

Canal Winchester

*City Hall
Council Chambers
45 East Waterloo Street
Canal Winchester, OH 43110*



Meeting Minutes – FINAL

April 6, 2026

5:30 PM

PUBLIC HEARING

City Council

*Laurie Amick - President
Richard Moore - Vice President
Will Bennett
Hanna Detwiler
Alec McLaughlin
David Payne
Patrick Shea*

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City YouTube Channel – [CityofCW YouTube Page](#)

- A. Call To Order** *Amick called the meeting to order at 5:30 p.m.*
- B. Roll Call** *Present 7 – Amick, Bennett, Detwiler, McLaughlin, Moore, Payne, Shea*
- C. Purpose of Public Hearing**

[ORD-26-009](#)

AN ORDINANCE TO AMEND PART 11 OF THE CODIFIED ORDINANCES AND THE ZONING MAP OF THE CITY OF CANAL WINCHESTER, REZONING 9.27 ACRES FROM GENERAL COMMERCIAL (GC) TO LIMITED MANUFACTURING (LM), OWNED BY PMR LLC, AND LOCATED AT 6270 BOWEN ROAD (PID 184-000882 AND 184-000932)

D. Staff Report

Discussion started at 3:21 on YouTube Channel

Andrew Moore – Tonight, I want to discuss the proposed zoning map amendment initiated by New River Electric for 6270 Bowen Road. Shown on the screen is a location map of the subject property. The property is outlined in teal and consists of an assemblage of two parcels totaling approximately 9.27 acres. It is currently zoned General Commercial. The applicant is requesting to rezone the entire property to Limited Manufacturing. New River Electric Corp. is the applicant. They are currently leasing approximately 70% of the subject property. Looking at the aerial image on the screen, the main building at the front of the site, with the newer dark roof, is currently occupied by an automobile repair facility. That use occupies the front portion of the site, primarily in the paved area. The remainder of the property, extending from that larger front building toward the rear of the parcel, is currently being leased by New River Electric. New River Electric is an electrical contracting company, which is not a permitted use within the General Commercial zoning district. They, along with the property owner, were notified by the City that their current use is not permitted under the existing zoning. As a result, they are seeking to rezone the property to allow their use to continue on the site. In discussions with the property owner, he expressed no concerns with rezoning the entire property. The proposed zoning change would not negatively impact Oxford Automotive, which is the other tenant located at the front of the site. When reviewing the zoning criteria, the applicant has provided supporting statements, which I will reference alongside staff's analysis. Regarding compatibility with adjacent land uses, surrounding zoning, and applicable plans—including the Comprehensive Plan—the proposed zoning map amendment is consistent with these factors and aligns with development patterns along the corridor, including the 2023 Community Plan. I will move ahead to that section. The site we are discussing is highlighted in red and circled in blue. The Community Plan notes that the majority of the corridor north of US 33 is intended for employment and industrial uses, which are shown in gray on the map. In the 2023 Community Plan, this site was identified as General Commercial due to its existing zoning and development at the time. However, at the intersection of Bowen Road and US 33, recent communication with ODOT has indicated that long-term access from US 33 via this curb cut is uncertain. ODOT is exploring options to close northbound access from US 33 onto Bowen Road. This potential change significantly affects the assumptions made in the 2023 Community Plan regarding maintaining the site as commercial. With these possible roadway changes under ODOT review, some of the plan's assumptions for this particular parcel may no longer be accurate. In terms of access, traffic flow, and utilities, no modifications are currently proposed. There is an existing access drive directly from US 33 to the front of the site, as well as another access point further north, which serves as the primary access for New River Electric at the rear of the property. Utility service is already present on the subject property. The property owner has identified that public water and sewer are available to the site, including the smaller building in the rear that New River Electric is leasing. Regarding the relationship

