The Lancaster City Planning Commission met on Thursday, February 13, 2020. Members present were Christine Collins, Rick Wilkins, Robert Lovell (representing the Park Board in place of Charles Elsea), Jan Coccia, John Sigafous, Mayor David Scheffler, and Service Safety Director Paul Martin. Also present were Mitch Noland, Curt Shonk, and Steven Wellstead of the Engineering Department, Pete Vail of the Building Department, and Stephanie Hall of the City Law Director’s Office. The meeting was held at Lancaster’s City Hall at 104 East Main Street in Lancaster, Ohio. Service Safety Director Martin called the meeting to order at 9:31 AM.

Service Safety Director Martin opened Case Number 2020.001, which is a request for several variances to the subdivision regulations for the purpose of completing a minor subdivision (i.e. lot split).

Service Safety Director Martin noted that the case focuses on two homes addressed 326 and 328 E. Walnut Street, which are currently located on the same parcel that the applicant wishes to split into separate properties. Mr. Noland continued by explaining that the minor subdivision application that was submitted for this property did not meet various requirements of the subdivision regulations, specifically with regards to lot size, frontage, and setbacks.

At this point, the applicant, Elizabeth Phillips of Running Creek Properties LLC, was asked to speak to the request. Ms. Phillips was joined by her husband, Kurt Phillips. Mr. Phillips reiterated their desire to split the property so the two homes could be on separate parcels. In response to a question from Service Safety Director Martin, Mr. Phillips noted that, while they have no immediate plan to sell either of the homes, both of which are rentals, splitting the property would give them the ability to do so at some point in the future.

Mr. Sigafous asked if there were any plans to construct a fence to separate the two homes. Mr. Phillips noted that there is currently a fence around the property, but they do not have any current plans to install a fence between the two homes. Ms. Phillips clarified that the current fence is only around the backyard of the properties.

Ms. Collins asked if there are any typical restrictions that the City imposes in this sort of situation. Mr. Noland responded that there were not.

Service Safety Director Martin noted that various requirements, such as the setbacks, would not be met, but the City has dealt with these sorts of issues on other properties. Mr. Vail confirmed Service Safety Director Martin’s assessment.

Mr. Noland wished to add that there is a separate building in the rear of the property, adjacent to the alley, that could potentially be used to store vehicles. Ms. Phillips responded that this building is not currently used as vehicle storage and would need repaired to achieve such accessibility. Mr. Noland then asked for confirmation that the current residents only have on-street parking, and Ms. Phillips confirmed this was the case. Mr. Noland noted that it is nice for residents to have rear access via an alley in case their street parking is inaccessible due to a public improvement project such as sewer or paving work.
Ms. Collins asked if the petitioners would be required to go to City Council for their request or if this was their final step. Mr. Noland responded that this was the final step, and assuming Planning Commission approves the variances, he would be able to approve the lot split.

Mr. Wilkins made a motion to approve all of the variance requests in order to allow the petitioners to go forward with the minor subdivision; seconded by Ms. Collins. Service Safety Director Martin then asked for any further discussion.

Mr. Sigafos noted that he would like to see the motion revised to include a restriction on building any new fencing along the eastern or western lot lines of the lot that will house 328 E. Walnut Street. Mr. Sigafos noted that due to the close proximity of the adjacent houses, protecting all of the homes during a fire would be very challenging, and additional fencing might make firefighting efforts even tougher.

Ms. Phillips responded that there is over 6 feet of spacing between the two homes she owns addressed 326 and 328 E. Walnut Street. She further noted that she is very fire conscious, as her background is in insurance. Ms. Phillips mentioned that she has spoken with the City Fire Chief about ways to protect their homes, and they are very aware of the risks and proactive about protecting their residents and assets. Ms. Phillips clarified that she has no concern with the restriction proposed by Mr. Sigafos.

Service Safety Director Martin asked Ms. Hall whether such a restriction could be included as part of the motion. Ms. Hall responded that they have the authority to do so under the Ohio Revised Code.

Mr. Sigafos then made a new motion to amend the original motion to include a prohibition on the construction of any additional backyard fencing along both the east and west boundaries of the lot that will house 328 E. Walnut Street; this motion was seconded by Mr. Coccia. Service Safety Director Martin called for a vote on this amendment by Mr. Sigafos. The Planning Commission voted 6-1 to approve this amendment, with Ms. Collins the only member voting against, and the motion carried. Service Safety Director Martin then called for a vote on the amended motion to approve all requested variances contingent upon there being a prohibition on the construction of any new backyard fencing along both the east and west boundaries of the lot that will house 328 E. Walnut Street. The Planning Commission voted 7-0 to approve, and the motion carried.

