



MINUTES

PLANNING COMMISSION THURSDAY, DECEMBER 2, 2021 6:00 PM

PLACE: COUNCIL CHAMBERS
7232 EAST MAIN STREET, REYNOLDSBURG, OH 43068

A. CALL TO ORDER

PRESENT: Cullinan, Zollars, Hicks, Furst, Benner
ABSENT:

2. APPROVAL OF MINUTES

Minutes Stand Approved

1. Planning Commission – Regular Meeting – November 4, 2021

3. APPROVAL OF AGENDA

Item C was moved to after item D

4. SWEARING IN OF SPEAKERS

Speakers for the evening sworn in by Mr. Zollars.

B. PUBLIC COMMENT

None

C. UNFINISHED BUSINESS

1. Application #2021-5396; Summit Rd SW, Etna; Applicant Joe Ciminello; Major Site Plan (Eastwood)

Mr. Zollars: OK. Let's go back up to see unfinished business is the applicant here? If you haven't signed, then would you please? Appreciate that. Go ahead and state your name and address for the records.

Mr. Ciminello: Joe Ciminello, 567 Lazelle Road, Westerville, Ohio 43081. Thank you chairman.

Mr. Zollars: Emily, is there anything you want to tee us up with or we're just going to go into questions and discussion?

Ms. Wheeler: Not really. This is a resubmittal of a major site plan and preliminary plat, with requests previously to update some of the lot dimensions to comply with our zoning ordinance. The most recent plans that were submitted, I understand there were a few changes just with labeling various things. I have three notes here; number one there were several dimensions updated or added to clarify plot dimensions. Number two dimension labels were added at the building set back lines

to illustrate a minimum of 50 foot width. Number three, note is added on each cover sheet for future right of way dedication.

Mr. Zollars: The floor is yours.

Mr. Ciminello: Yes, we understood. I mean, last time we went before you we were at forty and forty five foot lots, all these lots are 50 foot minimum at the build line. We were informed that was an issue. So yesterday we did get plans back that any lots that were less than 50 at the right of way there now dimensioned at the build line. Also there was a concern, not concern, we always anticipated dedicating additional right away along Summit. We put an email request out. EMH&T did not get back specifically how much right away they would in addition to what's there now, they would like. So we put a note on both the major site planning and the preliminary plat that we will dedicate the necessary right away for the widening of Summit Road with the leisure path at the time of final engineering.

Mr. Zollars: Commissioners questions?

Mr. Hicks: This is Mr. Hicks, I think, you know, one of the things we wanted to clarify and we kind of discussed it in the last submittal is just the way that our code reads versus the way that I think it's typical when lots are shown on a plat on the lot front edge that it shows. You know, I think engineers typically show the lot with all the way down at the right away line, whereas it appears and I was looking it up while we were in the meeting that our code shows that lot with back farther back where the building set back line is basically that's dictating a lot with. So I think we're kind of just covered that in the last meeting, but appears that that same thing is evident here. Just looking at the plans, it appears that that, you know, a lot that shows forty nine foot of the right away line is more than 50 feet at that building set back 50 or more.

Mr. Zollars: Anyone else? Mr. Benner, anything?

Mr. Benner: Not right this minute. Don't run too far ahead.

Mr. Benner: Mr. Furst, you have something?

Mr. Furst: Forgive me as I dig out of the pile of plans here. So have there been any other major changes? Anything else with the, you know, I see you've submitted a number of building elevations and you know, can you kind of walk us through some of the changes you've had since the last application rather than the lot specifics?

Mr. Ciminello: Yes, since the last application, we knew we had to reduce lots and we had a boulevard and off Summit Road and the boulevard was there, as I explained last time, as kind of a differentiation between the smaller lots and the 50 foot lots. And so we eliminated that boulevard. Also, at the city's request for the future development, we showed a road further to the West that was extending up to

the property to the North. And they wanted a road extended to the West, so reconfigured the plan to stub a road to the north for future development there and to the West. And that's about the changes that I recall of any of substance

Mr. Furst: Your plans here are relatively comprehensive, but one of the things, while it's not required, that I typically like to see is specifications, or maybe I've just missed them. Specifications of, in the landscape plan, the specific varieties that you're planning to use. I mean, of course, you know, you'd use approved trees, you know, from our approved species list. But I just wanted to make sure that, for instance, where it specifies, you know, large deciduous tree or something of that nature that you didn't have plans to use just one type for all of that in the plan.

Mr. Ciminello: No. Typically, we vary and would work with staff if they review the landscape plan if we don't have enough variety.

Mr. Furst: OK, so I just want to make sure of some heterogeneity there that in case there, if there is a problem with hardiness, you know, some sort of infestation or something like that, they wouldn't all have to be removed.

Mr. Zollars: Mr. Benner?

Mr. Benner: I have a few questions. It's been quite some time since your initial application, referring to the city engineer's report. Has any of that over this three months or almost three months? Do you have answers for any of the things that were listed on the traffic studies, streets not quite as wide as they should be? Water demand. Any of those?

Mr. Ciminello: Sure. Street widths have all been changed to the standard. We didn't get a staff report yet. They got theirs an hour before. Yes, the street widths are per the standard. What was the second?

Mr. Benner: Well, under utilities there's a mention that because of the water pressure lines that some of your taller buildings could have issues with water on the second floor.

