

MINTUES
CITY OF REYNOLDSBURG
PLANNING COMMISSION

DECEMBER 6, 2007

A. CALL TO ORDER

1. ROLL CALL

Members Present:

Mr. John Brandt
(arrived at 6:37 p.m.)
Mr. James Comeaux
Mrs. Marlene Wirth
Mr. David Wall
Mr. Charles McGrath
Mr. Lucas Haire, Planning
Administrator

Others Present:

2. APPROVAL OF MINUTES OF OCTOBER 4, 2007

Chairman Wall: Commissioners, you have received in the mail the minutes of our October 4, 2007 meeting. Are there any changes? (No response.)

Mr. McGrath: Move for adoption.

Mr. Comeaux: Second.

(Mr. Haire called the roll: Mr. Comeaux voted "yes." Mrs. Wirth voted "yes." Mr. Wall voted "yes." Mr. McGrath voted "yes." Motion carried.)

3. APPROVAL OF AGENDA. (No comments.)

4. SWEARING IN OF SPEAKERS

Mr. Wall: Anyone who is going to speak tonight on the topics we have on the agenda, the rezoning and the final plat, would you please stand? We'll do this en masse. (Mr. Wall administers oath.)

5. PUBLIC COMMENT

Mr. Wall: It's time for anyone to comment on anything other than what's on the agenda tonight. Does anyone have anything to bring before us? (No response.)

B. UNFINISHED BUSINESS – None

C. NEW BUSINESS

1. REZONING; 0.648 ACRES OR A 1.69 ACRE PARCEL (ALSO KNOWN AS 7961 OAK VALLEY ROAD); PRESENT ZONING, R-3 – SINGLE FAMILY RESIDENCE; PRESENT OWNERS NAME, JAMES L. AND DOROTHY BATES; PROPOSED ZONING, CC – COMMUNITY COMMERCE; PROPOSED USE, PROFESSIONAL OFFICES. APPLICANT JAMES L. BATES. (4279-PL).

Mr. Haire: The proposed rezoning is located on Oak Valley Drive, northeast of the intersection with Mulligan Court. It consists of 0.648 acres of a 1.69 acre parcel. Like I mentioned, it is proposed to go to CC, which is Community Commerce zoning district. The property is currently vacant and it's proposed to be used 10,560 square feet of office space located in two buildings with associated parking and landscaping.

The property that has the star located on it is the property that's proposed for rezoning. As you can see, it's currently zoned R-3. This map is a little inaccurate in showing that it goes a little further north than it actually does. The next map shows accurately what is actually zoned. The highlighted portion of the lot is the only portion that's requesting to be rezoned. The rest of the lot is zoned currently CC. So there's actually no road frontage and it was represented in some of the petitions and, I believe, in some of the letters that you received from concerned residents, that the property with the home located on it was to be torn down and that is not the case. That has been removed from this application. I know the last time this came before the Board that was under consideration, but that $\frac{3}{4}$ of an acre has been removed from this request. So, again, this is the highlighted area that's outlined in white that is the area that's proposed to go from R-3 to CC. The remainder of that lot is already zoned for commercial uses.

This is the proposed site plan. It doesn't show up very well on there, but you all have copies of that as well showing the proposed landscaping. The area highlighted in yellow is the area that is currently zoned R-3. Again, this is the proposed elevation, which you all have copies of that as well.

The applicant has proposed significant amounts of landscaping around the site and it meets all required landscaping codes. Access will be from an existing driveway that serves the funeral home which is located on Main Street, that has a rear access that goes out to Oak Valley Road. A revised traffic study was submitted yesterday. You have a copy of that that I have laid in front of your this evening. If you need a chance to look over that, I believe that the traffic engineer who conducted this study is present this evening if there's any questions on that.

Also there is a letter from Mr. Bates dated today, December 6th, that was brought into my office earlier this afternoon. Mr. Bates has proposed to restrict

some of the uses within the Community Commerce district. He's restricting retail uses from the site and also restricting anything that's allowed as a Special Exception, which would include eating and drinking establishments, drive-thrus, all those. So this would strictly be for the uses listed at the bottom of that letter, which includes administrative and business offices, business services, professional activities, personal services and mortuaries. So, basically, it's office and service type businesses only.

So, with that, if you have any questions of me, I'd be happy to answer those. If not, I'll turn it over to Mr. Bates

Mr. Wall: Mr. Bates, excuse me, before you begin, I'd like to acknowledge that Mr. Brandt has joined us this evening. (Mr. Brandt arrived at 6:37 p.m.)

Mr. Bates: I have given you some information regarding the site, where it's located and how that site lays within the commercial – within a block of land that has been historically zoned commercial along the south side of Main Street and north of Section 28. It's the only remaining parcel in that whole section that reaches across from Blacklick Creek east, clear up to, I believe, the State Ag Lab, that's not already zoned commercial. It's not surrounded by residential. The zoning to the west is commercial. It's just part of this parcel. To the north of that parcel is commercial. The cemetery is variously zoned as special institutional use or offices. The south boundary is the neighborhood collector street, which is 36' wide. So it's basically-- It'd like to point out, if I may, the section line that I referred to. This is the north line which extends – everything north of that line this way is commercial, everything this way on out past – including the cemetery and beyond, is zoned commercial. This is the only piece in that section on the south side of Main Street that is left (inaudible – off mike).