of the proposed amendment to public health, safety, convenience, comfort, prosperity, and general welfare, the Limited Manufacturing designation does not present any negative impacts to these factors. All site plans and layouts for uses within the Limited Manufacturing district are required to comply with the applicable zoning standards, and New River Electric's operations would be subject to those same requirements as they come into compliance. In terms of the relationship between the proposed use and the adequacy of available services and capital improvement plans, the property already has access to water and sewer services. Canal Winchester does not have any capital improvement plans that would impact the existing services provided to this site. Regarding the rezoning request, it is being submitted by the applicant, who controls the rear portion of the subject property, including the accessory building. The applicant was notified by the city that their use as an electrical contractor is not permitted within the General Commercial zoning district. As a result, the property must be rezoned to a district where the use is permitted in order for operations to continue. This application represents the first step toward bringing the site into compliance with the zoning code. Any site development plans or occupancy certificates would follow the rezoning of the property. Currently, New River Electric does not have an occupancy certificate to operate on the subject property. As noted in the staff report, compliance steps toward obtaining an occupancy permit would occur after the appropriate zoning is in place. While there are elements on the site that are not currently in code compliance, the primary issue is that the use itself is not permitted under the existing zoning district. Once the use becomes permitted under the new zoning, code compliance and occupancy approval would be the next steps in the process. The applicant has provided a site plan, which visually represents the areas they are leasing and how the site is currently being used. This aligns with the aerial imagery previously shown. It is important to note that this site plan is not intended to demonstrate code compliance, but rather to illustrate current operations on the property for purposes of reviewing the application. The Planning and Zoning Commission reviewed this rezoning request in February 2026. They recommended that the request to rezone from General Commercial to Limited Manufacturing be approved as presented. This rezoning supports the long-term viability of the subject property and provides opportunities for future redevelopment. The zoning change does not grant the applicant occupancy or confirm compliance with zoning code requirements for their current operations at this time.

E. Public Comments - Three Minute Limit Per Person

Discussion started at 11:39 on YouTube Channel

Majeed Makhoulf – I'm legal counsel for New River Electrical Corporation. I just want to make a few points. Number one, please understand that the occupancy of the property before zoning compliance was completely inadvertent in this situation. It was a miscommunication between the local office and the corporate office. That's not how New River Electrical does its work, and we're doing our best to correct it. We apologize for that. Number two, we fully understand what Mr. Moore is referring to—that we're here on a rezoning matter. This is not the occupancy permit, and this is not the final site plan. We will need to come back with a site plan that complies with code, and we will work with staff to ensure that happens. I couldn't give a better description of why this makes sense than what Mr. Moore already provided. The only additional point I want to bring to council's attention is that our intent with this application is not simply to come into compliance with zoning. Currently, we are a tenant at this property, but we are interested in a long-term purchase. However, as you understand, a company of this size—with corporate boards, capital committees, and similar requirements—would not even consider moving forward without the proper zoning in place. So, we're trying to make sure that we have the appropriate zoning in place, and then we'll be negotiating with the property owner, hopefully to reach a deal to purchase the property. If we are able to reach a deal and purchase the property, the character of the property becomes very

different to us as an owner versus being a short-term tenant. At that point, we would be looking to invest more in terms of our needs for the site. That's when it opens the opportunity for future development once we have full control of the property. Just to give you an idea about the company, at the site in Dublin, we started with about 10 employees, and within a very short period of time, we now have about 100 employees there. We ran out of space and needed additional room, which is why we're coming here for space. So, the opportunity for future development of the site, if the rezoning is in place, does exist. We're just taking it one step at a time. With that, I'll thank you very much and open it up. I have with me Mr. John Jarvis with North River Electrical Corporation, if you would like to say a few words about the company and the site.

John Jarvis, New River Electrical Corp. – I want to first thank everybody for your time and again apologize for how this all came about. It was an oversight, and we are fully committed to seeing this through, coming into compliance, and doing everything correctly moving forward. It is our ultimate goal to purchase the property at some point. Again, I appreciate your time and look forward to working with you. Thank you.