Service Safety Director Martin then opened Case Number 2020.002, which is a change of zoning request for a 21,000 acre property along Campground Road. Service Safety Director Martin noted that the request is to change the zoning of the property from Residential Single Family (RS-1) to Industrial Heavy (IH). Service Safety Director Martin announced that this case was a public hearing and he gave a brief overview of how the public hearing would be conducted.

The first speaker was the agent of the petitioner, Jeffrey Vandervoort. Mr. Vandervoort began by explaining that he is representing Tracy, Toni, and Ross Kraner, who between the three of them own all three parcels where
a zoning change has been requested. Mr. Vandervoort noted that the petitioners have requested this zoning change because they believe that an Industrial Heavy zoning designation will allow for the best and maximum use of the property. They believe the desirability of this property for residential use is very low considering the surrounding zoning, a large majority of which is Industrial Heavy. Mr. Vandervoort noted that an Industrial Heavy zoning district for this property would be consistent with both the surrounding zoning and City’s Land Use Plan. Mr. Vandervoort clarified that the Kraners do not have any immediate plans for the property and there are no developers currently in line to acquire the property, but their long term vision would be to sell the property with it being zoned as industrial.

Petitioner Toni Kraner reiterated their desire to rezone the property as industrial so they could sell it as such if an interested buyer came along. Until they decide to sell the property, they will continue to farm it as they currently do.

Mr. Wellstead then spoke about the surrounding land use. The subject property is surrounded primarily by agricultural land, which is found to the north, west, and south. To the east of the property there is a lone single family home and a City property that houses Lancaster Municipal Gas and the Upper Hocking Water Pollution Control Facility. He confirmed Mr. Vandervoort’s point that most of the surrounding zoning is Industrial Heavy, which is the new zoning district being sought. There are, however, some residential zoned properties adjacent to the subject property to the north and east. He also confirmed Mr. Vandervoort’s point that the surrounding Land Use Plan does recommend this property for industrial use. He advised that Planning Commission may recommend that the application be approved as submitted, approved as amended, approved subject to modification, or denied. Mr. Wellstead did clarify that if the petition is denied, it is not to be considered by City Council unless the petitioner submits a petition to City Council within 15 days.

Ms. Collins asked how this property would have originally ended up with an RS-1 zoning. Mr. Wellstead responded that the origin of this zoning was not currently known by the staff. Ms. Kraner noted that she does not know the origin of the current zoning either.

Mr. Coccia noted that there is an old building on the property that appears to be a former school and he wondered whether it had any historic significance. Ms. Kraner responded that the building was an old schoolhouse but it is not included on any historic register, and the building is currently just utilized for storage. She noted that they have looked into the possibility of either restoring it or moving it, but neither were feasible options for them due to the large expense. Ms. Kraner further noted that if someone were to approach them with an interest in restoring and/or moving the building, they would entertain the possibility because they would like to see it saved.

At this point, Service Safety Director Martin announced that he would open up the meeting to comments from the public and gave a brief explanation of how this portion of the meeting would be conducted.
No one from the public spoke with regards to this zoning change request as either a proponent or opponent.

At this point, Service Safety Director Martin ended the public comment portion of the hearing. Service Safety Director Martin then asked if there was any further discussion from the Planning Commission.

Mr. Sigafous asked who would bear the cost of the utility improvements, specifically a new sanitary sewer pump station, if this property were to be developed.

Mr. Wellstead responded that developers are generally responsible for building the utilities that are necessary to serve their site. Mr. Wellstead did note, however, that there are long-term plans for the City to build a sanitary trunk sewer along Hocking Lateral D to serve this and other properties along the stream corridor. With this being the case, the City would likely be the ones to make any pump station upgrades and build out the trunk sewer into these areas that are currently unsewered, and then it would be the responsibility of the respective developers to undertake the necessary sewer improvements to connect their sites into the trunk sewer.

Mayor Scheffler noted that the proposed trunk sewer along Hocking River Lateral D would serve multiple developments, including the newly acquired City property along Wilson Road that is planned to be a park.

Service Safety Director Martin confirmed that multiple properties would benefit from this proposed sewer. He also noted that any prospective developers in this area would likely be responsible for the funding of other improvements, including roads and other utilities.

Ms. Collins asked if abutting neighbors were notified of the change in zoning request made by the petitioners. Mr. Wellstead responded that, as required by code, the Engineering Department sent out letters to all adjacent property owners and also submitted an advertisement to the Lancaster Eagle-Gazette. Mr. Noland confirmed that a sign was also posted on the property.

Ms. Collins made a motion that City Planning Commission recommend approval of the change of zoning request as submitted; seconded by Mr. Sigafous. Service Safety Director Martin called for a vote on the motion. The Planning Commission voted 7-0 to recommend that City Council approve the request as submitted, and the motion carried.

Service Safety Director Martin then opened Case Number 2020.003, which is a change of zoning request for an 18.939 acre property between N. Memorial Drive and N. Columbus Street/Nelson Road known as the Flats on Memorial. Service Safety Director Martin announced that this case would also be conducted as a public hearing.