It's my contention is that it's an anomaly that that residential zoning even exists at that point and that it's an indication that it should be rezoned. It's an inequity that – if it would be made to continue to be residential, it would certainly be an inequity based on historical uses of the land, the block of land that I've discussed.

I've also brought tonight – or he's come here – and I'd like to turn it over to him now, which is a traffic report that he has submitted. Is this the appropriate time for him to discuss this?

Mr. Wall: Sure, that would be fine.

Mr. Bates: So I'd like to put him on the stand right now. Thanks.

Mr. Gary Wilcox: I'm Gary Wilcox with Traffic Engineering Services. Before we conducted this study I talked to the City's Traffic Engineer to make sure that our report covered the things that he was concerned about. I submitted

it to him, I think e-mailed it to him either yesterday or the day before and I haven't heard otherwise. I can't speak for him, but as far as I know – in terms of the process – addressed all the things that they were looking for. We did do a study here in 2005. There's a few things that have changed since then, so we collected new traffic data. The site before had an access onto Oak Valley Drive that was a little bit east of the funeral home. It was on a curve. I know that was one of the concerns that people had. Now it comes out so it's shared with the access to the funeral home. Basically none of the traffic numbers changed significantly from the last time. The only thing we did do this time, because the funeral home drive is in existence, we went out and did traffic counts at that intersection and did a capacity analysis which indicated that the site traffic would not impede flow on Oak Valley Drive and the intersection would operate at a high level of service. So, unless somebody has any questions, that's fundamentally what we did.

Mr. Comeaux: You made the assumption that most of the traffic would flow out to Main to the right? I mean you didn't examine – give any thought to what percentage of the traffic might travel to the west down through the neighborhood?

Mr. Wilcox: You know, that was a concern of the neighbors the last time we met. One of the things that's happened since then was the service station on the corner. And when I looked at the traffic volumes, they weren't collected in the same spot, because before we were east of Mulligan Court and this time we were west of Mulligan Court. I think the last time the 24 hour volumes were like 855 and this time it was about 999. But when you take into account the traffic from Mulligan Court that we were counting this time that we weren't last time, I would estimate that we're talking about maybe 50 cars different over the course of a day. So if a use were going to draw traffic through the neighborhood, I would think the service station would be one of them that would have done that. You know, our data would indicate that if that's occurring, it's minor.

Mr. Wall: Any additional questions for Mr. Wilcox? (No response.) Any questions for Mr. Bates? (No response.) I would like to ask-- I understand we have some folks that would like to speak. We would ask that you come up to the main podium one at a time, give us your name, address and let us know what you have to say.

Mr. Kevin Hodnett: I'm Kevin Hodnett, 7940 Oak Valley Road, and I'm one of the concerned citizens here. I had a question for Mr. Bates initially, most of that question has been answered through the traffic study, but I'm a little bit distraught that the traffic study was delivered to you either yesterday or today and we've not had access to be able to review that traffic study. I would like to have time to take a look at the traffic study and to make comment on that. But, Mr. Bates, I have a question for you. Is 100% of the traffic coming out onto Oak Valley either east or west?

Mr. Bates: I don't understand your question.

Mr. Hodnett: Do you anticipate any traffic going through the funeral home parking lot out to Main Street?

Mr. Bates: No.

Mr. Hodnett: None at all?

Mr. Bates: There's no legal right to do that.

Mr. Hodnett: Okay, I was going to bring that up. I had a conversation with the funeral home director and he stated that if Mr. Bates is allowed to put this property – this building on this property and we do allow the expansion into the residential lot, is that the funeral home will put up a gate at the edge of their parking lot and lock it and will not allow Mr. Bates or any of his constituents in and out of that lot. There is no agreement. There is no deal and they do not want any traffic coming through their parking lot other than their customers. So, with that, I will move on.

I just want to restate my expression that I've had in the past and I'll go ahead and restate it again, and that is the question of the residential property being converted to commercial. Us, as the residents on Oak Valley Road, we live in a neighborhood that is virtually complete except for the one piece of property that Mr. Bates owns over here. It is zoned residential now. What we would like to have happen is that residential lot remain residential, build a home on that and put another family into our neighborhood and be done with this. Allowing him to take a residential piece of property and convert it to a commercial piece of property to fulfill a commercial ideal that he has is just not right. I don't think that a residential lot should be rezoned commercial just to satisfy his desires on a commercial basis. It has no Main Street access and, as he says, that area that was zoned commercial years ago abuts Main Street. Every property up and down through that area that is zoned commercial or special services has Main Street access. This one lot, for whatever reason, if we look at it historically, was designated residential at some point in time for some reason. It was never made commercial. Now why are we standing here tonight thinking about changing a residential lot that's been there historically like that just to appease his idea and change it to commercial so he can expand his lot large enough to fulfill his idea? I would like to see a house there to finish our neighborhood and make it a nice livable place. The last thing I want to do is wake up in the morning and have to look out my front door at another commercial lot. I don't care about the landscaping. I don't care how much beautification work he does over there. It's an eyesore to our neighborhood. I can't say much about the Speedway. The funeral home is not an unattractive area. My daughter's freaked out because she sees the smokestack sticking out of the top of it, but, hey, it's got Main Street

frontage. And as long as it's got Main Street frontage and I'm looking at the back of it, my neighborhood's fulfilled. But when I have to wake up in the morning and look at a business in my neighborhood, I'm a little bit distraught about this and I'll leave it at that. I thank you very much.