Mr. Ciminello: So included in the submission. Now for the townhomes is a two story product as well. For your review. So if there was an issue going to three story building, we will be building the two story buildings. Third was a traffic study was submitted. To staff.

Mr. Benner: Do we have that? Anybody?

Mr. Shook: I haven't seen a traffic study, but that doesn't typically come to my office.

Mr. Ciminello: I believe we submitted that, and it showed that a traffic signal is currently warranted at Summit Road and Main Street that was the largest conclusion

of that traffic study, we're working with the city, and there is a TIF. City TIF on this property to help pay for the city's desire is to improve Summit Road from the improvements pretty much in front of the existing or the previous application you had just south of Firstgate and refugee. And that's why we're working with the city to dedicate the necessary right away to continue that widening all the way down to Summit and similar to the M/I project that was placed under a TIF, the funds from this new tax dollars from this that typically would go to the county will be used to extend and widen the road and put in the traffic signal. So we did have those discussions. Is this traffic study up here, Emily?

Ms. Wheeler: Yes.

Mr. Ciminello: Thank you.

Mr. Benner: Was that in our packet?

Mr. Furst: I was going to say I'm going to be a curmudgeonly old man here for a minute and object to this not being in the packet.

Mr. Benner: I'm actually not quite finished, but.

Mr. Zollars: Okay, go ahead.

Mr. Benner: Obviously, this has kind of been thrown together here and some of it has been readily available. One of the issues before was that your original drawings didn't show street lights they did in your in a townhome blocks, but not on the other streets. Obviously,...

Mr. Ciminello: We'll provide those.

Mr. Benner: I thought you might I just wanted to clarify.

Mr. Ciminello: Thank you. I didn't know we couldn't light our signs, so we'll have to deal with that later. I don't think we showed lighting on the sign, which is good.

Mr. Benner: And you've done away with the Boulevard?

Mr. Furst: Mr. Ciminello, is it fair to say that overall, given the height of the adjustments you made and the lot size adjustments that you've decreased the density in the development? Is that kind of my read here? Is that correct?

Mr. Ciminello: I'm sorry, Mr. Furst, I didn't hear the first part of the question.

Mr. Furst: Would it be a fair summation to say that you've decreased the density herein the development?

Mr. Ciminello: Decreased it from our original home?

Mr. Furst: Yes.

Mr. Ciminello: Yes, sir.

Mr. Furst: Thank you.

Mr. Benner: I believe you lost, what 17 lots?

Mr. Ciminello: I believe, so.

Mr. Benner: I think you're at 256.

Mr. Ciminello: I counted them months ago when we had to make a decision, but I like to forget that.

Mr. Benner: Sorry to bring it up again.

Mr. Ciminello: It's ok.

Mr. Benner: OK, Mr. Cullinan, you have anything? Mr. Furst? Mr. Hicks? Mr. Shook?

Mr. Shook: Yeah, just a just a couple of things. Mr. Ciminello, we had talked on the phone earlier this week. The plans that you had submitted still had a reference to AMI on the plans, which I believe stands for something related to American Homes? Is that correct?

Mr. Ciminello: Yeah, and I believe we changed all those plans and AMH is not. And I can stand before you today. We are talking to a couple of builders and AMH is still one in the group, but I'm not in contract with anybody at this time. I wanted to get this plan approved and move forward from there.

Mr. Shook: OK, so this is really this is a site plan that you intend to market to a builder and then enter into a contract with the builder, but we don't have that builder identified as of yet.

Mr. Ciminello: Not at this time. No.

Mr. Shook: OK.

Mr. Zollars: Mr. Hicks, you have anything?

Mr. Hicks: No, I'd like to make a motion. I'd like to move to approve the major site plan has submitted.

Mr. Zollars: Second, anyone?

Mr. Furst: I second.

Mr. Zollars: Thank you. Can we call the roll on that please, Emily?

Ms. Wheeler: Mr. Benner. Yes. Mr. Cullinan. Yes. Mr. Furst. Yes. Mr. Hicks. Yes. Mr. Zollars Yes.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Steven Hicks, Commissioner
SECONDER:	Alex Furst, Commissioner
AYES:	Cullinan, Zollars, Hicks, Furst, Benner

2. Application #2021-5395; Summit Rd SW, Etna; Applicant Joe Ciminello; Preliminary Plat (Eastwood)

Mr. Hicks: Mr. Chairman, this is Mr. Hicks, I'd like to move that we approve the preliminary play as submitted

Mr. Furst: I second.

Mr. Zollars: Very good we have a first and second. Emily, can you call the roll on that one?

Ms. Wheeler: Mr. Benner. Yes. Mr. Cullinan. Yes. Mr. Furst. Yes. Mr. Hicks. Yes. Mr. Zollars. Yes.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Steven Hicks, Commissioner
SECONDER:	Alex Furst, Commissioner
AYES:	Cullinan, Zollars, Hicks, Furst, Benner

D. NEW BUSINESS

1. Application #2021-5550; 734 Waggoner Road; Applicant Matt Kirk (EMH&T); Section 3 Part A Final Plat (Spring Hill Farm)

Mr. Zollars: Emily, can you tee us up for application number two 2021-5550?

Ms. Wheeler: Thank you, Mr. Chair. Item number one is actually item number one and two are both final Plats for Springhill Farm. This would be section three, part A. And then the second application would be section three Part B. This is simply the middle of the final plat. This board has already reviewed the preliminary plat. There were no changes. Any questions? We'll put those both up for you.