The first speaker was Ron Sabatino of T&R Properties, which is the prospective developer of the site and in contract to purchase the property contingent upon the successful rezoning of the property. Ron Sabatino explained that they have elected to request a rezoning as a Planned Unit Development (PUD), which requires them to provide a Development Plan with details of exactly how they are proposing to develop the property.
Ron Sabatino noted that the development would consist primarily of apartments, but would also include some townhomes. Ron Sabatino then introduced his son, R.J. Sabatino, also with T&R Properties, to discuss some of the amenities that would be featured on the property.

R.J. Sabatino noted that the complex would include a swimming pool, fitness facility, bocce ball court, dog park, and private recreational space. He further noted that the site would include internal sidewalks which would provide connectivity to public sidewalks along Memorial Drive. He then directed the Planning Commission to Sheet 9 of the enclosed Development Plan for an example of a development completed in Delaware, Ohio that would be similar in style to the one they are proposing here.

Service Safety Director Martin asked how many units were being proposed in this development. R.J. Sabatino responded that there would be 222 units. Service Safety Director Martin then asked what the property is currently zoned and what the proposed zoning is that the petitioners are seeking. Mr. Wellstead responded that the current property is zoned both Residential Single Family (RS-3) and Commercial General (CG).

Before anyone stated what the proposed zoning for the property was, Ron Sabatino interjected that the property would have to be both consolidated and split in certain locations to create the development that has been proposed. He further noted that there will be two points of entry into the property – one through a proposed public road at the southeast end of the property and one through a shared private driveway at the west end of the property. R.J. Sabatino clarified that the public roadway entrance will be right-in/right-out while the private drive entrance is located at an existing traffic light. He further explained that they have proposed to install two off-premises signs along Memorial Drive since they do not have frontage along that roadway.

Mr. Sigafoos asked the petitioners who their target market is. Ron Sabatino responded that the Midtown Apartments are a comparable development here in Lancaster. Mr. Sigafoos asked if there would be any subsidized housing in this development, and Ron Sabatino responded that there would not be.

Mr. Wellstead noted for the Commission that the property is currently zoned both RS-3 and CG and that the petitioners are seeking to rezone the property as Residential Multi-Family (RM-2) with a PUD overlay. He explained that a PUD is a special zoning designation that allows for some additional flexibility in developing the property but in turn requires the developers to submit a Development Plan detailing exactly how they will develop the property. He further explained that, if the rezoning request, including the enclosed Development Plan, were to ultimately be approved by City Council, the developer could not deviate from the design in the Development Plan without first coming back before Planning Commission, and possibly City Council, for approval. In response to a question from Service Safety Director Martin, Mr. Wellstead clarified that any changes to the Development Plan classified as a “minor amendment,” various examples of which are listed in the Lancaster Codified Ordinances (LCO), would require Planning Commission approval. Any changes above and beyond the level of a “minor amendment” would be classified as a “major
amendment” and require the developer to go through the entire PUD process again. Any changes below the level of a “minor amendment” would be handled administratively through the Engineering Department.

Service Safety Director Martin asked Mr. Wellstead to give an example of a change that might be handled administratively and not rise to the level of a “minor amendment”. Ms. Collins asked about a variation in the number of units and where that would fall. Mr. Wellstead responded that a change to the number of units could not be addressed administratively and would be handled as either a minor or major amendment. Mr. Wellstead then gave the example of a revision to the width of a landscaping area, for example from 10 feet to 15 feet, as something that would not rise to the level of a “minor amendment” and could be handled administratively.

Service Safety Director Martin asked about changes to the roads connected to and/or through the site, and Mr. Wellstead responded that such changes would be considered an amendment, either minor or major, depending on the specifics. Mr. Noland then cited a specific provision from the LCO and noted that the City would look for guidance from the LCO to determine whether any changes would be classified as an amendment.

Mr. Wellstead further stated that all requirements for the administration of a PUD property are given in Chapter 1147 of the LCO. He noted that the proposed development is a permitted use under the proposed RM-2 zoning and that it meets all bulk and area requirements of Chapter 1147.

Mr. Wellstead explained that the surrounding land use is residential to the north and east, while it is commercial to the south and west. He noted how the surrounding zoning is more or less the same, with residential zoning to the north and east and commercial zoning to the south and west.