Mr. McGrath: Mr. Hodnett, can I ask you a questions, please? You said you talked with the – you used the term “funeral director.” Is he the funeral director or the owner of the funeral home?

Mr. Hodnett: The owner of the funeral home. And I'd like to expand on that just a moment. I was asked in the last meeting if I had noticed there was a change in traffic with the installation of the funeral home in operation. After that meeting the last time and the question that was asked of me, I decided that I would check into it, because I had never really seen very much activity over there and I was very surprised. The funeral home director was very open with me and stated the fact that they had over 80 showings and funerals there. I said, “Really?” I couldn't believe it. I was stunned. But he said, “What you don't understand is most of those funerals happen between 10 and 3 and all – every bit of the traffic goes out the Main Street entrance and exit.” He said, “Absolutely no traffic goes out the back of that facility,” which really kind of surprised me. But he was very adamant about that and he was very adamant about throwing the gate up and shutting off access through his parking lot. He really doesn't like people driving through it.

Mr. McGrath: And his situation, I gather from what he said to you, is not a lease – land lease type thing? He actually owns the property or he's buying it, one or the other?

Mr. Hodnett: Which property is that?

Mr. McGrath: The one the funeral home is located on. The one where the driveway is located?

Mr. Hodnett: Yes, the funeral home has a shared easement. Mr. Bates has a legal easement to gain access to that rear drive and that's it. He's going to attach to it and come out directly onto Oak Valley. He's got no Main Street access.

Mr. Comeaux: In looking at the picture that Lucas has up there now, you said you'd like to see a house. Right now, absent the rest of the parcel, there's no street access at all. I mean we'd be creating a weird—

Mr. Hodnett: Well, we can drag Mr. Bates up here again, because the white house that sits there, the old house, that was a shared piece of property and Mr. Bates, in his thought process, because he thought he was going to have Oak Valley access, put a very wide driveway in. And if you drive through there now,

there's a very wide driveway where the white house sits. There could still be a shared drive coming out of that. There could be an easement agreement.

Mr. Comeaux: Sure, there could be, but currently there's not.

Mr. Hodnett: If you put the map back up, it does, very much, come to a sharp angle at that corner. But when it was all one parcel, it was a very wide driveway that had been put in there, anticipating his business going in with the house either still sitting there or being torn down.

Mr. Haire: The issue with that is Mr. Bates no longer owns that property.

Mr. Hodnett: Okay, thank you.

Mr. Wall: Next, please.

Mr. Jeff Snyder: Good evening. My name is Jeff Snyder. I live at 1562 Mulligan Court. It is my court that has the privilege of the funeral home dumping into my street and the thought of several cars daily pulling into that access road dumping onto Oak Valley right at the end of my street, just doesn't thrill me, doesn't make my day. I'm the proud father of four kids, two of them are in high school, one of them is in Hannah Ashton Middle School, but the one – not that I'm not concerned about those three, I am, but the one that I'm most concerned about is probably the joy of my life, my fourth child is a Down's Syndrome girl. And from time-to-time, as my neighbors will attest, she escapes and we find her wandering in different places. We do our best to keep our eyes out for her and find out where she's going. I would hate to see a business, whether it's an office complex, whether it's just a building sitting on this property with people coming and going who we don't know who they are, filling a parking lot, doing a job, taking off with a lot of traffic in the morning during bus stops, perhaps traffic in the afternoon when kids are being dropped off. In fact there is a drop off and a pickup right at Mulligan Court, Mulligan and Oak Valley. But I think I'm probably a little more concerned about property values in this. We're currently, as you know, not in a very good real estate environment. My clients tell me it's bad and I believe them. I watch the news reports, I understand what is happening in the marketplace. I fear even doing a current market value of my own property right now. I'm afraid it would upset me quite a bit. And I notice in some literature that I have here that none of your purposes as a Planning Commission is to conserve the value of property. And I understand we could have an argument here as to whose property are we trying to conserve value on and I would just say I would agree with Kevin Hodnett who spoke before me. This is residential property. It has been zoned historically residential property for a reason. We're a neighborhood. We have many homes in here. We have many kids not only on Mulligan Court, but around the curve. There are several children that play together up and down either Mulligan and Oak Valley. Dream Court, likewise, has several children.

So I'm concerned about the flow of traffic, the increase of traffic. I understand he's adjusted this saying what businesses can and can't go in there, but things change. Those rules can also change with someone coming before this Planning Commission to get it amended.

I guess my final point would be we fought this two years ago and I understand Mr. Bates' right to come back and change the plan and come at this and try to do it again, but I will say for myself, I've been authorized to speak on behalf of my wife also, that we are diametrically opposed to this. We believe that this would be the worst thing that could happen in our neighborhood. If I, frankly lady and gentlemen, if I would have known that a Speedway and a funeral home was going to be built at the end of my street, I wonder if I would have bought at that location. We saw a great neighborhood. We saw potential in the neighborhood. We liked the school system. We liked a lot of things about Reynoldsburg. But I'm a little concerned, when I look at the end of my street now, and it's funny, but it's not. It's interesting when your kids, when your 10-year-old son says, "Dad, do they have a fireplace in there?" In the funeral home. "No, son; they do, but it's not the kind of fireplace that we burn in our house." I never thought I'd have to explain that to a 10-year-old kid. And I don't want to have to explain to another kid why there's an office building surrounded by homes.