Mr. Zollars: Commissioners, any questions, any comments? Is there a motion?

Mr. Furst: Just for the record, there was no changes, period, and not “no significant changes”?

Ms. Wheeler: Correct.

Mr. Furst: Thank you.

Mr. Zollars: Very good.

Mr. Furst: In that case, Mr. Chair, I move that we accept this final plan as submitted.

Mr. Zollars: I have a first how about a second?

Mr. Cullinan: Second.

Mr. Zollars: OK. Emily, would you read the roll, please?

Ms. Wheeler: Mr. Benner. Yes. Mr. Cullinan. Yes. Mr. Furst. Yes. Mr. Hicks. Yes. Mr. Zollars. Yes.

RESULT:	APPROVED PENDING COUNCIL REVIEW [UNANIMOUS]	Next: 1/24/2022
	6:30 PM	
MOVER:	Alex Furst, Commissioner	
SECONDER:	Tyler Cullinan, Vice Chairman	
AYES:	Cullinan, Zollars, Hicks, Furst, Benner	

2. Application #2021-5552; 734 Waggoner Road; Applicant Matt Kirk (EMH&T); Section 3 Part B Final Plat (Spring Hill Farm)

Ms. Wheeler: And Part B will be a separate vote as well, it's a separate application.

Mr. Zollars: OK, if Part B is approved, someone can make a motion for that, followed by a second.

Mr. Hicks: I make a motion to approve Part B.

Mr. Furst: I second.

Mr. Zollars: OK, very good, we have a first and a second, if we read roll on that one, I'd appreciate it.

Ms. Wheeler: Mr. Benner. Yes. Mr. Cullinan. Yes. Mr. Furst. Yes. Mr. Hicks. Yes. Mr. Zollars. Yes.

RESULT:	APPROVED PENDING COUNCIL REVIEW [UNANIMOUS]	Next: 1/24/2022
	6:30 PM	
MOVER:	Steven Hicks, Commissioner	
SECONDER:	Alex Furst, Commissioner	
AYES:	Cullinan, Zollars, Hicks, Furst, Benner	

3. Application #2021-5528; 7354 French Drive; Applicant Mark Zarcone; Certificate of Appropriateness (J.A.Z. Dance & More)

Mr. Zollars: Very good. Thank you. OK, moving on to number three. Emily, you want to tell us anything about this before we get into discussion?

Ms. Wheeler: Sure. So this is application number 2021-5528 for the property at 7354 French Drive. The request is for some exterior changes to the jazz dance studio, and because it is in the old Reynoldsburg commercial district, we do require a certificate of appropriateness for any exterior changes. Hence, the request for the certificate of appropriateness before you. I believe the applicants have provided a statement detailing the proposed changes. Are the applicants here this evening? If there are any questions for those changes, if you'd like to.

Mr. Furst: Yeah, I had a few minor questions if the applicant available to answer them, if you wouldn't mind.

Mr. Zollars: And if you haven't when you get done talking, if you would please just sign in for the record. And when you're speaking, please give us your name and address for the record also.

Mr. Furst: So I understand that you're looking to replace the doors on the south side of the building with glass block.

Mr. Zarcone: Correct.

Mr. Furst: Similar to what you have in the windows there?

Mr. Zarcone: Absolutely. Exactly.

Mr. Furst: Now it looks like you have some concrete horizontal pillars, kind of on the other side of, either side that is of the doors. But I understand there's going to be aluminum channel or are the pillars, are they load bearing or are they going to stay? And then you're going to start.

Mr. Zarcone: They're going to stay.

Mr. Furst: Okay, so there's going to be aluminum channel, which will case the blocks.

Mr. Zarcone: Exactly.

Mr. Zarcone: I forgot to state my name, Mark Zarcone. 7354 French drive.

Mr. Furst: I should have given you some time, my apologies. So you said this is primarily driven by two reasons that you don't really use that entrance. And then also we've had significant flooding problems with.

Mr. Zarcone: The creek has been a problem coming through that door.

Mr. Furst: So what I'm a little skeptical it that it would completely waterproof it if it's, you know, coming over the current transition now. You know, what other than maybe the service director or the mayor's word that that would fix the problem? Can you kind of walk me through the process that led to you leading up to this as being an appropriate solution to the flooding?

Mr. Zarcone: Well, if we can glass block it at will, that creek rises for three or four hours and that being solid glass block will stop the water from coming in the building.

Mr. Furst: So you don't have any concerns about moisture penetration through the mortar between the blocks or anything?

Mr. Zarcone: NO, if it is, it would be just a drip. I mean, you know, when it comes up, it comes in. You guys know the problem with the creek. It comes in. So we that's the only thing we can think of to, you know, we just can't fight this problem every time it rains.

Mr. Furst: That's fair. Thank you, that's all the questions I had.

Mr. Zollars: And the other questions up here. No other question? Mr. Benner.

Mr. Benner: I don't really have an objection to your glass block, but did you look at any other avenues? Did you look at breaking it to match the front at all? Is it simply a cost issue?

Mr. Zarcone: It's definitely a cost issue. We just feel that the glass block, all the other windows are glass block. We get the big glass block in the front. I think it's going to look really good.

Mr. Benner: Yeah, yeah. Again, I wasn't concerned about appearance. I wondered if you'd looked at any other alternatives.