F. Council Discussion

Discussion started at 15:02 on YouTube Channel

McLaughlin – So, Mr. Moore, you mentioned that with the development along 33, or the changes that ODOT is implementing on 33, the current use outlined in the community plan for this to be a commercial office zoned area may no longer fit. You used the word “outdated” with these updates. Can you explain how and what ODOT is doing affects this property?

Andrew Moore – There have been no official indicators from ODOT on the exact outcome of this intersection. However, we do know that they are actively closing non-full interchange intersections along the US 33 corridor. This site is kind of centered between two of those areas. They recently closed the one at Rager Road, and they are proposing to make Bixby Road an interchange. Further down toward Lancaster, additional closures are also taking place. Looking at the pattern of how they are implementing improvements along the corridor, this site has consistently been part of the discussion regarding what may happen long term. With these improvements along this stretch of US 33, access at this point remains uncertain. If this intersection changes to no access and is essentially cul-de-sac'd at US 33, similar to what was done at Rager Road, the Planning and Zoning Commission felt that the success of a commercial zoning designation for the property would be less likely. Because of that, they determined that an industrial or employment-type use would be more appropriate for the site, which is one of the reasons they recommended approval.

McLaughlin – My question is actually for Mrs. Amick and Mr. Bennett. You were both on the steering committee, so you got a general feel for the community plan when it was being created and were part of those conversations. Is this a deviation from the spirit of what you were trying to do?

Amick – Not for this area, I don't think.

Bennett – I think, again, with the information we had at the time, there wasn't any recommended change. But once you potentially limit access to that site, it becomes extremely difficult for it to function as a commercial area. If there's no easy access, you're talking about having to go all the way around from Diley or coming from another access point like Gender Road. So, to Mr. Moore's point, it probably does

shift more toward a business use rather than a commercial destination. I don't think these potential ODOT factors were part of the conversation when the community plan was originally developed, and they do change how you look at it now.

Shea – Well, in that vein, that property, when we did the community plan, was already an existing business and had been. We weren't really trying to change designations on areas that were already existing. That being said, I'm glad our city attorney is here because I have some confusion about this application. These individuals are leasing part of the parcel, and there's another tenant on the property as well. Do you need both tenants involved for this application to move forward, or can one tenant, who is only leasing part of the property, submit a zoning change application? Has anyone discussed this?

Boggs – It comes down to the property owner and who the property owner has authorized to file.

Shea – Okay, that's all. Thank you. And my understanding is that we're not going to generate any income tax from this project because the individuals working there are contractors who work remotely. Is that accurate?

Andrew Moore – At this time, we are discussing a zoning change, not a tenant on the site. So that's nothing that I would be able to answer.

Shea – So right now they're operating without a permit and outside of zoning, correct?

Andrew Moore – Correct.

Shea – And what are they operating? It kind of looks like a refuse area. I drive by it fairly regularly on my way to work, and it looks pretty rough. Is it a recycling bin? What is it?

Andrew Moore – I think those are questions for the applicant. If you have specific operational questions, feel free to ask them.

Jarvis – The area you're referring to that looks rough is likely where materials are temporarily stored. When they do something like a pole replacement, they remove the top portion of the utility pole and bring it back. We are required to recycle those poles—we can't just leave them on site. So, there's a period of overlap where materials are brought in, stored briefly, and then taken out for recycling. That's probably what you're seeing.

Makhlouf – I also want to point out that while this is how the property is currently operating, there has already been a lot of discussion through the site plan and occupancy permit process about improving the design of the site and providing better buffering. One idea being considered—though nothing is finalized—is relocating those conex boxes to the back of the property and enclosing them so they wouldn't be visible from most directions. The only potential visibility would be from the Speedway side. So, there's a lot of work happening behind the scenes, and ultimately when we come before the city for site plan approval, we'll be addressing many of those items. But at this point, we understand this is just the rezoning request.

Moore – So, Mr. Moore, there is currently no occupancy permit, correct?