I would concur with Mr. Hodnett, put a house in there. We can find a way to make the driveway work. That, I think, would be a pretty small concern. Let's put a house in there. Let's find another decent family. We've got a neighborhood full of decent families. Let's see if we can find another one to build a house on that lot. Thanks.

Mr. Wall: Next speaker, please.

Mr. Reginald Lampkins: Reginald Lampkins, 7921 Bath Court, Reynoldsburg, Ohio. My concern mainly is the traffic in that area. It has been proposed that the traffic would not affect Oak Valley. Well, we're the people who live on Oak Valley. Everyone else that goes through there, including Mr. Bates, does not live there. They don't see the traffic that goes through there in and out and at what speeds. That's my concern. I'm there on a regular basis. I'm there during the day when most people are at work, so I see a little more than what some people do because of the hours I work. Even with the school system bus garage, we get a lot of their cutback traffic through and all that started when we had the problems up on Graham Road and Main and they used that initially as a temporary route. So many people – even people who are going home after a day's work, they use that still for a shortcut instead of going up to Waggoner and Graham Road and Main, they come through that way to get through. Per your report – somebody's report – the traffic study individual's, he said that if we take away the people who – cause there was 150 car difference from two years ago. And then we said that if we take away Mulligan Court traffic, it'll only be 50 cars. There's not 100 cars going in and out of Mulligan Court a day, so that's false

information also. And if that's the case, let's say there is 50 cars, what hours of the day are we talking about? A day's 24 hours, so it sounds – that's only 1-2 cars an hour, but let's be realistic about that. Let's put it in an 8-hour frame. And, at the same time, I don't believe that anyone sitting here would want to create, from a residential district where they live at, to a commercial district. And it was also stated, and maybe it's true, is that Mr. Bates doesn't own that farmland any more, the old house there? Mr. Haire, you said Mr. Bates doesn't own that land anymore?

Mr. Haire: That's correct, where the old house is – where the older home is, he no longer owns that.

Mr. Lampkins: Do you know who owns that by any chance?

Mr. Haire: It's in the name of Brian Bates.

Mr. Lampkins: Any relation?

Mr. Haire: I'm not sure.

Mr. Lampkins: Okay, _____, thank you. Let's say that in a year or six months after it's converted, Mr. Brian Bates decides to sell the land back to dad, or uncle, or grandfather, whatever the relationship is. Will we be back here in another year to convert that over so we can make that commercial also? So this could be an ongoing process year after year, every two years. (TAPE CHANGE) I don't have these figures at my – I will admit that. I didn't come here with figures and I didn't come here with facts. I just came here with my opinion and what I see, somebody that lives there. Not somebody that drives by, not somebody that comes to cut the grass. He does a good job with the land he owns on the corner. He keeps it cut. He does a good job with that. But on behalf of the average Joe, the everyday homeowner, the people who don't have the time – there are a couple people who were supposed to come here tonight and speak on their behalf but other things come up – the average – you know, that have kids, they had Christmas programs, or had to go shopping, whatever in their day came up and they couldn't make it. So I'm here on behalf of the average person and say let's give some deep thought about this before we just convert it over to put some feathers in someone's pipe dream that they have to put businesses back in that area. We had businesses in Reynoldsburg, as we stated previously, right in a half mile in each direction there's open spots for. If businesses wanted to come here, they'd be here. Even on Waggoner and Main, that new building, somebody's got a sign that's going to move in, but the other two are still sitting vacant. So I'm going to say his business won't attract other people and, yes, he's classified it as to what it's going to be, but, as I said, he could reclassify it again. We don't need any more traffic on Oak Valley besides the people that live there. We all have little kids or young kids that live there. And, for the most part, we've been blessed and there has been no fatality with

the type of traffic that's going through there. We've had a few accidents. I don't know how many have involved residents, because, again, I didn't bring facts. I'm saying, if we can, let's keep that area residential and maybe we can work with Mr. Bates as a community on how to better address this situation. Thank you for your time.

Mr. Wall: Thank you. Commissioners, any questions? (No response.) Next speaker, please.

Mrs. Kimberly Hodnett: Good evening. My name is Kimberly Hodnett and I live at 7940 Oak Valley Road. I have many concerns regarding this. I really do not enjoy speaking, so I'm a little nervous. I have done a little research two years ago and recently regarding the Planning Commission and City Council about what they have to take in regard when a situation like this is proposed and I'm going to read that. "The compatibility of the proposed zoning district and the features of the proposed development plan with the characteristics of the site and surrounding areas." There's no way that an office building – two office buildings and how many parking spaces?

Voice: Forty-two.