Mr. Zarcone: Banging our heads, trying to come up with the solution, and I think this is the best one.

Mr. Zollars: OK. No other questions, I'd entertain a motion one way or the other on

this, followed by a second.

Mr. Hicks: Mr. Hicks, I move that we approve the application is submitted.

Mr. Benner: I second.

Ms. Wheeler: Mr. Benner. Yes. Mr. Cullinan. Yes. Mr. Furst. Yes. Mr. Hicks. Yes. Mr. Zollars.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Steven Hicks, Commissioner
SECONDER:	Keith Benner
AYES:	Cullinan, Zollars, Hicks, Furst, Benner

4. Application #2021-5505; Summit Road SW; D.R. Horton - Indiana, LLC; Major Site Plan (Maplewood)

Mr. Zollars: Emily, whenever you're ready, we can go into number four. Take your time.

Ms. Wheeler: Thank you, Mr. Chair. Next agenda item is for two agenda items. First is for a major site plan. This is application 2021-5505. This is on Summit Road, Southwest. This is for the proposed Maplewood Residential Development, and the project did receive conditional use approval for attached single-family homes and now has moved to this body for major site plan and preliminary, excuse me, preliminary plan approval. The applicants, I believe, are here for any further questions from the board and I will pull up some of the submittal materials.

Mr. Zollars: Whoever speaking for you guys, if you haven't. Sorry, I can't remember your name. If you want to please sign in and state your name and address for the record as well.

Mr. Duggar: Are you going to make a presentation or should I?

Ms. Wheeler: Oh, go right ahead.

Mr. Duggar: OK, thank you. My name is Glen Duggar, I'm an attorney, 37 west Broad St and I have Joe Looby who has done most of the heavy lifting on this property. The property is 12 acres owned by SRJ of Ohio, twenty five acres owned by Maplewood Farms. Collectively, it's being called the Maplewood Development for D.R. Horton. So we represent those organizations. It's kind of hard to see that plan, at least with the lights on as it is. But on the West Single-Family Subdivision, the north is refugee road. On the North East is the inn at summit, which was actually a part of the estate ownership. The property was sold half a dozen years ago and developed for an assisted living facility. The property on the east side of the street is the high school and elementary school. Again, that property was also a part of the SRJ ownership was split off in oh, seven or eight and developed for the new high

school. I call it the new high school. Even though it's 10 years old. The proposal is for a single family along the West boundary attached single family between the single family and the high school. As noted by staff that received conditional use approval at the November BZBA hearing. It's my understanding that there's some question, maybe with reference to some labeling on the lot dimensions. We've indicated that these are, the zoning requirement is 50 feet at the building line. There are some indications on radius curves that those dimensions are less, but they in fact do scale and will be shown on the formal documents as being 50 feet of the building line in accordance with the requirements of the zoning. I think there's a requirement that we may have to address in this plan. We just learned that with the side yard for some of the attached units will have to be increased above five feet, which we are happy to accommodate in the next version of these documents going forward. We've obtained this staff report an hour ago. We've run through it as quickly as we could and think that going forward that we can comply with the some of the requirements that are identified there. At the BZBA there was a good deal discussion. There was a joint effort between the property owners, the city of Reynoldsburg, let's say Reynoldsburg schools and I think Licking county engineering right about time the high school opened to take the double 90 degree curve out of the double 90 degree situation out of Summit Road, and the S curve was then put through. That was done on a grant from the state of Ohio and contributions by the underlying property owners. At that time, the sidewalk was built on the west side of Summit Road. It stops where it does, and quite honestly, I can't remember why it did stop there. It might have even just been a funding issue because we've really cobbled together the s curve reconstruction of Summit Road and at BZBA last month, they ask us to commit to a continuation of that sidewalk or multi-use path. We at the time indicated that we were agnostic or ambivalent as to which of those it should be. I think the staff report recommends that it be a continuation of the sidewalk so that we have sidewalk there now and there were Sidewalk would continue. And I think we at that time indicated that the sidewalk would continue from its current terminus opposite the high school all the way on up to all the way up to refugee rd. So I'm here with you, Joe Lobby, him and I can answer any questions that you might have. There are a number of issues that are raised in the staff report. I think in our view, we can get there with almost all of them and we will work with staff in order to do so. So. Any questions, we'll be happy to answer them first.

Mr. Furst: Yeah, so I'm going to jump right in here, luh, Mr. Duggar, your client, asks for a number of what are labeled designs, standard deviation requests, five of them to be specific. Can you explain to me how these are not variances because they definitely read like that to me.

Mr. Duggar: They should have been had they been identified as such we would have brought them to the BZBA last month. They were not identified until the last several days. We will either do one of two things we will either comply with those design requirements or we'll go back to the BZBA.

Mr. Furst: So do you have a preference because that might affect what we do here

tonight?

Mr. Duggar: I doubt; could I have Joe go through those because he's reviewed them individually?

Mr. Furst: Well, so you know that this board has no power to

Mr. Duggar: No, and I'm not asking you to grant those variances because you don't have that authority, right? So, we're going to have to go back.

Mr. Furst: Right. But also to I don't know that frankly, we can't really do an effective major site plan review without knowing whether those are going to happen or not.

Mr. Duggar: It would have been nice to know that we needed them.

Mr. Furst: I don't disagree.

