

MINUTES
REYNOLDSBURG BOARD OF ZONING
AND BUILDING APPEALS
NOVEMBER 21, 2013
6:30 P.M.

A. CALL TO ORDER

1. ROLL CALL

Members Present: Mr. David Stoffel
Ms. Libby Wallace
Mr. Patrick Feeney
Ms. Bonnie Armintrout

Members Absent: Mr. Anthony Rettke

Others Present: Mr. Justin Robbins

2. APPROVAL OF MINUTES OF OCTOBER 17, 2013

Chairman Stoffel: Are there any additions or corrections to the minutes from October 17, 2013?

Mr. Robbins: None from staff.

Mr. Stoffel: Having none, we'll approve those minutes.

3. APPROVAL OF AGENDA

Mr. Stoffel: Are there any additions or corrections to the agenda tonight?

Mr. Robbins: A couple of things I want to make note of. The agenda that was sent out on Friday, this one that you'll see on your desks and the one that is up front does not match it exactly. There was an item that was taken off. It did not require a major site plan and then there was an item – a Special Exception that was added, Item #7 now. Those agendas have been updated, but they may have been different than the ones that were originally included in the packet.

4. SWEARING IN OF SPEAKERS

Mr. Stoffel: If anyone is planning on speaking tonight would you stand, please?

(Mr. Stoffel administers the oath.)

Mr. Stoffel: I want to make sure before – if you haven’t done it already, make sure that by the time you leave, if you are speaking, that you sign in.

5. PUBLIC COMMENT

Mr. Stoffel: Before we begin with the agenda, is there any public comment? (No response.) Having no public comment, we’ll move on to Item B1, New Business.

B. NEW BUSINESS

1. VARIANCE APPLICATION, 1675 TRURO AVENUE, REYNOLDSBURG, OHIO; PRESENT ZONING, AR-1; OWNER’S NAME: IOTA NINE, LLC; REQUESTING A VARIANCE FROM SECTION 1143.03(d)(16) OF THE ZONING CODE TO INCREASE THE TIME EXTENSION FOR MAJOR SITE PLAN APPROVAL FROM SIX TO TWELVE MONTHS. CONTACT: GLEN DUGGER (#162861).

Mr. Robbins: This is for 1675 Truro Avenue, Application #162861, variance. The property is located on the east side of Lancaster Avenue, north of the Livingston Avenue intersection. The existing zoning is AR-1, multiple-family residential. Applicant is requesting a variance from section 1143.03(c) of the zoning code to increase the time extension for major site plan approval from six to twelve months.

A bit of background. This project was approved by the Board of Zoning and Building Appeals, the major site plan that is, in January 2013. The zoning certificate was issued subsequent to the meeting. The property is currently vacant. There was a former agricultural use on the site that has presented environmental concerns that the applicant needs to address before development can continue. So our code allows, in Section 1143.03(c) states, “Approval of a residential site plan shall expire twelve months from the date of approval unless building permits have been obtained for construction. A single extension, not to exceed six months, may be granted by the Zoning Officer upon receipt of a written request from the applicant.” Again, following approval of the major site plan there were environmental issues that were found on the site. The applicant has stated that the allowable six-month extension is not suitable to fully address the environmental concerns with the site and that the additional six-month extension will be necessary to fully remediate all environmental issues.

Chapter 1147 of the zoning code outlines a standard for variance from the code. The Chapter does not detail which portions of the code are appropriate to receive a variance so long as it passes the test as outlined in Section 1147.05. Because code does not state which portions are applicable for a variance, it stands to reason that both processes and procedure can be included within the application for a variance. Staff recommends the Board review the test for hardship as outlined in Section 1147.05 and determine if the variance request meets the standards of the test. Staff finds the full application of the zoning code on this property represents a practical difficulty on the applicant that is unique to the property. It is the finding of staff that the variance, as requested, does not cause harm to the desired character of the neighborhood as set

forth in the zoning code and does not represent a burden to nearby property owners or the community as a whole.

