbyview Drive - Request: is a variance for Ordinance 1135.03 to park a commercial vehicle in a residential neighborhood.

Mr. Tom Hale (Staff) stated that ordinance 1135.03 prohibits commercial vehicle parking in a residential district. He showed the property aerial and said that was the request for a commercial vehicle to park there.

Mr. Little asked how large is the vehicle?

Mr. Hale said it was a semi-tractor but just the tractor not the trailer.

Mr. Robert Murry (Applicant), explained that he did not know there was an ordinance restricting it when he took the job. Per his employer he has to be in care, custody and control of the vehicle. He said it is on his driveway not on the street. Mr. Murry said he has signatures of thirteen (13) of his neighbors in support of it. He said he understood that the reason it is not allowed is because of the weight but it is lighter than the trash truck. Mr. Murry said he didn't want to lose his job because he couldn't keep his truck where he needs to. Again, he said his neighbors don't have a problem with it but I guess somebody does. He has the registration he can show and would never bring the trailer there. He stated the nearest terminal was in Indianapolis which is not feasible for him to park it there every night and his account is for a warehouse on State Route 29.

Chairperson Hay asked if it was parked there every night?

Mr. Murry said yes, he parks it there every night.

Mrs. Boucher said they had a similar situation in the same neighborhood where someone wanted to park a boat. She said a variance was allowed as long as it was behind the fence. She asked if there was any way he could park it beside the house.

Mr. Murry replied no there was not. He asked if the problem was the weight. He said what about a plumber's van or a construction truck and what would be the difference. Mr. Murry said it was a little out of place in a residential neighborhood.

Mrs. Samantha Cahill (338 Darbyview Drive) said she lives two (2) doors down from Mr. Murry. She said she has pictures from her view and you can't even see the truck. Mrs. Cahill said she leaves at the same time he does and you can't even hear the truck. She also said that for the people that could not sign the petition she sent text messages over the weekend and they had no problem, one of them being the one with the boat. She said they have eleven (11) houses back there and no one has a complaint.

Rebecca Headings (324 Darbyview Drive) said they don't have an issue with the noise and it is not an eye sore either.

Mrs. Boucher said that she drove back there and because it sits so far back that it doesn't look any different than a truck.

Case # V22-0007 - Property address: 300 Darbyview Drive - Request: is a variance for ordinance 1135.03 to park a commercial vehicle in a residential neighborhood.

A motion was made by Mr. Little and seconded by Mr. VonAlmen to approve the variance as long as he is employed with the current employer.

VOTE YES: Mr. Little, Mr. VonAlmen and Mrs. Boucher

VOTE NO: Mr. Graham

Motion Carried

Case # WJZ22-0003 - Property address: 6400 State Route 29 - Request: is for recommendation to Council for a site plan modification in a Planned Commerce District (PCD).

Mr. Hale explained that in a Planned Commerce District it requires Planning Commission then Council to approve a site plan modification. He showed the aerial view and pointed out where the structure would go.

Mr. Hale said yes and it is his understanding that it is at the rear of the facility when they exit.

Mrs. Boucher asked if they would be changing the landscaping?

Mr. Hale said that a landscaping amendment has not been brought forth at this time. He said they would have to apply for a building permit if their zoning is approved.

Public Hearing opened at 6:45 PM

Mr. James Jones, BL Companies (Applicant) said that there will be very minimal impact to the landscaping. He pointed it out to the board on a site plan he brought and explained how a truck would go through it.

Mrs. Boucher asked if the truck wash was only for the people at that warehouse?

Mr. Daniels said yes it was and it was not a public truck wash.

Mrs. Boucher asked if you would be able to see that truck wash from State Route 29?

Mr. Hale said not unless you drive down to the guard shack.

Chairperson Hay asked if there was anyone here to speak for or against the case.

There was no one.

Public Hearing closed at 6:50 PM

Case # WJZ22-0003 - Property address: 6400 State Route 29 - Request: is for recommendation to Council for a site plan modification in a Planned Commerce District. (PCD).

A motion was made by Mr. Graham and seconded by Mr. Little to approve the recommendation to Council.

VOTE YES: Mr. Graham, Mr. Little, Mrs. Boucher, and Mr. VonAlmen

VOTE NO:

Case # WJ22-0009 - Property address: Parcel #16-00001.000 - Request: is for recommendation to Council for site plan approval in a Planned Commerce District (PCD).

Mr. Tom Hale stated that there was a representative from Love's here and they have a presentation.