Mr. Duggar: Yeah, but if we can go through them, I think we can show you that they're either manageable or they are ones that are sort of standalone and can be obtained the busy and really don't impact the overall idea of approval of the major site plan.

Mr. Furst: You can give it a shot. I'm skeptical.

Mr. Looby: Yeah. I didn't mean to open up a big hornet's nest with this, but my attempt with asking for these things was just to sort of clean up a little bit and kind of clarify a little bit. So let's take an easy one, for example. In the code it's very clearly states that we cannot have lighting on a sign, an entry feature sign in S.R. my reading that correctly.

Mr. Furst: Hmm.

Mr. Looby: OK, so that one won't be a good candidate for D.R. to go to the BZBA. They may want to do that, but that's way off in the future. That's a little minor item. We could live without putting a light on the sign. You know, we can move forward tonight with, we could go either way on that. So it would be a preference thing down the road as we get more detail with our landscape plan and the signage. For example, I think that's a kind of a minor thing. And Glen touched on the side setbacks. So, yeah, I think what's going on, we have essentially a multifamily building. And we went ahead and created fee simple lots with the multifamily buildings, so we have lot lines that go through the middle of the building and it's a zero plot line. Right? And I look at the SR code and it says you've got to have five feet, side yards. Well, the plot line goes through the middle of the building. We're not going to have a five foot side yard. So is that a variance or is that just? This is talk about that and understand what we're trying to do. And I don't think the code was written anticipating of the fee simple lot on a multifamily building. And that's, you

know, that's what we've got here today. So where we have a zero lot line situation. I mean, that's we're just not going to have a five yard side yard. But then we also between the buildings. We have a lot line that's not right up against the building. It's five feet from the building. That's a case where we can go ahead and make it 10 feet and we can comply with the eight foot sidewalk setback. So you look on there and you guys can see the same thing, you see that little gap between the lines. So the distance between the buildings in that case, right there, this 20 feet between those buildings. So we'll put the lot line right in the center, so we'll have 10 and 10. So I think we're there on that one. If we can agree that a lot line going through the middle of the building is acceptable.

Mr. Hicks: You don't mind this, Mr. Hicks. I have a question. So you've been to BZBA to get a conditional use approval for the attached single family in the zone, right?

Mr. Looby: Correct.

Mr. Hicks: As part of that application, did it include information that would show that it's zero lot line?

Mr. Looby: Yes.

Mr. Hicks: So I mean, is this zero lot line in between units already approved as part of what was approved in BZBA, would my question.

Mr. Looby: Correct.

Mr. Hicks: So then the others that so now that you broke it down, the other part is the distance between the lines between the buildings, which it appears you can achieve that by redrawing these lot lines in the center and maybe moving the buildings. But you don't have to move. OK. All right. Just wanted to clarify.

Mr. Looby: We'll comply with that.

Mr. Furst: To be clear, I do think your application is the first instance that we've had of an attached single family in the S.R. district, all the others that have been fee simple in the city have been in the residential medium district as far as I can remember.

Ms. Wheeler: I think, Rosehill.

Mr. Shook: Yeah, Rose Hill, a portion of that was in the SR district and we granted a conditional use application for attaching single family. The way that the code in this situation should be interpreted is that as long as attached single family is considered a conditional use in this district. If it's approved just by operation of practical realities, it's a zero lot line in between those simple lots. So I don't think that's an issue here.

Mr. Looby: Okay. And you know, that's the premise of this is to clarify these kind of things so we could do that now. And I think we got there on that one. All right. You guys want to take a look at this exhibit. So this again, I think, ties back to this issue where we've got a fee simple lot and a multifamily building. So for example, your code is requiring us to put a tree on every lot, an individual tree and it's got to be a two inch caliper tree. So if you look at the top where it says required and you look at the side of that building, which means we got to put six trees across the front of that building. We could do that, but it's just going to feel over landscaped. So what we would prefer to do is what's on the bottom. And note I'm showing two things on this drawing, by the way, street trees and individual trees. So if we just look at the individual trees, the one two three dots on them. The drawing below, if we didn't have fee simple lots and we just had a multi-family building or a townhouse style building, we would put these trees on the corners and maybe put one in the middle. And we would set off the architecture of the building and use the trees to sort of frame up and complement the building, right? That's what we would like to do, but we would do that with five trees where and then there would be some of the lots that don't have a tree on them at all, for example. So doing six trees, one on each lot is going to over plant it. Doing what we want to do is not going to comply to the letter of the law with the code because we have to have one tree on every lot.

Mr. Hicks: So this is Mr. Hicks. I ran into this situation before where, you know, having that many trees that close to each other, all at a time is not necessarily good for the health of the trees long term and maintenance of the trees, et cetera. And other districts or other cities that I've worked, you know, I've been asked to and have accommodated for taking those same quantity or number of trees that you're required to do and putting them in, say open space.

Mr. Looby: We would agree to that.

Mr. Hicks: Along property boundaries and buffer areas in order to make better use of them. You know, just as an idea, if that's something that you would be OK with.

Mr. Looby: We would absolutely do that. In fact, we are kind of doing that because we already agreed to do some buffering a little bit further south with a pretty decent buffer where we've got some single family backing up to summit. But you know, all those things, they would certainly put some extra trees. So I don't know if it's a BZBA item. So now we technically don't have an individual lot tree on a lot, but we would have plenty of trees and we would basically meet that criteria from a tree quantity standpoint. So again, it's a minor little tweak, but I think it's worth bringing up tonight and seeing where you guys are on that.