Mrs. Hodnett: Forty-two parking spaces, and signage is uniform or compatible with a residential neighborhood. I believe esthetically it would be degrading to our property value. "B, the potential impacts and proposed uses of the district in terms of traffic, storm water, utility demand, noise and other impacts." You know, as we've all said, the impact would be significant. On what grounds can he guarantee that when a customer or employee from those office building, when they leave and go onto Oak Valley, what guarantee is there or enforcement that they are only going to travel west to Main Street? And even if all the traffic goes towards Main Street, there is still residential neighborhood with the children, with the bus stops. I have contacted the bus garage and on a school bus day, a regular school bus day, there are over 40 times a bus stops on that street all the way from Dream Court down to Palmer Road, and that includes elementary, middle school, junior high, high school, kindergarten, returning at approximately 11:30 and then kindergarten pickup for the afternoon session. We have at least four special needs children that have their own buses that come through there. There is a child that lives directly across from this property that gets picked up to go to Bishop Hartley every day. There's just so much to take into consideration with the traffic and unrealistic ideas that he has that it's not going to affect our neighborhood. Of course we were here two years ago and had to speak on the same issues. Like I said, if an employee from those buildings, if they are traveling west on Oak Valley, they're still going past two courts. I don't know how many residential families live there, but I know three buses go down Mulligan Court for the special needs and at the end of Dream Court and Mulligan Court there are numerous bus stops every single day that would be proposed for health or safety issue. The impacts of the proposed district and development plan on

the health, safety, welfare and morals of the community. From a health and safety standpoint, the proposed office buildings will create a substantial increase of traffic and will threaten the safety and welfare of the residents of Leighton Village and Palmer Crossing. And also the compatibility of proposed district and development plan with elements of local plans applicable to the area to surrounding zoning districts and to existing planned land uses. This is another citing from the code where the plans are not applicable to the neighborhood. They are not compatible. They are not uniform. They don't have Main Street access. Also I'd like to talk about noise. There would be an increase in noise. I would like to have some type of documentation to support that that traffic will only go west, even though it will still affect residents. If they have office buildings and they are leased to dentists, doctors, lawyers – like we're supposed to be impressed with that – they will have customers and clients, could be anywhere from 3-4 different customers an hour, so them traveling in and out; employees traveling in and out to lunch, then out at the end of the day from work, delivery trucks of whatever source, supplies, you know, it could be furniture or whatever, but that would also be increased and we obviously do not need delivery trucks on our residential neighborhood. How are the hours of work going to be enforced only mainly from 8-5? What about Saturdays? Is there any guarantee, any stipulation that that will not become a problem? You know, everybody talks about the children playing. We have numerous people exercising. We've also had charity races through our neighborhood a couple times a year which would be affected by the traffic. Another concern that hasn't come up yet is the construction. How long would the construction take and how would that affect our neighborhood with the different equipment and trucks, and debris that would be coming onto Oak Valley? Where will those trucks park? Will they be sitting on that turn, which would be a safety issue?

In the previous meeting at the hearing one of the things that I really did not appreciate that Mr. Bates stood up here and told everybody that if we did not allow for him to be able to rezone this, that there could be alternative worse circumstances that he could put in there in that already existing commercial lot, which I felt to be threatening; that if we did not stand back and let this happen, that he would put up, just on the commercial lot, nothing to do with that residential parcel, that he would establish some type of establishment that would, I don't know, be not conducive to our neighborhood, would not be appealing for our property value. Everybody has already talked about the property value and how there's trouble with that.

Again, I'd like to see some type of documentation that would guarantee and be in force that every employee, customer, delivery, whatever, going in and out of that two office buildings, what kind of guarantee enforcement is there going to be that they're only going to go west onto Main Street? That is just an assumption. It is not substantiated. It's actually ridiculous for the people who live there. They know better that that is not going to happen whatsoever. Again, my name is Kimberly Hodnett and I live at 7940 Oak Valley Road. I have lived there for 8-1/2

years. I have three children that go to the Reynoldsburg School District on three different buses twice a day and to date am very happy to report that there have been no incidents of safety concern. They've all arrived to and from their locations very safe and I appreciate that, and I would not like anything to infringe upon their potential safety. Thank you.

Mr. McGrath: Mrs. Hodnett, how many of those special children live on Mulligan?

Mrs. Hodnett: Three.

Mr. McGrath: And there's four altogether?

Mrs. Hodnett: There's four. There's one on Oak Valley, I guess going south, maybe six houses down from his property maybe, maybe not that many. They're on the east side of the street.

Mr. Comeaux: I don't mean to put you on the spot, but his threat, as you put it, as unsightly as that might be, it might be the case that he could put something that's even more offensive to you there—

Mrs. Hodnett: I thought that was offensive, personally.

Mr. Comeaux: Right, but what I'm saying is he could – and I don't know everything that's in CC, but as is drawn up, there's one building that would presumably not be impacted if we didn't rezone it, not including setbacks and such. He pretty much can build one building there, I mean assuming he gets the setbacks. I guess I'm just trying to see – and I don't mean to put you on the spot, but I'm just saying if he could put up a two-story ugly building that would create more traffic – and I'm not sure he can given the setbacks – but would create more traffic, be more of an eyesore, et cetera.

Mrs. Hodnett: Well, I would hope at that time, if that was the case, that we would have the hearing process and be able to speak. Because you do have certain standards for approving, whether it's City Council or the Planning Commission.

Mr. Comeaux: City Council might have some sort of say in that. I honestly don't know what they could do, but I don't think – we would cover the zoning portion of it, right, Luke?

Mr. Haire: To develop that site it would go through a process called a major site plan review and it's done by the Board of Zoning and Building Appeals.

Mrs. Hodnett: And that's a similar process where it will be open for discussion?

Mr. Haire: It is and it's not. Basically they review it to ensure that it meets the zoning requirements.

Mrs. Hodnett: Zoning requirements, would that require being compatible with the surrounding areas?

Mr. Haire: There are some similar type of requirements or considerations.