Mr. Stoffel: Do we have someone here that would like to speak on that?

Mr. Glen Dugger: Yes, sir.

Mr. Stoffel: Could you please state your name and address, please?

Mr. Dugger: Sure. My name is Glen Dugger, D-u-g-g-e-r. I'm an attorney at 37 W. Broad Street. I represent the applicant and I agree with everything that Justin has set forth to you and the staff report. This property was used as an orchard decades ago and, at that time, was treated with some things that were legal then but aren't legal now. And in order to deal with the residue issues there, but this isn't a – I don't want to give you the wrong impression. This isn't a hazardous waste or a superfund site or anything like that. These are naturally occurring chemicals in the soil today throughout Central Ohio. They just happen to be present in slightly higher quantities here than they might otherwise be. And, as a consequence of that, that brings in regulatory processes beyond the City of Reynoldsburg, State and Federal. We have to deal with those people and, in order to do that, we are being as candid of the code. We didn't think we'd get that done in six months. The simple fact is that when you involve that level of other governmental agencies and it's going to be the winter, we thought the appropriate thing to do was say, "Look, we appear to be by the code entitled to a six-month extension." But the right and honest thing to do is to say, "We don't think we can get it done in that period of time." So in order to kind of preserve the base property rights that this property has and acquired through the process that we were in a year ago – and I think this is really an unusual situation.

As Justin points out, there are these factors in your code as to evaluating whether a variance is appropriate with relative to hardship and unusual circumstances. Those are clearly present here. But what we have is a situation where we really need the variance in order to kind of provide for the public welfare and really the public health and safety which is, I think, typically the charge that's given to the City in it's regulatory process because the owner wants to remediate it; but they can't really remediate it if there is a buyer at the end of that process, and my client is that buyer. And if our approvals all expire, there may not be a buyer and the property may not get remediated and, therefore, we have this issue that sort of just hangs out there. So the right thing and the thing that I hope happens is that you'll approve this variance. The owner can remediate the property and my client can then purchase it and develop it as everybody anticipated in January of last year. If there are any questions I'd be more than happy to answer them.

Mr. Stoffel: Where are you – where are they currently in the remediation process? Are they – have they been—

Mr. Dugger: They have been engaged—

Mr. Stoffel: They've been working with it?

Mr. Dugger: Yeah. They have engaged an environmental consultant. The environmental consultant has engaged the appropriate governmental agencies and they're working on a remediation plan. There are two pieces to that plan. One is you actually have to go do the work which takes however long it takes. The second then is you have to have the government accept that plan of the remediation and that's really, I think, the piece that we're most concerned that it's going to take an undue period of time. We don't control any of that. You know, that's a State agency issuing those certifications and I hope like heck that I'm not standing here next year, but you know, I have to be – that's a process just like any other governmental process. You don't control that bureaucratic review. So we're hope we're done and we hope we're through and we hope we can address this issue within the time that we've requested. I have to be, I guess, candid that there's some outside chance when you're engaged in this type of process. You won't get it done in the timeframe that you were hoping to get it done. Does that make sense?

Mr. Feeney: So the major site plan, that we approve, you work with us on—

Mr. Dugger: You betcha.

Mr. Feeney: And we appreciate it.

Mr. Dugger: I'm not changing any of that.

Mr. Feeney: Okay. So that's all going to stay—

Mr. Dugger: All we're really trying to do is – that was only good for a period of time. All we're trying to do is extend the time because – and it happened at the very last minute, quite frankly. When all my clients buy property anymore, they have to go through a process whereby they look at whether there are issues with the property and they caught this at kind of the last minute. So this is unfortunate but it did get kind of pushed back and, quite frankly, when they called me in a said, "We have this problem," I wasn't even aware that that was the kind of problem that we had to deal with. I was shocked because, I mean, if you buy a gas station you know there's going to be hydrocarbons there. You know, if you buy a truck dump or something like that you know that you're going to have other petroleum issues to deal with. If you buy a dry cleaner you know that there's going to be – there are likely to be issues that are relative to that. But when you bought a property that looked as if it had just been undeveloped agricultural property, I would never have guessed that this was the issue.