Mr. Furst: Mr. Shook, how do you read that as far as the intent versus the letter of the law?

Mr. Shook: I think that one would probably require a variance, but I don't think that it

would be inappropriate for planning commission if they wanted to approve this. IT can be an alternative site plan conditional upon the variance being granted by BZBA, just because it's not really a significant major site plan issue. It wouldn't be allowed until or unless the BZBA actually approves the variance, but it would allow you to move forward without having this to be held up by a relatively minor thing.

Mr. Furst: Are you fully aware of all the requirements that would need to be met for a variance? The hardship requirements specifically and things of that nature? OK, I just I don't want to necessarily suggest this course of action, if that might be an insurmountable obstacle.

Mr. Looby: OK. And then we'll just add this last one. The street trees. There's a requirement the one that's getting me is the maximum allowable spacing is 45 feet on a street tree. So you look at the graphic at the bottom, particularly on the top of the page, we've got thirty seven and fifty two to thirty seven. That's where we would like to put the street trees. So we kind of skipped a little bit and we put we're putting them between the driveways and we're kind of centering on the building. But that means because of the way the driveways land and the space between the driveways. Now I'm at 52 feet, so I've exceeded the forty five. So then in order to comply with that, I got to put a tree on every one of those little spots and I'm at twenty six feet, so I comply and I got way too many trees. I think consistent with what you just said sounds to me that I think our team needs to discuss at some point, maybe we do go back to the BZABA, maybe later in the process to try to clean up some of these items, is that what I'm hearing? We do not want to hold this meeting up tonight for these issues we want to move forward with the meeting. But these are little tweak items that maybe it's more appropriate for me. But where does the board out on that?

Mr. Furst: Well, Mr. Benner, I know you've expressed some reticence on approvals here conditional on another body. Is there; I'd like to hear from the other commissioners on the palatability of voting conditional to BZBA approval or whether you'd rather table this and vote on a complete package, if you will.

Mr. Duggar: Go ahead. I want to hear what you have to say.

Mr. Benner: As a general rule, yes, I am opposed to conditional approvals going before the BZBA. I don't know that it's a huge issue. I think it's a perception issue. BZBA gets it and of course, the first thing out of an applicant's mouth would be Planning Commission's already approved this. I think that's just I don't think its good practice. I've made that clear to my fellow board members. I don't know how they feel about it, but I simply think that everyone here is a professional. We should do it in a professional manner. Zoning variances need to be acquired, and they should all be acquired prior to us looking at a site plan that may or may not have to change. Did I hear correctly at your initial presentation that there were lot issues also?

Mr. Duggar: No, there was some question about some labeling issues.

Mr. Benner: OK.

Mr. Duggar: Of where the lot was measured, but the lot in fact complies with the requirements of the zoning requirements.

Mr. Benner: So the plans show the appropriate numbers or the plans are not quite up to where they should be?

Mr. Duggar: I believe the plans are accurate.

Mr. Benner: OK? That, quite simply, is how I feel. I don't. I just think everything should be done in its course. In the past, we have probably to accommodate developers deviated from that. I've never been a fan. I won't be a fan. I would just like to see everything take place in its course.

Mr. Duggar: I think we could say that we'll just comply with the code. We'll put the trees in. Finally, like the individual luxuries I think you are talking about. And then later, if we want to not do that, go to BZBA to get correct, we will could live with that.

Mr. Shook: If I could speak on it. I don't see it. . There's no legal issue with that. I understand Mr. Benner's professional objection. I think in this context, when the context of this discussion has come up before, it's been when we've allowed major site plans that require a conditional use approval that come to planning commission and then they approve it conditional upon the conditional use being approved? And that's a big issue, like if you have townhomes to approve a major site plan before its gotten conditional use approval by the BZBA is putting a relatively big cart before the horse. This is a really small cart. So it's less of a concern from my perspective, but I'll leave that up to the planning commission.

Mr. Duggar: In fact, we did have that discussion with staff. If you remember we filed this with the expectation and dictation and understanding that this was going to be brought to you and then go to the BZBA in November. So it would be here with you and then and staff concluded that the better course was to go to BZBA first and then come back to you. So we skipped the November hearing before the planning commission and went to the BZBA hearing instead. These items, for whatever reason, weren't brought up at that time and only came it became apparent to us after the BZBA hearing. So we've kind of originally started out going to planning commission and then BZBA staff said, to do it right, let's go to BZBA first and then planning commission. And so here we are. I mean, I don't think we are asking you, because I don't think you can grant it, for variance. But I think any time an applicant has something approved, they do have the subsequent right to obtain a variance for whatever reason, happens all the time in a subdivision as it gets built. An individual owner might like to add onto the side of their house, and they end up with a side yard encroachment. They go to the BZBA to deal with that issue at that time. So this is really nothing different than that. We will tell you that we can build the subdivision

in compliance without any of these deviations, we may or may not. The sign is a perfectly good example. We may or may not choose to go to the BZBA and ask for a lighted sign that in no way shape or form impacts the broader context of the planning and development of a subdivision. It's just does a sign lighted or not? You know, so I think we'd like to proceed that way because otherwise then we are in a process where. Gahanna had the same problem. You know what they did? They merged boards so that the board had all of those authorities because we got we all got. It was like playing tennis in Gahanna. We would get bounce back and forth between the two, between the two bodies. We, you know, the planning commission would make a change. We'd have to get a variance. Go back to the BZBA. The BZBA would prove it, but that wasn't in compliance with it. And we'd end up going back and forth, back and forth. And that's sort of the way we find ourselves here. I don't think that's probably what your intention should be. It can be unworkable. You know, if we can evaluate this of a major site plan standpoint, we have to come back to you anyway. I mean, we've got plot grade utility plan that has to be brought back at a later time anyway. I think we could pretty easily tell you that any of those issues would be resolved and disclose to you at that time, as well as to whether we submitted something to the BZBA or whether it was approved or not approved. Seems to me that's the easiest way forward.