Andrew Moore – Correct.

Moore – And the building is being occupied?

Andrew Moore – Correct.

Moore – Okay. I have no issue with the zoning—I think it makes sense, especially considering future use and the potential changes to access. The concern is that you don't have an occupancy permit, yet the building is occupied. I understand this hearing is about rezoning, but we also have to look ahead. At this point, nothing has been done yet to correct that situation, so we're essentially relying on the expectation that it will be addressed. That's my concern.

Makhlouf – No, we're here as part of fixing that. The goal is to get the zoning in place so we can move forward with an occupancy permit application that includes an approved site plan. Our presence here is part of making sure we are fully compliant by the end of the process. The only other thing I would add, for context, is that even without the ODOT changes or traffic considerations, that property sat vacant for a period of time. The property owner did attempt to find a commercial user but was unable to do so.

Amick – I think the message you're hearing is that if and when you come back, you should be prepared to address those concerns. I understand Mr. Shea's concern because as you're coming into the city from that direction, it's an entry point, and we don't want to see conduit, cables, and materials visible along Route 33. So, when and if you come back, please bring as many renderings as you can that show the solutions you're proposing.

Makhlouf – That's very fair, and we will absolutely work on that. I would just add that this is a company that has been in existence for a long time and has major operations in multiple locations. We have a strong track record working with municipalities, and we are very mindful of corporate image—both for the city and for our own standards. This situation was unique in how it occurred. Even the typical due diligence you would expect from a company of this size when entering into a lease did not happen beforehand. The appropriate teams became involved after the fact, and since then, we have been working to correct the situation.

Detwiler – I have a couple of questions just about the context of the area. For the community plan—this could be for Mr. Moore, Mr. Bennett, or Mrs. Amick—the area around this that was shown in gray on the map, that's all industrial or light industrial use, like an industrial campus?

Haire – This is the future land use map. That area is identified in the plan as appropriate for industrial use.

Detwiler – Okay. So just this small triangle was designated as regional commercial/office by the community plan, likely based on its location along 33? And regarding the tenant situation—you mentioned there is another tenant currently there. Is that still the case?

Haire – Yes, the tenant has leased the space and has submitted plans to improve it. They are an automotive repair business, which is a conditional use in both the general commercial and limited manufacturing districts. So, changing the zoning would not impact their ability to operate on the property.

Amick – Either zoning would work for the automotive company.

Detwiler – Then is there any interest in other industrial uses that we know of around this property?

Haire – Yes. Just north of this site—about two parcels up—we recently approved a 210,000 square foot industrial building on a 23-acre parcel along Bowen Road. That development will include an extension of Robinett Way to provide access to the property.

Detwiler – Okay. And I have one more question for the applicant. You mentioned a property in Dublin—is that set up similar to what you’re envisioning here?

Jarvis – We just acquired that property, so we’re in the process of bringing it up to our standards. But yes, it’s a similar type of use and concept—just in a different location.

Shea – Are we going to see any screening done prior to formal approval from the city?

Haire – In this case, outdoor storage of materials is required to be screened from any residential properties or public right-of-way. That screening must be done using a fence or wall that is at least six feet in height. So, to do that, you would need to obtain permits to install fencing. I’m not sure that could be done prior, but there would need to be a plan showing where the fencing would go and identifying appropriate areas for outdoor storage. The areas referred to as conex boxes would not be permitted. Those are not allowed under Canal Winchester’s zoning code, as any temporary building without a foundation is prohibited.

Shea – What about a semi-trailer with the legs cut off and placed on the ground?

Haire – That is not a permitted use.

Shea – Okay, because there is one out there currently.

Haire – Correct. So, there are several issues with the current occupant being out of compliance with zoning. This rezoning request is essentially the first step in getting the property into compliance.

Shea – How long is it going to take to clean it up? Will that happen only if you eventually acquire the property, or will cleanup happen immediately so the site better represents the community? This is a very visible, forward-facing property.