Mr. Stoffel: The Board have any other questions? (No response.) Is there anyone from the public that would like to speak? Come on forward. And, again, if you're going to speak tonight, please make sure you sign in before you leave.

Ms. April Smith: My name is April Smith. I'm one of the homeowners. There are five of us here today from different homes in the area. We're concerned with the water. We all run on well. With the environmental concerns in the area when they start turning this over, what is that going to do to our water? We're also concerned with the air. I mean, if they're releasing these toxins into the air what is that going to do? We were also told this was going to be a community for the elderly, not an apartment complex. Anything else? (speaking off mic)

(someone speaking off mic)

Ms. Smith: The road. Oh, yes. The size of our road – I know like the main entrance is going to be off of 256 but our road right now is also just mainly one-way. Right now you get a pick-up truck and a small car and you're pulling into yards. If you get this heavy equipment coming through here to bring any size of equipment to develop this property, then you know, how are you going to get it through here? The power lines are low. A semi came through about four years ago and completely took out one of the guy's property and it took out a tree and just destroyed the whole corner lot, so that's another concern that we have.

Mr. Robbins: I'm going to turn the lights on real quick so you can see what's up here and we can discuss it a little bit. Is that better?

Ms. Smith: Yeah.

Mr. Robbins: I assume you're speaking of John Street?

(someone speaking off mic): Yes--

Ms. Smith: John Street, that corner of John and Truro.

Mr. Robbins: Okay.

Ms. Smith: Truro Avenue is actually the road – well both are one-way or pretty one-lane roads.

Ms. : (someone speaking off mic): They're only 13 feet wide.

Ms. Smith: Right.

Ms. : (someone speaking off mic): By Franklin County Department of Engineers is considered an unsafe street.

Ms. Smith: Correct. It used to be a dead end. It got opened up and then now it's – it has that full – you can get through. But John and Truro used to be two different roads. They opened it up so now they're one road, but it used to actually be cut off into two separate roads at that corner. There used to be a house on the property that was

burnt two years ago and buried into the property, so when they did that probably – I don't know how long ago that road was taken out, but it used to be just two separate roads with a dead end.

Mr. Robbins: To address at least one particular point of your concern. I know that access road is there. The fire department requires a second means of ingress and egress inside certain types of developments and the way it was originally presented, it was one point of ingress and egress off Lancaster Avenue and it was requested that another point of egress was added in there in case one gets blocked then the fire department would have access to it. That's the intent so it's—

Ms. : (speaking off mic)

Ms. Smith: Right. That's why we know you're going to use our roads to come on and off of that development. That's where our concern is, is how that's going to bring a lot more traffic to our community, so how are those two roads going to handle that traffic?

Mr. Robbins: As far as these streets go, like I said, they're primarily for the fire department to use as a means of ingress and egress.

Ms. Smith: Okay.

Mr. Robbins: So, again, if this – this is the main entrance on Lancaster Avenue. If it does get closed off, then the fire department would have a second means to address this.

Ms. Smith: But if your condo is in that back corner you're going to use that back corner. Wouldn't that make more sense? If your condo is closer to that back corner, wouldn't you use those little back roads to get home if that opening was available? I would.

Mr. Robbins: One thing to mention as well is that at least the primary entrance on Lancaster does have a right and a left-hand turn lane. Again, the intent is that's just an access road for fire and that the folks who would be mainly coming and going would have a turn lane that's dedicated to turning left and a turn lane dedicated turning right. It will likely be much, much easier to exit through the actual entrance and exit at the development rather than going through the small country road that doesn't have a dedicated turn lane in either direction.

Ms. : (speaking of mic)

Mr. Stoffel: Yeah. If you have a question, please come on up.