Mr. Hicks: Mr. Chairman, Mr. Hicks, just to kind of run through these and how I feel about him, I mean, the first thing that they asked for in regards to the site.

Mr. Zollars: Interruption, what page are you on?

Mr. Hicks: This is in their project statement on this part here. The first thing they asked for in regards to the zero lot line thing, I think our conclusion is that since that's been approved with the conditional use that that would be approved. So it's just a side yard setback. I wouldn't have a problem with just giving them a condition that their building side yard setback must comply with the code. Otherwise, they need to go get a variance period.

Mr. Duggar: Yes.

Mr. Hicks: In regards to the trees, either or both situations in regards to the trees, as far as I'm concerned, as long as they still meet the total number of trees and they choose to move those trees around into common areas or to different areas, I don't see what the issue is. I think that we should provide our staff and the applicant some flexibility in regards to things like trees. I think my experience, every landscape plan I've ever had designed ends up getting changed when you go to plant the trees anyway, because there's things in the way there's unforeseen circumstances and you don't want to invest trees that are a long term investment in the wrong spots. What was the other one?

Mr. Duggar: Sign.

Mr. Hicks: The sign, I mean, it's not untypical for a sign application to be a totally separate application, so maybe you just bring the sign back on its own. And that's not really a critical path issue because you are going to be installing a sign anytime soon. So I guess my conclusion is I'm OK with approving it under basically two conditions, maybe a third condition that any variances that you guys need to get, you need to go back before BZBA in order to achieve those.

Mr. Duggar: Mr. Hicks, we'd agree to that.

Mr. Hicks: Mr. Benner, do you have any comments?

Mr. Benner: Well, I don't see them going back to the BZBA for variance is a condition that's just standard. They have to do that.

Mr. Hicks: Right, but in the past we've made that very clear with other people in the past that, hey, if you want to do anything with this, you need to go to BZBA and get this approved.

Mr. Benner: I think he's been around the block enough to know that he has to go there..

Mr. Duggar: For the record, we'd go back to BZBA if we need any variances other than as articulated by you, Mr. Hicks.

Mr. Cullinan: I think what Mr. Hicks said made sense with trees, too, I think the average the street trees is still right around the forty five foot. Even if they do move around. So I think you're pretty close to meeting the spacing subject to the drives being in different locations.

Mr. Zollars: Mr. Furst, do you have any further comment?

Mr. Furst: One salient and then one tangent. So first, the tangent, can you give the same efficiency boards/commission's speech to our upcoming charter review commission?

Mr. Duggar: I would be happy to add a whole host of issues if you really want me to.

Mr. Furst: I think so.

Mr. Hicks: We used to have design review board too.

Mr. Furst: Yeah, so we have whittled them down.

Mr. Duggar: If you want me to come and have that discussion, I'd be more than happy to.

Mr. Furst: The salient one is just for staff here for the record, I do strongly object to receiving the staff report the day of or the day before. I'm not really sure how we're supposed to incorporate this in our analysis. I realize that that's not typical, but just like the applicant here, it is very difficult for us to consider this when we see it ten minutes before we walk in the door here. That's all I wanted to say.

Mr. Zollars: Any other discussions or comments?

Mr. Benner: I have a question, if I may. I'm looking at your draft copy of covenants, this is going to be an HOA area, is that correct?

Mr. Duggar: Yes, sir.

Mr. Benner: And you'll run it until what or D.R. Horton, somebody will run it until what point in time?

Mr. Little: I'm Rob Little with D.R. Horton, 507 Executive Campus in Westerville. So we typically in our neighborhoods will be the declarant for the HOA until completion.

Mr. Benner: Until completion.

Mr. Little: Yeah. And then we hire a management company right out of the gate. We use Omni-Man property management quite a bit to. We'd rather have a third party managing. But ultimately we'd be behind the scenes.

Mr. Benner: This draft copy is this kind of a cookie cutter that you that you use all the time? Do you in your typical HOA do you have any clauses pertaining to the number of rentals that are allowed within the HOA?

Mr. Little: We typically do not.

Mr. Benner: Would you consider it?

Mr. Little: It's, you know, we've always found it difficult to do that based on our homeowners. Perhaps they have a hardship. They may have to lose their home or rent it. So we've always steered clear of that. We don't actively look for investors to purchase our homes.

Mr. Benner: No, I understand.

Mr. Little: So historically, we've tried not to do that because some builders will. And then you get pushback from the homeowners. Oh my gosh, there's five rentals in here. So.

Mr. Benner: And today's market, you're not sure who's buying the house anyway.

Mr. Little: So you can always stop it.