Makhlouf – That’s a fair question. There are really two separate issues to consider. For the current use, once the property is rezoned, we would need to come to the city immediately with a site plan. Zoning enforcement would require that, and it would include any necessary screening to bring the site into compliance. If we ultimately purchase the property, that opens the door for broader opportunities and potential future uses, possibly including on-site employees and additional development. But that is a longer-term consideration. The immediate goal is to address compliance and improve the current conditions. Once the zoning is in place, we would come back before the city with site plans. Hopefully those are approved, and then we would complete the necessary improvements, including screening and

any other required items, obtain the occupancy permit, and bring the site into compliance with zoning code standards.

Shea – And Andrew, once zoning is approved, how quickly can the process begin to get them into compliance and cleaned up?

Andrew Moore – The first step is having the zoning in place so the use is permitted. Once that happens, the applicant would need to submit site plans showing how they will meet compliance requirements, along with applying for an occupancy certificate. That review process typically takes about two to three weeks for staff to provide comments. After that, it depends on how quickly the applicant addresses those comments and completes the required work. From the city's perspective, this process serves as notice that there are compliance issues that need to be addressed, rather than waiting until after zoning approval to raise those requirements. Ideally, the applicant is already working on those items so they can obtain the occupancy certificate as quickly as possible.

Shea – Have you seen any improvements to the site since this process started? Any cleanup efforts or progress toward compliance in anticipation of the requested zoning?

Andrew Moore – I have not seen any plans put together by the applicant or had any conversations to that effect. As was noted earlier, the applicant mentioned that the conex boxes would be relocated, but that is one item that is not permitted in general. So, I'm not sure where they are in terms of a plan for compliance.

Amick – So, can you speak to that? Have you started a site plan?

Makhlouf – What I would say is that we have Verdantas under contract, and they are working through different scenarios with us. Our intent is to move forward as quickly as possible. We are working on it now, but we don't yet have zoning in place, so we're not at the point of formally submitting an application to the city.

Amick – It sounds like, if this moves forward, there would be a quick return with a site plan.

Makhlouf – Yes, the design professionals are under contract.

Shea – Do you have any rough drafts or work in progress?

Jarvis – Not at this point.

Shea – When did you go under contract with them?

Jarvis – I don't have the exact date, but it's probably been within the last month.

Shea – Are you the site manager?

Jarvis – I'm not on site, but I oversee some of the operations there.

Shea – I hope you understand the concerns being expressed about the appearance of the site. We're going to take you at your word those improvements will be made, but this is an issue.

Jarvis – I understand and agree. If it were my hometown, I would feel the same way. This reflects not only on the company but also on me personally, so it's something I take seriously.

Bennett – So, from the city's perspective, how did we get to a point where a non-permitted use is operating in a space where it's not allowed? More importantly, what can be done in the interim? Are there fines levied against the property owner? Is there a way to create fiscal accountability—something that ensures compliance timelines are met, rather than relying on assurances?

Andrew Moore – Whenever a space is occupied without a certificate of occupancy, the city reaches out—ideally to the property owner—to require that the tenant apply for one. That allows staff to verify that the use is permitted, confirm no unapproved alterations were made, and complete inspections with the fire department and building officials. In this case, the process stopped at the use determination, because the current use is not permitted under the existing zoning. We spoke with both the applicant and the property owner regarding the use-related issue. We gave them a timeline either to submit a rezoning application and begin that process or to come up with a plan to vacate the facility within that same timeframe. They chose to file the rezoning application with the Planning and Zoning Commission within the timeline we specified, so they are currently following the compliance procedure we set for this project. If the zoning is not approved, they will be given a timeline to vacate the property. If the zoning is approved, they will then have a timeline to submit the occupancy and compliance applications.