Ms. Christy Rupert: Hi. I'm Christy Rupert. I live at 7360 John Street, straight across from what you're talking about and I own into the woods on the other side of the

street. So whatever's going on I feel I should be notified and I feel like I haven't been. I think I've talked to you a few times. I can't remember. I might have. But anyways, we did not realize that you guys are planning on apartments. To me, apartments are the worst thing you could think of putting in because within a year, they're trashed. You've got people coming in, living in them for one year, they trash them, and they move on. The problem is when you put apartment complexes that close to John Street and their back door is on John Street, they're going to park on John Street to go in their back door. I mean, I would, but our street can't handle what you're talking about. Okay?

And the other thing is, you know, when we talked to C.V. Perry those were condos. That's what we agreed on because we knew they would be bought by people who would take care of them, not just come and go. Okay? And I had a question put to me at one time, "Why not apartments?" And I said, "Look around Reynoldsburg's apartments and that'll be the answer your question right there." Okay? They go downhill, let's face it. But anyways, living right across the street from what you guys are talking about, this is really hard. I mean, we know it has to be developed, we understand that. We've had cars brought down there and set on fire. We've had people living in tents down in there. We understand that but you're talking a neighborhood, a community of people that have been living there for sometime and this is going to be a hardship on them with all the traffic and stuff coming down through there. Now, I would love it if you guys would put either condos in or maybe some type of 50+ retirement village. Hey, we'll be open to that but apartments, I think it's a real shame because that property – we know the owners that had the house for the longest time and everything there. We were friends with them and I hate to see this go into that. So the original condos that were planned, I don't know what happened there. I don't know how it ended up to being apartments. But also, does anybody know about the creek water? My understanding is there was so much arsenic in the creek water at one time a developer turned away because of it. So I haven't heard anything about that either yet. So, anyways, anybody else in the neighborhood? Cynthia? Okay. Thank you.

Ms. Cynthia: Good evening.

Mr. Stoffel: Good evening.

Ms. Cynthia: I can tell from your blank looks, none of you have seen what we're talking about, correct? None of you—

(inaudible)

Ms. Cynthia: None of you have driven down there and taken a look?

Mr. Stoffel: Yeah. I've been down there.

Ms. Cynthia: Okay. Then you know how tiny that street is and I don't care what you do, at some point in time, they're going to put in an egress and they're going to be

running all that stuff down our tiny little road. I mean – and apartments. We were told it was going to be a retirement complex, which even then – why don't you turn it into a park? It's beautiful. It's all wooded. I mean, apartments? Really? I'm just – I'm amazed at that and it is a watershed. How are you going to – no matter what you do, you're going to mess with our wells, no matter what you do because the minute you start digging into that ground you're messing with our wells. When they put the – where all the equipment is kept, when they put that in it messed with one of the neighbor's well and you guys had to plumb his because you messed with his watershed doing that. And you're talking about something that's massive compared to that tiny little mess back there. For real, he's a businessman. All he wants to do is make money. We live there and no matter what he does, no matter what he does, it's going to impact us, I believe. At the end of that thing that you read at the beginning, you said something about the local inhabitants. Could you read that again, please? Because you're going to be stepping all over us. We're a tiny little group down there.

Mr. Robbins: A moment, please.

Ms. Cynthia: “Unnecessary hardship,” precisely for every one of us. You're going to mess with our water. No matter what you do, you're going to mess with our water. I've looked at from your viewpoint. I've walked all over it and I thought about it and there is no way, no way you can do what he's planning on doing and not pretty much drive us out of our homes, so you may as well just buy us out, too. Because, quite frankly, there's not going to be any quality of life left when they get done. We love where we live. It is wonderful. You should be there in the summertime. And you want to do something like this to us. Why? I mean, is the tax base that important? Could you read that, please?

Mr. Robbins: The last part?

Ms. Cynthia: The end part about the inhabitants.

Mr. Robbins: It is the finding of staff that the variance requested does not cause harm to the desired character for the neighborhood as set forth in the zoning code and does not represent a burden to nearby property owners or the community as a whole.