Mrs. Hodnett: I have a question for Mr. Bates. On the commercial property, why could you not rezone that as residential and use it – sell two lots there for residents? Why could you not do that? I'm sure it's not as lucrative, but--

Mr. Bates: I think one principal of zoning is that land is entitled to be used for its highest and best use, and in this piece, the piece that's already commercial, the highest and best use would be an office building. It's a question of value. You can't afford to downgrade the use of a piece of property in order to make it fit some kind of a mold that somebody sets up for that area. This ground is commercial ground. It's next to commercial ground. All we're trying to do is to make the one-third of it that is residential to conform to the rest of the lot. We don't feel that's an unreasonable request. I think that answers her question as best as I can answer it.

Mrs. Hodnett: If I may, with the audience that's here tonight, can I have a show of hands of all residents that are objective – or object to this proposed two office buildings. That was about 10 hands that are here and able to commit to this evening's meeting. We also submitted a petition with over 80 names signed on it for the last meeting. Two years ago we had approximately the same meeting and Mr. Bates submitted a petition for it with six signatures, two of which did not even live in the neighborhood, like Blacklick, Ohio. What relevance would that individual have to our property value? Enough said.

Mr. Wall: Commissioners, any other questions? (No response.) Thank you very much. Next speaker, please. We do have another meeting after this meeting and I would ask that everyone who still has to speak, if you have something new to add to the discussion, we would appreciate that; otherwise we would ask for not having repetition.

Mr. Wayne Mally: My name is Wayne Mally. I live at 1544 Mulligan Court. I've been there almost 13 years. When I moved in there wasn't very many houses around there. Dream Court didn't even exist. It was always dark and I was glad when they put the street lights in. Since they put the gas station in over there, if I would have known they were going to put a gas station in over there, I would have had second thoughts, because it's like daytime when I go out there at night in my front yard. I'm just wondering if these office buildings, what kind of light that's going to bring. And, also, the speed down Oak Valley, the hours I work I'm always around during the day and I have seen cars – high school students –

come down there side-by-side down through Oak Valley just racing. And nobody's mentioned anything down there – Oak Valley where it turns into Leighton, down to Palmer Road, I can't imagine with an office building there with the traffic going to be down there at Leighton and Palmer. Then going over to Graham and Palmers, it's a mess right now and it's getting worse. I just can't imagine the extra traffic from two office buildings going down Oak Valley down that way. Like I said, everything else has pretty much been covered. I'm totally against it.

Mr. Wall: Commissioners, any questions? (No response.) Thank you, sir. Next speaker, please.

Mr. Paul Rutter: Good evening. My name's Paul Rutter. I live at 7785 Oak Valley Road. I'll try not to be repetitious, but I just want to emphasize my objection to this proposed change. I was driving past that property the other day and I don't know if any of you have been out there recently, but it's readily apparent that that property, while part of it may be zoned commercial, if you look at it logically, it seems like it ought to be residential. It fronts on a residential street. It does not front on Main Street. It looks like a house belongs there and I kind of base the question why a house wasn't put there. But be that as it may, this is a negative change to our neighborhood. I've been in the public hearing. I've heard what Mr. Bates has said. He's not presented anything credible to this Commission that this would be a positive change to the neighborhood. That space is not a deep lot. Between the existing properties on Main Street and Oak Valley Road, so to put a commercial building there, there's not going to be much of a break between – if anything – between Oak Valley and those new commercial buildings. It's going to be right on the street, right next to some houses. So it's not going to be a positive for our neighborhood.

And I really take issue with the traffic engineer's study. He's trying to compare this proposed project with the gas station. The gas station does not empty out – it has a driveway on Oak Valley right next to Main Street. I would not expect, and I have not observed that a whole lot of traffic flows down Oak Valley from there because it's right next to Main Street. This would be completely different, because the access road from the back of the funeral home dumps out in Oak Valley, in the neighborhood – it's not right next to Main Street. There's other – as people have reiterated – Courts and stuff that empty out between there. As Mr. Hodnett so ably presented, it appears to contradict the traffic engineer's study that part of that traffic would be able to exit out East Main Street. It looks like all that traffic is going to have to dump on Oak Valley. As far as traffic, it's already a major problem on there. Adding a whole bunch more traffic is going to be dangerous. I have two little boys. My wife is a stay-at-home mom. My kids are home during the day and I fear for their safety because drivers are just flying through there. It's a miracle that no one's been seriously injured or killed yet.

I've heard everyone talk about – correct me if I'm wrong, Mr. Bates – but there's a strip of empty property that connects into Oak Valley between the – it's kind of split between what's called Palmer Crossing, which is the older section, and the Maronda Homes that were built a little newer. There's an empty lot there that feeds back into an empty strip which is right before a residential development. At some point in the future, I believe Mr. Bates still owns that. He can correct me if I'm wrong. But whoever owns it, it's slated for residential development which will add even more traffic there. There's nothing we can do about that, but just something to consider. We're being asked to tolerate even more traffic on there.

Again, and Mr. Bates can correct me if I'm wrong, but his access problem – my understanding was he used to own that property that he sold to the funeral home, so his access issue is something he created himself by selling part of that off and retaining part of it. I don't see why he should be entitled to, in essence, fix a problem of his own creation at our expense. This is, I feel, a definite negative change to our neighborhood and would plead with this Commission to not approve the change. While there's not a whole lot of people that have been able to make it out during this holiday season, Mr. Hodnett and several other people have went to great effort to collect a petition which ably proves that our neighborhood is almost completely against this change. There's enough people who are furious about this that could fill this room out the door. Unfortunately with the holiday season, it's difficult. A lot of people are committed with families and stuff and were not able to make it here. I just ask you to consider the silent majority. Thank you.