Boggs – And, Mr. Bennett, if I could add to Mr. Moore's response, one consideration the city has to weigh in a circumstance like this is that there is not a mechanism for the city to simply impose a fine and have it immediately stick. There would need to be a citation process and an opportunity for due process before any fine could be enforced. So rather than prosecuting code violations, this is what is sort of a deferred prosecution type of arrangement.

Bennett – Well, and from a city point of view, I appreciate that because we do want to encourage their business here. We're not trying to drive them off. We're not trying to say no. That's why I asked if there's a way to hold accountability. Because what I also heard is that there is a timeline, but if that timeline is broken, there's really no recourse.

Boggs – Then there would be a judicial process. It would either go to mayor's court, which can levy fines once that process plays through, or it would go to environmental court in Franklin County, which can impose civil penalties and injunctive penalties that could create court orders to vacate the premises. So, there would be consequences.

Makhlouf – No, fully appreciate that. And if you look at our track record, we apologize for how this started, but the second it became an issue, we acted immediately. We got consent from the property owner, worked quickly to get the application together, and submitted it. There was even discussion about moving today's hearing, but we chose not to because we wanted to keep things moving. When we talk about timelines, some of that is the legislative process, but we have been working on our end to come into compliance.

McLaughlin – Yeah. My question is in relation to what was just discussed. With the repercussions for code violations and the timelines we give, is that created under our zoning code, or is that something from the Ohio Revised Code that we've adopted?

Boggs – Yeah. So, who establishes the penalties for zoning code violations?

McLaughlin – Correct. And what are we following? Are we following Ohio Revised Code, or is this something that falls under Canal Winchester's code?

Boggs – Well, it depends. There are two levels here. One is what the Ohio Revised Code establishes in terms of jurisdiction, meaning the authority for different courts to act. The mayor's court has limited jurisdiction and can hear misdemeanor cases. For those misdemeanor cases, you essentially have two tools available for compliance: fines or jail time. Typically, that's the first route taken. A citation is filed in mayor's court, and through that adjudicative process, the goal is either to bring the party into compliance or, if they don't comply, to proceed with prosecution. In the case of a business tenant, however, you can't put a business in jail. You can't put a person in jail in this context for a code violation tied to a business. The other avenue, usually when mayor's court does not achieve compliance, is through the environmental division of the Franklin County Municipal Court. Their jurisdiction is also set by the Ohio Revised Code. This is a civil process where the city can ask a judge to issue orders—for example, to clean up the property within a set timeframe, like three weeks—or face contempt citations that can accumulate. So, it's a combination of different routes.

Amick – As you know, this will be a three-reading process. I would suggest it may be beneficial to come back with an update at the next meeting. We're not expecting a complete resolution at that time, but you've heard the concerns. You have three readings to stay in the process while also providing some level of status in between. I would recommend bringing an update at the next meeting if that's appropriate.

Shea – If we were to waive the second and third readings on this particular ordinance to move the process along faster, would that result in the property being cleaned up sooner?

Boggs – It would at least reduce the timeline by about a month before the zoning change could be voted on. You would still have a 30-day period before it takes effect unless it is passed as an emergency. But if the readings are waived and it's adopted, it would likely give the applicant some assurance that investing in the site plan and cleanup efforts would be worthwhile.

Andrew Moore – I would probably direct that question to the applicant in terms of how it affects their timeline. There's the city's timeline, but the applicant indicated they are still working through bidding and getting things moving on their end. So, asking them directly would likely give you the best answer.

Jarvis – I think if the second and third readings were waived, we would make it a point to move forward quickly and clean things up as soon as possible. There's really no gray area—it needs to be done. Whether that timeline is three weeks or two months, it has to happen.

Makhlouf – One question—can the readings on a zoning ordinance be waived or passed as an emergency? Some charters prohibit that for zoning.

Boggs – They can.

G. Adjournment @ 6:14 p.m.

*A motion was made by McLaughlin, seconded by Bennett to adjourn. The motion carried with the following vote:
Yes 7 – McLaughlin, Bennett, Detwiler, Moore, Payne, Shea, Amick*