Public Hearing opened at 6:52 PM

Mr. Chad Burner, Representing Love's Travel Stops & Country Stores, Inc. (Applicant), explained that Love's has been in business for almost sixty (60) years. They are a family owned and run business with almost 600 (six hundred) stores 42 (forty-two) states employing 26,000 (twenty-six thousand) people with a big emphasis on charities. Mr. Burner said that this project is located on State Route 29 and I-70. They are looking at this location because of the warehouse base and that there is no parking for all of the trucks. The parcel is about 10 acres that they are looking at. He explained that Love's has 4 (four) versions of Love's. (Tier 0 – Tier 1 – Tier 2 & Tier 3) At this location they are looking at a Tier 2. He pointed out the entries and exits on the site plan. It will be similar in look

to the Sidney location. Mr. Burner then explained the sign packet they submitted and explained how they came up with their request. Focusing on the high-rise sign with pictures showing the visibility. He pointed out where they would access their site at the stop light.

Mr. Graham asked for clarification of the property.

Mr. Burner pointed out the location on the PowerPoint.

Mr. Little asked if there they were wanting a variance to the landscaping ordinance as well?

Mr. Burner said yes, they do. He said they are requesting a variance to the spacing on the trees because of where the easement is at.

Mrs. Boucher asked the applicant how many trees they would be taking out?

Mr. Burner said that they are asking for a reduction of 2.8 (two. eight) trees per acres. Because of the easement that cannot plant trees there. He did say that they would be open to increasing the number of trees.

Mrs. Boucher asked if there was any other type of screening there that they could use.

Mr. Burner explained that they would put a fence in the back there for screening.

Mr. Little asked about the plan for the water mitigation in that area because of the location to the Darby.

Mr. Burner said that across the road there is a common detention area that they will contain their storm water runoff.

Mr. Little asked if they would be willing to add more screening to the front?

Mr. Burner said they would be open to dressing up that area.

Mrs. Boucher said that everything out there looks really nice.

Mr. Burner said that they would have people there to maintain the property.

Chairperson Hay asked if there was anyone to speak for or against the case.

Mr. Sean Mentel (Represents the property owner adjacent to the subject property). He explained where that property was located at. Mr. Mental said he has represented the owner for 14 (fourteen) years and the first time they came before West Jefferson was when ODOT was talking about round-a-bouts. At that time, they were looking at what that meant for their property for access. From that point the discussion was that they would access the property through Commerce Parkway. From looking at this site plan and from their understanding it appears that they intend to make Commerce Parkway a private drive. It doesn't show access to the property. If this would be approved it would leave them the property land locked. They would like to see this addressed for access to their site.

Mrs. Boucher asked why it is limited and why you couldn't add an access road.

Mr. Mentel said there is not a going to be another full access point. If it is not accessed through Commerce Parkway they would be stuck with a sliver potential of right in and right out access.

Mrs. Boucher said they the same thing was brought up and someone was supposed to talk to someone. Apparently, nobody has heard anything from that.

Unknown individual (Huntington Bank Trustee) said he tried to contact the individual of the adjacent property and he either didn't show or did not return the phone call.

Mr. David Budge (Assistant Vice President) Representing Huntington Bank, said that they are in contract with a letter of intent for a business that wants to locate there similar to Love's. He said the deal that they have right now requires they get access to the property through Commerce Parkway being the only access to the parcel. Mr. Budge said that looking at the approvals given, it does not require the land owner to grant this parcel access to Commerce Parkway.

Mrs. Boucher said they can't do anything about that.

Laura Comek (Attorney), stated the purpose of their appearance here tonight is to tell the board that they can actually do something about it. She stated that in consideration of your approvals of the site plan you can ask the question about traffic being handle to the site. Ms. Comek said that is in your purview to ask where these things are going to go. Everything we see here tonight doesn't give those answers with Love's being just the applicant. You can ask how the access will be handled between the 2 (two) plans and if anything on this plan could jeopardize how the traffic works on the other plans in the area. That is absolutely in your purview as a Planning Commission to obtain this information. She explained that the traffic study by Exeter is not finished. The question would be is this going to be a full open public intersection on Commerce Parkway to State Route 29. Ms. Comek said they are not seeing anything that tells them that. They are land locked and are having trouble getting a straight answer from the Village and or ODOT and just want access to a public road in which their property abuts. Her final comment tonight is that anything they approve tonight would prejudice the property to the north.

Mr. Graham asked exactly which property they were talking about.

Ms. Comek pointed out on the auditor's site on the screen and said they made the first round of public records request.

Mr. Burner said he has nothing to do with that road and they only thing they are talking about is the parcel. Whatever Exeter works out is between them and Love's has had no part of that conversation.

Public Hearing closed at 7:25 PM

There was board discussion. (in auditable)

Ms. Comek spoke up and said they can not hear in the back.

Chairperson Hay said she was asking staff if there was anything said from the last time it was discussed.