Mr. Wall: Commissioners, any questions? (No response.) Next speaker, please.

Mrs. Melody Huffman: My name's Melody Huffman. I live at 7841 Oak Valley Road. I really don't, unfortunately – bear with me. I'll be very, very brief. I don't have anything new that you haven't heard, but I would like to express my opinion. My husband and I moved in 2001 and I must say that had I known then what I know now and what we are facing, I'm not so sure we would have bought there. And, on that note, I think I could probably say that there would be possibly some prospective homeowners or buyers, should houses be put up for sale, that would look at that and go, "You know, I like the neighborhood, but I don't like that office building." I understand Mr. Bates has an investment and he's looking out for his investment, i.e. the property that he owns and getting the most out of his investment. But Mr. Bates needs to realize that we've made investments in our homes. For a lot of us our home will be the single biggest investment that we'll ever make. Many of us don't have extra property to sell off for commercial or sell off for residential. We buy our homes knowing that that is our biggest investment. And somewhere down the road someone may decide, "Hey, I'm retired. I want to move. I want to go south." You know, how does that person feel when their house won't sell because a prospective buyer says, "You know, I really like your house and your neighborhood, but I have a problem with having a

commercial business in this area.” It’s not going to enhance our property values to any extent. I think that’s probably pretty much – most neighborhoods, if you go in and put in a business, it’s not going to enhance your property values. So that’s just my opinion and I really would appreciate if you’d consider that. And those here tonight who have spoken on behalf of many others, and take into consideration what our investment has been. Our investments we really can’t afford to lose. You don’t want to lose money on your home. So thank you for your time.

Mr. Wall: Thank you. Commissioners, any questions? (No response.) Any other speakers tonight? (No response.) Commissioners, any questions at all?

Mr. Comeaux: I actually do have a couple questions. Luke might be able to answer them or Mr. Bates might be able to. The driveway there, does anybody know how that came to be? Was it put in when the funeral home went in?

Mr. Haire: It was developed in conjunction with the funeral home. If you look at this photo, it’s not included in there. It was part of the property that the funeral home actually owns, but Mr. Bates retained an easement, an access easement on the property.

Mr. Comeaux: So there was a discussion at that point, okay, that’s understandable.

Mr. Bates: We did discuss that at the time the transaction was made when we sold that property and the agreement – he wanted access back there onto Oak Valley Road for the funeral home. I agreed to give it to him provided that we had access into the rear of our property. We had an understanding. We didn’t really discuss it at that time, but subsequent to the – fairly quickly after the closing on his funeral home property, we discussed the access – the potential of traffic going up through his funeral home parking lot to Main Street, which we didn’t want to see from our property and he said, “Well, we would put up a gate.” I said, “That’s fine. Good. It’s a good idea,” and I still think it’s a good idea that he puts a gate in there so he can control what goes through there, because otherwise you’re going to have cut-thru property there. In fact he’s had some of that already. I think I’ve answered your question.

Mr. Comeaux: I’ve got a couple more questions that you might be able to answer. That _____ little piece that we’re talking about, how long has that been part of the parcel we’re talking about? When this was – did somebody sell part of a bigger parcel?

Mr. Bates: We acquired the 60’ north of it, that green strip going across, we acquired that from the Wheelsports people. We had an access that was a driveway to Main Street that went right through between his two buildings there to access that house, because there was no Oak Valley Road at that time. So he

wanted to exchange that 60' for the driveway that we owned. We owned the right-of-way, so we worked it out. It was an even trade. So then we sold a lot off the south side of—

Mr. Comeaux: That's fine. I understand how that piece came to be and that also explains how that little green strip you're talking about is zoned CC and the part to the south of it is not, because you said that green space was originally part of Wheelsports property. That explains how you kind of have CC and residential right below it.

Okay, a couple more questions. If we didn't rezone that little part we're talking about, that green space would probably be useless as commercial just because of setbacks and stuff like that.

Mr. Bates: It's parking.

Mr. Comeaux: Parking, okay, that's right. But then excepting that out, the part that's to the east on that picture – excuse me, to the west on the picture, what kind of uses could you put in there, do you think, consistent with the CC zoning, keeping in mind you're have to have—

Mr. Bates: The office building that's on the drawing, we could put in there. I mean the setbacks are such, you know, you're required a 50' setback from the street right-of-way. We've got that. And the drawing that you have, we met all the setback requirements. The drawing presumes that we might be able to put a building in near Glen Rest Cemetery. That building meets all the setback requirements that commercial code has, including the screening between the residential where the house is. So we feel that it's a good plan. So I hope you'll ultimately come up with that feeling and pass this zoning.

Mr. Wall: Commissioners, any other questions?

Mr. McGrath: I think I have one. I'm concerned about and I think a lot of the people in the neighborhood (TAPE CHANGE) are concerned about they'll generate for traffic. With all good intentions you'd build a building for a certain purpose, whether it be a doctor's office or attorney's office. Times change, people change and property ownership changes. Sooner or later all of us, we're gone someplace else, some for the better and some for the worse, and our heirs pick up the property and sooner or later they move on, or else they move, period, go to Florida. I think a lot of the concern is the fact that this nice little attorney's office and quiet little doctor's office might eventually turn out to be a tattoo parlor or something and this is the things you face in the commercial world. I think that bothers them a lot. I realize your intentions and probably your son's intentions also, but there's almost an exact science to this that it's going to change on down the line and you'll be gone probably and, like I say, your son might have moved on, but these people will still be there and that's a lot of their concern.