Mr. Wellstead reiterated that there will be two access points into the property, both from Memorial Drive. The eastern access will be via a proposed public road through a currently unimproved public right-of-way. Ms. Collins asked how this road will be accessed at Memorial Drive, and Mr. Wellstead responded that it will be a right-in/right-out access at that intersection. Ms. Collins noted that motorists still turn left at these types of intersections and asked if anything can be done to prohibit those movements. Mr. Wellstead responded that the exact design of this intersection will be determined during detailed design, and we will look for a design that will discourage such movements, but the only way to completely prohibit such movements is to put some sort of barrier along the median/centerline. Service Safety Director Martin then interjected that the western entrance to the site will be through the existing traffic light next to the Sherwin Williams building. This traffic light will provide full access into and out of the site in both directions of Memorial Drive. He also reiterated that these will be the only two entrances into the site and confirmed that there will be no access to the north via Columbus Street.

Ms. Collins asked if this development would have access to the gravel driveway that connects to the Fairfield Christian Church parking lot. Mr. Wellstead explained that the western entrance into the development will connect to a shared drive that also connects into a gravel drive that runs up to the Fairfield Christian Church parking lot.
Ms. Collins wondered if the church traffic would be encumbered by the traffic from this development. Mr. Noland responded that this shared driveway is subject to reciprocal easements which give several different entities access to this drive. Mr. Noland noted that this driveway is private and these easements confer a property right. Ms. Collins noted that she has concerns about the potential for additional traffic through the Fairfield Christian parking lot, especially given that they run a school there.

Mr. Wellstead then discussed utilities at the site. There is a sanitary trunk sewer running through the site that will provide sewer service to the property. Water and gas utilities are located along Memorial Drive and would need to be extended into the site to provide service; the developer has noted, however, that gas will not be utilized on the site. Due to the stream through the property, the site does contain a floodplain, but the developer has not proposed any improvements within the existing floodplain. The developer will be required to install stormwater control to comply with the City’s detention policy.

Mr. Wellstead went on to note that the City’s Land Use Plan for this site recommends both commercial and residential – commercial on the south side closer to Memorial Drive and residential on the north side farther from Memorial Drive.

Mr. Wellstead pointed out that, under LCO Chapter 1147, the developer is allowed to prescribe their own maximum building height. The developer has proposed a maximum building height of 38 feet, but for reference, the maximum building height allowed under the standard zoning code for a similar property would be 35 feet.

Mr. Wellstead reminded Planning Commission that the developer is proposing to install two off-premises signs along Memorial Drive; one near the western entrance at the existing traffic light, and one near the eastern entrance at the proposed public roadway.

Mr. Wellstead stated that this development would create residential units, the property owner is responsible for complying with the City’s public sites and open space requirements. He further noted that the developer has already has discussions with the Park Board to try to come to an agreement as to how to satisfy those requirements, but nothing has yet been settled and discussions are still on-going. Once the Park Board settles on a solution, that issue will have to come back before Planning Commission for their approval.

Mr. Wellstead confirmed that Planning Commission may recommend that the application be approved as submitted, approved as amended, approved subject to modification, or denied. He further clarified that because this is a PUD, the application will be forwarded to City Council no matter what Planning Commission recommends, contrary to a standard zoning change in which the application is not automatically forwarded to City Council if it is denied by Planned Commission.

Finally, Mr. Wellstead stated that if Planning Commission decides to recommend any form of approval for this request, the staff strongly recommends that the recommendation for approval be granted contingent
upon the developer signing a standard Affidavit of Understanding document for any signs in the approved Development Plan that are located within the public right-of-way. Mr. Wellstead explained that these Affidavit of Understanding documents allow the City to maintain control of the public right-of-way and will give the City the right to order the movement or removal of these signs if needed for any reason.

Mr. Noland added that the City did require the developer to conduct a traffic study for this proposed development. He reiterated that the eastern entrance to the site will be right-in/right-out access only and that the final design of this intersection will be handled through the Engineering Department. He noted that the City would attempt to have this intersection designed to discourage left turn movements, but he admitted that some people will surely do it despite our best attempts. Mr. Noland revealed that no improvements to Memorial Drive were necessary according to the traffic study, but he did confirm that there will be improvements made to the private drive at the traffic light next to the Sherwin Williams building in order to widen that drive and allow for easier movements through the shared drive. Some of these improvements will be performed by the developer of the Firestone Auto Care Facility just east of the Sherwin Williams building, and the rest of the needed improvements will be performed by the developers of this property.

Mr. Noland continued by noting that this development will include a continuous sidewalk through the entire property that will ultimately connect to Memorial Drive on both ends. On the east end, sidewalk will be extended down the proposed public street to Memorial Drive, and on the west end the sidewalk will connect into proposed sidewalk being constructed through the Firestone Auto Care Facility site and along Memorial Drive by that developer. Ms. Collins asked if there would be any pedestrian access to Columbus Street or Nelson Road, and Mr. Noland confirmed that there would not be any such access provided.