Mr. Hale said he did not have any involvement with that. He said it was the Director of Public Service and would have that information. To his knowledge nothing has been discussed.

Case # WJ22-0009 - Property address: Parcel #16-00001.000 - Request: is for recommendation to Council for site plan approval for in a Planned Commerce District (PCD).

A motion was made by Mr. Little and seconded by Mrs. Boucher to table the case until they get information on the access roads to the property.

VOTE YES: Mr. Little, Mr. Graham, Mrs. Boucher and Mr. VonAlmen.

VOTE NO:

Motion Carried

Case # WJ22-0009 - Property address: 623 West Main Street - Request: is for a R-3.

Chairperson clarified it was applied as a PUD but it will be a PMU.

Mr. Tom Hale stated that there has been some confusion with the Village and the legal department concerning the Planned Districts and the Planned Mixed Use. The proposals were being that one or the other could not be applied for. His department was given the incorrect information. That is the reason it was switched to a Planned Mixed Use. Mr. Hale said he did explain that to the applicant. Currently it is zoned an R-3 District and is a legal non-conforming.

Chairperson Hay clarified that the request is just for a rezoning not a site plan approval.

Mr. Little asked that in that R-3 there is a commercial establishment?

Mr. Hale said that is correct and more than likely it was rezoned years ago.

Mr. Chase Killian (Applicant), currently it is a mixed use having residential and commercial that seems to fit what else is being done on State Route 40.

Chairperson Hay asked the applicant if they were wanting to move the property from an R-3 to a PMU.

Mr. Killian said yes it would better fit what the property is currently being used for.

Chairperson Hay clarified that if they recommend approval for the rezoning he would have to come back with a full site plan to recommend to Council.

Mr. Little asked if the plan was to leave the buildings there where they are currently at.

Mr. Killian said yes, he would be doing some updates.

Chairperson Hay reminded the board that they are here for just the rezoning not to discuss the buildings.

Mr. Hale said the applicant submitted a preliminary drawing but that is not what they are deciding on today.

Mrs. Boucher asked since it is a non-conforming R-3 now why you would change it? Can't houses be built on that?

Mr. Hale said no because you can not add to a non-conforming and that a R-3 only goes up to a two family.

Mr. Graham asked about dividing the property into different parcels.

Mr. Killian said he doesn't feel that would be needed.

Mrs. Boucher asked the applicant if they would be taking out any trees out?

Mr. Killian said they would be leaving the ones on the left side but be taking out the ones in the rear.

Mrs. Emily Eades (63 Eastgate Avenue) asked with the rezoning is it to have apartments and where would the parking for those residents be. How many apartments are they planning.

Chairperson Hay said we are not here for anything other than the rezoning.

Mr. Killian explained that the back of the property is about 30 feet from the edge of their property which meets the R-3 requirement.

Mr. Hale stated that the R-3 is a legal non-conforming and those regulations don't apply.

Mr. Hale said that he feels one of the questions is where they are going to park. That gets into the site plan development. Once the zoning is changed then that allows for the possibilities.

Mr. Derek Eades (63 Eastgate Avenue) said that this kind of plan for apartments was shot down in the past.

Chairperson Hay said that was a different board and could not answer that questions.

Public Hearing opened at 6:44 PM

Case # WJ22-0009 - Property address: 623 West Main Street - Request: is for a R-3.

A motion was made by Mrs. Boucher and seconded by Mr. VonAlmen to approve the rezoning application as submitted.

Mrs. Boucher said she is not sure that it will fit in with the area and if I lived there she I wouldn't want to look at the back of the Motel.

Chairperson Hay said we are only looking at the rezoning of the property at this time.

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Chairperson Hay said we are only looking at the rezoning of the property at this time.

VOTE YES: Mr. VonAlmen and Mr. Graham

VOTE NO: Mrs. Boucher, Mr. Little and Mrs. Hay

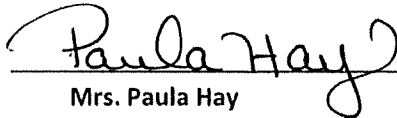
Motion Denied

Staff Comments: Mr. Hale said that there was a substantial amount of dialog in regards to the Love's case. We will try to have that information for the next meeting.

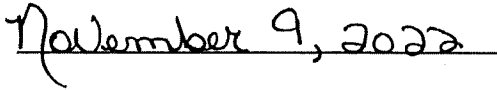
Meeting was adjourned by Mr. Little and seconded by Mrs. Boucher at 7:50 PM

Next Meeting: November 9, 2022

Chairperson:


Mrs. Paula Hay

Date:



Respectfully submitted:
Kristie West, Staff
Department of Development