Mr. Bates: I'll get to that point in a minute. She had indicated that I had threatened to put something in there that would be less desirable and my comment was not phrased to be a threat. It was – and I would not do that myself. But if I sold that ground with the existing zoning to somebody that wanted to develop it, I would not have any control over what they might put in there unless I changed the zoning. I'm trying to change the zoning right now and then getting around to what your questions was: If you'll read the agreement of the letter I wrote, which was basically an agreement to limit the use of that to the uses that are listed at the bottom of that page. That would eliminate all of those uses that are called – what's the term? Special exceptions, or exceptions. So I've eliminated those uses in that letter there. We can put that in whatever permanent form you might want to do it and the restrictions in the deed, and I'm committed to do that. But that letter commits me to see that that would be done and I'll do it in any way that you feel is appropriate. All we want to do is to build two one-story office buildings there, which we feel would be an asset to the neighborhood. The landscaping will be an asset to the neighborhood, far more so than what exists at this time. With all due respect to the opinions of these people, my strong opinion is that it will be an asset and that the traffic will not be inordinate. I've got one of the best traffic people in Central Ohio that attests to that. So we feel we're on solid ground in asking for the rezoning. We have commercial zoning there. We've got an acre of ground that's zoned commercial and what we feel is appropriate is that we're allowed to use a piece of ground that doesn't even have – it's part of that tax parcel, by the way, that doesn't even have an access to Oak Valley Road. We specifically designed it so that there would be no curb cut, no additional curb cut onto Oak Valley Road from even the residents. We think that's a plus and we think the design that's been done there with the architect work and the landscape work that has been of very high quality and appropriate for the neighborhood and worthy of Reynoldsburg and worthy of the value of these homes. So that's our position. If you have any more questions, I'd be glad to answer.

Mr. Brandt: One person asked about how long you thought it would take for construction and what time frame-- I realize the weather right now isn't exactly "put your shovel in the ground" type weather, but if this were to be approved and you started, how long would they face the disruption, and realizing that the City does have an Ordinance that you can't drag mud out in the street or you get a fine and you've got to clean it up, but just from a time frame, what kind of time frame?

Mr. Bates: Generally when you've got your financing and you're ready to proceed on something like this, you'll start it in the spring and try to be done by fall. It's not that big of a production. It's the equivalent of building a couple large homes. So I would assume that would be – and the City has limitations, as I understand it, when you go to build a property you have to make commitments that you're going to be in there and out of there in a certain length of time. Not

only that, but your financing also requires that you get in and get out and get it done.

Mr. Brandt: Well, they just wanted to know—

Mr. Bates: That would be my answer. I'd say 6-8 months, max.

Mr. Wall: Commissioners, any other questions?

Mr. Comeaux: Just about the process. Luke, after we deal with this then it will go to City Council, is that right?

Mr. Haire: Yes. We make a recommendation to City Council, which is then forwarded on to them and considered – they've already held the first reading, so it will be considered for the second reading out of three.

Mr. Wall: All right, do I hear a motion for approval, please?

Mr. Comeaux: I so move.

Mr. Brandt: Second.

(Mr. Haire called the roll. Mr. Comeaux voted "yes." Mrs. Wirth voted "no." Mr. Wall voted "no." Mr. McGrath voted "no." Mr. Brandt voted "yes." Motion denied.)

2. FINAL PLAT, OAK VALLEY SUBDIVISION – SECTION ONE. REPLAT OF EASEMENTS. DATE OF FINAL PLAT APPROVAL 6-8-1998, ORDINANCE #67-98. APPLICANT NAME: HOCKADEN AND ASSOCIATES, INC. (4280-PL).

Mr. Haire: Basically what this is is they replatted some easements within the subdivision. Mr. Bates may be able to explain why that was done. I believe it was for drainage easements. So the City's attorney has indicated that we need to have a reapproval process to replat those easements. So it's existing lots that have been approved in 1998, they've never been constructed. I think some of the storm water requirements have changed since then.

Mr. Bates: EPA rules have changed on the detention basin and in order to get some of the elevations that change required, they determined that the storm drainage would be best handled in a different manner than had previously been designed. Also there was some questions that came up for a sanitary service to the area to the east and we got those problems resolved and incorporated into this plan, in order to be able to accommodate those concerns in the subsequent unplatted but preliminary plat approved lots that remain. So that's the reason. There were practical reasons that were put upon us by the EPA initially and then

by the City Engineer in order to update the plans to what they feel should be the case.

Mr. Wall: Commissioners, any other questions of Mr. Bates? (No response.)
Do I hear a motion for approval?

Mr. Comeaux: Move for approval.

Mr. Brandt: Second.

(Mr. Haire called the roll. Mrs. Wirth voted "yes." Mr. Wall voted "yes." Mr. McGrath voted "yes." Mr. Brandt voted "yes." Mr. Comeaux voted "yes." Motion carries.)

D. OTHER BUSINESS – None

E. ADJOURNMENT

The meeting was adjourned at 7:48 p.m.

David Wall, Chairman

Lucas Haire, Planning Admin.

This document was transcribed by:
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