Mr. Wilkins asked a question about the floodplain on the property. Mr. Wellstead responded that the floodplain areas are regulated by the City, but there are no buildings proposed within any of the floodplain areas. Mr. Wilkins asked if any site work, such as planting trees, could occur in the floodplain area. Mr. Wellstead responded that work can take place within the floodplain, but that the developer would be required to acquire a Development Permit from the City beforehand to ensure the work they are doing complies with our floodplain regulations. Mr. Noland clarified that the regulations are much more restrictive if work were to occur within the floodway as opposed to just the floodplain.

Ms. Collins mentioned the stream through the site, and Mayor Scheffler responded that this stream is the main reason for there being no connectivity to Columbus Street, because crossing that stream would require the construction of a bridge. Mr. Noland confirmed this assessment.

Mayor Scheffler asked for confirmation that nothing could be built in the flood hazard area. Mr. Noland clarified that buildings could potentially be constructed in the floodplain as long as they’re built above the base flood elevation. Mayor Scheffler responded that, in this case, it does not appear any buildings have been proposed within the floodplain and Mr. Noland
agreed that this was the case and noted that his previous clarification was just for reference. Mr. Wellstead reiterated his earlier statement that no buildings on this site have been proposed to be built within the floodplain, but he did clarify that the developer has proposed to do some plantings within the floodplain for the purposes of screening.

Service Safety Director Martin noted that Mr. Lovell is a member of the City Park Board and that they have had discussions with the developer regarding the City’s public sites and open space requirements but that nothing has yet been approved. Ron Sabatino noted that they are willing to abide by the decision made by the Park Board with regards to the public sites and open space issue.

Mayor Scheffler asked for clarification as to how the public sites and open space requirements are calculated. Mr. Wellstead responded that the calculations are based on the number of assumed residents, which is set by the LCO based on the type of residence. Mayor Scheffler then noted that this calculation leaves no basis for negotiation, but Mr. Lovell clarified that there are provisions in the LCO that give the developer various potential alternatives for satisfying the requirement.

Ms. Collins noted that it appears there is no staff recommendation given for this case. Service Safety Director Martin noted that staff doesn’t typically give recommendations for zoning change requests. Mr. Wellstead added that this is true, but the staff does recommend adding the contingency described in the report if Planning Commission does approve the request in any form.

At this point, Service Safety Director Martin announced that he would open up the meeting to comments from the public. Service Safety Director Martin first asked for any proponents of the request to come forward to speak.

The first member of the public to speak was Matt Johnson, an attorney from Stebelton Snider who represents Lloyd Helber, the current owner of the property. Mr. Johnson wanted to convey Mr. Helber and his family’s support for this zoning change request. Mr. Johnson noted that Mr. Helber feels that multi-family residential is the highest and best use for the property. He added that the development is in line with the City’s Land Use Plan and further noted that there have been many complaints regarding homelessness and drug use on that property and feels that the development of the property will aid in reducing those issues. Mr. Johnson reminded everyone that all access will be through Memorial Drive and there is no proposed access to either Columbus Street or Nelson Road. Mr. Johnson concluded by noting that because of the floodplain on the property, there will be a natural buffer that creates separation between the proposed development and the homes along Columbus Street and Nelson Road.

The next speaker was Todd Stevens with Fairfield Christian Church. Mr. Stevens noted that he was neither for nor against the development, but if the development does go forward then he has some concerns. He expressed his concern about the potential for additional traffic flow through the Fairfield Christian parking lot, and asked if it would be possible for a gate to be installed somewhere along the driveway to limit traffic.
Service Safety Director Martin responded that the church would have a right to put a gate up on their property. Mr. Noland noted that the driveway in question is private and on private property. The City has no ownership interest in this area, so the installation of any gate would have to be handled by the applicable property owner(s) with rights to the driveway. Ms. Collins noted that there are easements in this area granting certain rights to other property owners. Mr. Noland confirmed that there were various entities with rights to the shared access drive. Mayor Scheffler noted that the gravel driveway connected to the church parking lot appears to be on church property and asked if it would not be the church’s responsibility to place a gate on the driveway at the edge of their property. Mr. Stevens responded that they are asking the developers of this property to consider putting the gate in for them due to the likelihood that residents of this development will use their driveway.

Steve Luchtenberg, also representing Fairfield Christian, noted that their property is home to not only a church but also a school and with all the kids on the property they have concerns about the potential for traffic through the site to increase due to residents of this development cutting through the church property to access Columbus Street.

Service Safety Director Martin asked for clarification as to Fairfield Christian’s position on this development. Both Mr. Stevens and Mr. Luchtenberg confirmed that they are neither for nor against the development and only requesting that the developers install a gate on their driveway to reduce traffic.

Mr. Lovell asked if part of the Fairfield Christian parking lot was used as a playground for the school kids. Mr. Luchtenberg responded that it was and pointed out on a map where in the parking lot the playground area was. Mr. Luchtenberg continued by noting that with all the kids, they have major concerns that residents of this property will be tempted to cut through the property to avoid lights on Memorial Drive.