Mr. Benner: You can't always stop it. But. And obviously there would be hardships. But keeping 80 percent or 75 percent of the homes and as owner a home, individual owners, you feel like that'd be a hardship?

Mr. Little: I feel like we wouldn't want to enter into those waters.

Mr. Benner: OK. Well, at least I got you out of your chair.

Mr. Furst: For the record, Mr. Shook. Could we even if we wanted to encumber potential future owners in that way?

Mr. Shook: We could not. No.

Mr. Benner: Wasn't my intention to encumber, I simply wanted to know if they would be willing to do so.

Mr. Zollars: Mr. Shook, is there anything you want to yellow flag, red flag on any of this discussion?

Mr. Shook: No, I think there's one thing just to discuss and everybody got here the updated measurements. And I had talked with a representative from EMH&T about the drawing that there were just to raise some concerns of some of the lot frontages appeared to be less than 50 feet. We've got that clarified that lot frontages is at the building line.

Mr. Duggar: Joe can explain that to you.

Mr. Looby: Can you take a second look here? So this drawing I just handed you guys. Yeah, he gave me a good head's up that this was going to be an issue. So what we typically do, and it's a plat thing, is we design to the building line as far as that 50 foot minimum. But we dimension at the right away and it can get a little confusing. I even put a little graphic here if you really want to get technical. What we designed to is the cord length at the building line. So you look at my little graphic up here, say the building line is on a curve. We would set that straight line from point of point at 50 feet. Technically, though, the arc length is always going to be greater than the cord length. So we design it to the 50, but we're going to be over 50 every time. It just builds in a little bit of slop down the road, if we ever need it. So I wanted to define terms with that lot dimension key. And then you look in the planned view. I just did a hunt and peck and tried to find all of the lots where it may appear like they're less than 50. And I added those red dimensions to show you that they're over 50 feet clear.

Mr. Duggar: So for the record, I guess what the easy thing to do is say that we will comply with the zoning requirement that all lots are 50 feet at minimum, 50 feet at

the building line and that should take care of it.

Mr. Zollars: Anything else, Mr. Shook?

Mr. Shook: No, thank you.

Mr. Zollars: Mr. Hicks. Anyone else? I'd entertaining motion one way or the other on this one.

Mr. Hicks: This is Mr. Hicks. I'd like to move that we approve the major site plan under the following conditions; one that the applicant modify the major site plan and order that it meet side yard setback for each building. Per our code. My second condition would be that the landscape plan be modified in cooperation with zoning staff in order to plant the total number of required trees per our code, but that some of those trees may be relocated into common spaces or along buffer areas of the site plan as approved by staff. And that if the applicant wishes to have a lighted sign that they submit a separate sign submittal, either for a variance, for anything that doesn't meet code. Hold on, do we approve separate signs?

Mr. Shook: We do have a sign permit process. If they want to deviate from the set requirements like they're choosing to do, that would require a variance. It's similar to what we've seen with the Sheetz development on Broad Street. They obtained major site plan approval. Now they're pending before the BZBA for a sign variance. I don't think it's necessary to condition your approval on that. I don't think we need to condition approval on something they already really need to do.

Mr. Hicks: But the third condition would be that the lighted sign is not being approved as part of this application.

Mr. Duggar: Yes. Yes, we understand.

Mr. Zollars: Thanks, Mr. Hicks. Anyone care to second that?

Mr. Cullinan: I'll second.

Mr. Zollars: OK, very good, we have a first, a second, Emily, would you read the roll, please?

Ms. Wheeler: Mr. Benner. No. Mr. Cullinan. Yes. Mr. Furst. Yes. Mr. Hicks. Yes. Mr. Zollars. Yes.

RESULT:	APPROVED [4 TO 1]
MOVER:	Steven Hicks, Commissioner
SECONDER:	Tyler Cullinan, Vice Chairman
AYES:	Cullinan, Zollars, Hicks, Furst
NAYS:	Benner

5. Application #2021-5504; Summit Road SW; D.R. Horton - Indiana, LLC; Preliminary Plat (Maplewood)

Mr. Zollars: See you again. Thank you, gentlemen.

Mr. Duggar: Oh, We have two applications, Major Site Plan, Plat are we doing those in one application?

Mr. Furst: I guess we should have a vote for those.

Mr. Hicks: That's what we just approved, major site plan, right? Should I restate the same, I'm not going to be able to restate word for word, the same conditions from the site plan to the plat unless I have them read back to me.

Mr. Furst: You could reference your previous conditions.

Mr. Hicks: That's a good idea. This is Mr. Hicks. I'd like to make a motion that we approve the preliminary plat under the same conditions that were approved under the prior major site plan.

Mr. Zollars: Second to that motion, please.

Mr. Furst: I second.

Mr. Zollars: OK, very good. We have a first, a second on that. Can we get a roll call on that motion?

Ms. Wheeler: Mr. Benner. No. Mr. Cullinan. Yes. Mr. Furst. Yes. Mr. Hicks. Yes. Mr. Zollars. Yes.

RESULT:	APPROVED [4 TO 1]
MOVER:	Steven Hicks, Commissioner
SECONDER:	Alex Furst, Commissioner
AYES:	Cullinan, Zollars, Hicks, Furst
NAYS:	Benner

E. OTHER BUSINESS

None

F. ADJOURNMENT

Chairman

Planning and Zoning Administrator