Mr. Luchtenberg then asked if there is a left hand turn lane onto eastbound Memorial Drive from the shared drive adjacent to the Sherwin Williams building. Mr. Noland responded that there is not one currently but there will be one as part of the required improvements. Mr. Luchtenberg shared his concerns that access into Sherwin Williams may be difficult at times when there is heavy traffic out of the development. Mr. Noland then gave a brief explanation of the improvements that will be occurring at this shared drive as part of this and the Firestone developments. Ms. Collins asked if any of the Sherwin Williams parking would be altered as part of these improvements and Mr. Noland responded that they would not be. Mr. Luchtenberg reiterated his concerns about accessing the Sherwin Williams building, but Mr. Wilkins pointed out that there are multiple ways to access the parking on that property.

Service Safety Director Martin brought back up the issue of the gate and noted that Planning Commission should not rule on that item because the issue is a private one that needs to be worked out among the respective property owners. The Mayor reiterated his position that Fairfield Christian has the right to put up a gate on their own property if they are concerned
about additional traffic. Mr. Stevens responded that they don’t feel there is a need for a gate now but are asking the developer to please consider putting one in as a favor to the church so they can regulate traffic through the area.

Ms. Collins noted that a gate cannot be put up in an area where other property owners have access easement rights. She then asked how much of the gravel drive was going to be paved as part of this development. Mr. Wellstead responded that none of the gravel drive is going to be paved as part of this development. He further clarified that the proposed access to this development will connect into the portion of the shared drive that is paved with asphalt and south of the gravel drive. Ms. Collins asked where the shared drive easement ends. Mr. Noland noted that he believed the shared access rights extend all the way to the back of the Big Sandy property, which is the approximate point at which the gravel driveway starts. Mr. Noland noted that the shared drive easement would have been recorded, and Ms. Collins responded that if a gate were to be installed, it would need to be placed at a point past the end of this shared easement.

Mr. Stevens then asked about the proposed detention basin near their property line and whether a fence could be installed in that area. Service Safety Director Martin asked if the possibility of children getting into that area was a concern, and Mr. Stevens noted that it was. Mr. Stevens also wondered whether or not the basin would hold water year round. Mr. Wellstead responded that this information was not known at this time. Mr. Stevens asked if fencing would be mandated if the basin did hold water all year, and Mr. Wellstead responded that fencing is not necessarily required in these cases. Mr. Wellstead did note that there are differences in the design requirements of a basin depending on whether it is a wet or dry basin. When compared to dry ponds, wet ponds do have different design features for the sake of safety to make it easier to get out of the pond area. Mr. Wellstead noted that the designer will be required to comply with all of the City’s basin design requirements. Mr. Wellstead pointed out that the developer has proposed landscaped screening along the property line in this area to shield the basin, but no fencing is currently proposed. Mayor Scheffler assured Mr. Stevens that the City is aware there are kids in this area and we want them to be protected as well.

At this point, Service Safety Director Martin asked for any opponents of the request to come forward to speak.

The first opponent to speak was Lucille Waits of 211 S. Pershing Drive. Ms. Waits noted that turning onto Memorial Drive from Pershing Drive is already horrendous, so she is worried about the additional traffic that will be generated from this development. Ms. Waits was also wondering what work would be occurring in the vicinity of her house. Mr. Wellstead noted that the developer would be putting some landscaped screening adjacent to her property and that there would also be a detention basin behind her house. Mr. Wellstead further assured her that no work would be taking place on her property. Finally, Ms. Waits also noted that she hates that the deer will go away with the development of this property.

The next speaker was Ron Thomas, of Thomas Property LLC, which owns the apartment building at 210 S. Pershing Drive. Mr. Thomas noted that
he is neither a proponent nor an opponent and is just looking for information. Mr. Thomas had concerns about both the noise and the stormwater runoff from the property. Mr. Thomas asked if there would be mitigation measures taken on the property to address the runoff. Mr. Wellstead responded that the property will include detention basins that will detain the runoff and release it at a lower rate than the current conditions. Mr. Wellstead admitted that while the development will create a higher total volume of runoff due to the impervious area being proposed, the peak flows from the site will actually be reduced due to the inclusion of the detention basins. He then asked for clarification on who owned and would be responsible for maintaining the woods at the terminus of S. Pershing Drive. Mr. Noland pointed out on a map that some of this area is unimproved public right-of-way and some of it is private property.

Ms. Waits interjected that the area to the north of her house that they have always mowed and she asked who owned and was responsible for maintaining this area. Mr. Noland and Mr. Wellstead explained that this area is actually not owned by Ms. Waits and would be the developer’s responsibility to maintain. It was again noted that the developer plans to put landscaped screening in this area.

Mr. Thomas concluded his time by mentioning the poor condition of the pavement on Pershing Drive. He also noted that he thinks this is a great project and supports it.

The next speaker was Heather McCarty, who is here representing her grandmother, Pat Davis, who lives at 1629 N. Columbus Street. Ms. McCarty noted that her grandmother is wondering about the wooded area between 1703 and 1745 N. Columbus Street and who will be responsible for maintaining it. Service Safety Director Martin noted that this area includes a public right-of-way that has been proposed to be vacated, and assuming the vacation is approved, the developer will own that entire area and be responsible for maintaining it. Ms. Collins asked if there were any improvements proposed in that area. Mr. Wellstead responded that there were none proposed and the area will be preserved as it currently appears.

Ms. McCarty then asked about the woods to the rear of her grandmother’s property. She noted that her grandmother is concerned about privacy and whether she will see the proposed development from her backyard. She is further concerned about the possibility of kids playing in her portion of the stream and whether she will need to put up barriers to keep people out. Mr. Wellstead responded that some of the wooded areas behind her grandmother’s home and in the vicinity of the creek will be preserved. Ms. McCarty asked if anything would be installed to prevent kids from accessing the stream. Mr. Wellstead responded that no fencing was being proposed. Ms. McCarty asked about the visibility of the buildings, and Mr. Wellstead reiterated that the plan specifies a maximum 38 foot building height. Mr. Lovell asked about the distance that would exist between Ms. Davis’ rear property line, which is in the vicinity of the creek, and the closest proposed building. Mr. Wellstead responded that this distance is approximately 120 feet according to the plan provided.

Ms. Collins asked if all of the proposed 222 units would be one- and two-bedroom units. Mr. Wellstead responded that the developers have
proposed 48 one-bedroom, 144 two-bedroom, and 30 three-bedroom units.

The next speaker was Mike McGushin of 1789 Nelson Road. Mr. McGushin noted that he is here representing not only himself but also 12 other households in the neighborhood that could not make it to the meeting. He had compiled a list of concerns from all of these residents that he was going to relay to Planning Commission. The concerns from these residents include increased population, increased noise, the potential for vehicles on the property to be in disrepair, effects on the creek and floodplain, the loss of trees on the property, flooding and associated safety risks, litter and illegal dumping, loss of wildlife, increased traffic, increased foot traffic and possible trespassing, increased crime, and loss of property value.

While giving his summary of the residents’ concerns, Mr. McGushin asked if any flow analysis of creek has or will be done. Mr. Noland responded that no study of the creek is required. Mr. Noland further noted that the runoff from the site will be mitigated through the City’s stormwater regulations and design requirements. Service Safety Director Martin reiterated that the detention basins to be built on the property will hold back the runoff and help prevent flash floods. Service Safety Director Martin also emphasized that there are limits to the design requirements and it is impossible to design stormwater facilities to account for all possible storms. Mr. McGushin asked who would need to be contacted if stormwater issues do arise, and Service Safety Director Martin responded that issues are handled by the City’s Stormwater Department.

In response to Mr. McGushin’s concern about litter and illegal dumping, Mayor Scheffler interjected to note that the residents will be paying a lot of money in rent and they will not want to see their property littered with trash either. Mayor Scheffler further noted that he is not aware of any dumping or trash issues at any of the other similar apartment complexes that have been built recently.

In response to Mr. McGushin’s concern about increased foot traffic and the possibility of trespassing, Ms. Collins noted that pedestrians would need to cross the stream to access the Nelson Road properties. Mr. McGushin responded that it is not hard to cross the stream as there are various bridges that exist in the area.

Mr. McGushin concluded his time by noting that the neighborhood’s expectation was that this area would be developed with single family residences based on the original design and current zoning. He further noted that they would be fine with a single family development similar to the current neighborhood. They feel, however, that allowing a multi-family development would change the character of the neighborhood, and they ask Planning Commission not to allow such a development.

The next speaker was Tammy Tippie of 1829 Nelson Road. Ms. Tippie asked how close the proposed apartment buildings would be to her property. Mr. Wellstead responded that the distance between her southern property line and the closest building would be approximately 180 feet according to the plan provided. Ms. Tippie asked if the buildings would be visible from her backyard. Mr. Wellstead responded that some
of the existing trees would be preserved and serve as screening. Ms. Tippie then asked if any barriers would be installed to prevent people from cutting through her property. Mr. Wellstead responded that no fencing is being proposed on the site and all of the screening being provided would be vegetation. Mr. Wellstead further clarified that some of the screening on the site will consist of existing foliage that will be preserved and in some spots new foliage will have to be installed.

The next speaker was Kelly Prinz of 2117 Lavender Street. Ms. Prinz asked about the lighting that will be installed on the property and whether that will affect the neighbors. Service Safety Director Martin noted that standard lighting today is LED and does not extend very long distances. Ron Sabatino explained that all of the parking areas will be shielded from the nearby residences by the proposed buildings, so the lights in the parking area should not cause any issue. He further noted that perhaps some small lighting might be visible from rear windows in the buildings, but due to the large separation distances and screening that will be in place, any visible light in such cases would be very minor and should not affect the neighbors. Ron Sabatino stated that the neighbors will see more light from a full moon than from the proposed development. Ms. Collins asked for clarification that the lighting will be private and not consist of street lights. Ron Sabatino noted that there will be lighting installed along the drives and in the parking areas, but the light poles are 12 feet tall and will be blocked from the neighboring residents by the proposed buildings.

At this point, Service Safety Director Martin asked for any proponent rebuttals to come forward to speak.

Mr. Stevens asked when and how they would find out about the decision on this issue. Service Safety Director Martin noted that the Planning Commission could vote on this issue at this meeting, and if Planning Commission does vote on this issue, it will be forwarded to City Council, who will have the final vote. Mr. Wellstead added that when the issue does go before City Council, there will be three readings of the legislation and also another public hearing at which residents can voice their concerns. Mr. Wellstead added that the earliest point at which this zoning change request could be approved would be late March. Mr. Stevens asked if there would be another notification for the public hearing at City Council, and Mr. Wellstead responded that there would be. Mr. Noland clarified that Planning Commission’s recommendation will be sent to City Council, but City Council can either accept or reject Planning Commission’s recommendation and make their own ruling. Mr. Wilkins asked for confirmation that, even if they vote to recommend denial of this request, the case will still go before City Council. Mr. Wellstead responded that for PUD properties, the request gets forwarded to City Council no matter how Planning Commission votes.

At this point, Service Safety Director Martin asked for any opponent rebuttals to come forward to speak. No one came forward to speak, so Service Safety Director Martin ended the public comment portion of the hearing.

Mr. Sigafous asked for clarification about the staff’s recommended approval contingency. Mr. Wellstead explained that if the Planning
Commission is going to recommend an approval of the zoning change request, the staff recommends that such approval be recommended contingent upon the developer signing a standard Affidavit of Understanding document for locating signs within the public right-of-way. Mr. Noland noted that the Affidavit of Understanding documents are handled through the Engineering Department. He further noted that he has concerns about site distance, sign size, and the exact location of any signs located within the public right-of-way. He also stated that while he understands the proposed sign at the eastern entrance, he is a bit more leery of the proposed sign at the western entrance. He explained that the City denied Firestone’s request to place one of their signs in this same area where the developer has proposed to locate their sign.

Mr. Sigafos then asked if this contingency was really needed, and Mr. Noland responded that in his view it was not needed, because this issue could be handled through the Engineering Department and the right-of-way ordinance process.

Mr. Lovell asked whether or not commercial properties were limited to one sign. Mr. Vail responded that multiple signs are allowed, so long as they are a certain distance apart.

Mr. Wellstead interjected to respond to the previous points made by Mr. Noland. He added that if there are concerns by anyone with the off-premises signs noted in the Development Plan, then it would not be a good idea to approve the Development Plan as submitted. Mr. Wellstead explained that if Planning Commission and City Council approve a Development Plan with signs in the right-of-way, but the Engineering Department then tells the developer that they have concerns with these signs and changes need to be made, then there is a disconnect between what the City is telling the developer. Mr. Wellstead noted that in such a case, it would make more sense to approve a modified Development Plan so the issues could be worked out through City Council. Service Safety Director Martin noted that his preference would be for the signage issue to be excluded and addressed down the line. Mr. Wellstead responded that for PUD properties, the LCO requires the signage for the site to be addressed as part of the Development Plan, so while the signage issue doesn’t necessarily need to be settled during the Planning Commission hearing, it does need to be settled if/when the Development Plan is approved by City Council.

Ms. Collins asked if there were any utilities or lighting involved with the sign. Ms. Collins also mentioned her concerns with the site distance and whether the signs would affect visibility. Mr. Wellstead noted that, based on the proposed locations identified in the plan, it doesn’t appear the signs will cause a site distance issue. Mr. Vail responded that the proposed signs meet the LCO requirements for size and area, so the signs are not oversized.

Mr. Sigafos made a motion that City Planning Commission recommend approval of the change of zoning request as submitted, contingent upon the developer signing a standard Affidavit of Understanding document for any sign(s) located within the public right-of-way; seconded by Mr. Lovell. Service Safety Director Martin called for a vote on the motion. The Planning Commission voted 7-0 to recommend that City Council approve
the request as submitted with the given contingency, and the motion carried.

With nothing further for discussion, Mayor Scheffler made a motion to adjourn; seconded by Mr. Sigafoos. There was a unanimous vote to adjourn and the motion carried. The meeting adjourned at 11:52 AM.

Respectfully submitted,

Paul Martin  
Service Safety Director