Ms. Cynthia: Sir, what you are doing steps all over that. Trust and believe me, it's steps all over that. There is no way. They've got to bring that equipment in someway. They're going to run it past my house. They're going to – all of us own pets. Crush one of them and we'll see what happens. I'm just saying, it's our neighborhood you're talking about. You guys – I mean, maybe you live in \$300,000 houses. Well, we can't afford that, but we're real proud of what we've got. Please – I don't even think that the extension should be granted. I think that it will be counterproductive to our neighborhood but, again, as this man pointed out, you're government and I have no control over what you're going to do. Have a good evening.

Mr. Stoffel: Please.

Mr. Dugger: I appreciate the passion I think that everybody has about their own home. I have – we all have that kind of passion. I think sometimes, though, we want to leap to conclusions. You know, this project was approved a year ago. We have applied for an extension which I think we are entitled to as the code works. The only thing we've asked for is a six-month extension to that extension. The decision to develop this property was made over 10 years ago and the plan that was passed at that time and the plan that was approved a year ago are, for all intents and purposes, identical. This is an age-restricted or age-targeted project and that was one of the reasons why it was felt that it was of benefit to Reynoldsburg. We also at that time submitted the traffic study and that traffic study dovetailed with the traffic study that was done, I think, in 2002, Justin?

Mr. Robbins: I believe so.

Mr. Dugger: That indicated that this was an appropriate way to get in and get out access at this particular property. The thing that's most interesting is that, you know, we're trying to go through this process. We've asked for this variance in order to deal with a contamination issue and apparently the request is that somehow this property should be better used as a park. Quite frankly, if I were to hand this property to the City they wouldn't take it because of the contamination issue, or at least they shouldn't. The cost to remediate that is extraordinary. It's into the hundreds and hundreds of thousands of dollars. So the purpose of this variance is not granting a special benefit to this property owner. It's to preserve the right that they have today and actually to extend for a mere six months. All the issues they've spoken very passionately about and I respect their passion. I respect their interest in their own homes, have been dealt with and were dealt with and are really vested in the property as of today and at least for the next six months. So if there's anything about the extension that we can address, I'd be more than happy to talk about that but I think we're, to a certain extent, wanting to rehash issues that I think the City has already appropriately addressed. Any questions?

Mr. Feeney: Could you explain a little more about the age-targeted?

Mr. Dugger: Yeah.

Mr. Feeney: It was my understanding it was a – it's not an apartment, it's not condos but it's for—

Mr. Dugger: Yeah. The company, Redwood, that I represent—It's not me, it's the company I represent. They have constructed several thousand apartments throughout the state of Ohio. Those apartments are designed for people of my age. I'm 54 – to somebody somewhat older. They don't have pools. They don't have tennis courts. They don't have amenities of the typical type that you would find in a garden apartment or townhouse type of development. All the units are one story. All the units have two-car garages. All the units are basically geared, designed and built with the

idea that they would be built and occupied by somebody who doesn't have kids, so they're marketed towards the active adult lifestyle. They are not marketed towards kids. It's – for financing purposes we can't prohibit somebody moving in there with a child but they are very high, high, high use by primarily adult, empty-nester couples.

One other thing that maybe we ought to cover, too, so everybody understands. The latest process can't discriminate between an ownership form being a condominium or an apartment. That's not a permitted distinction that a city can do and there are various reasons for that. I could buy a condo and move into it and turn around and lease it to one of you and then somehow managed to have turned a condo into an apartment. So there are rules against that type of thing in terms of municipalities. Now I know that Reynoldsburg has had a terrible problem with some of their projects. I've had numerous conversations with Mr. Havner about. Over a period of time we've had some absentee landlords who've tended to defer the maintenance and we've ended up with some apartment projects that have been really bad for the City. That's not the track record of this particular developer nor do we expect that the type of development that this is by virtue of how it's been designed and how it'll be built, constructed, would also lead itself to that kind of thing. Most of us would find that the apartment – that the rents in this project would be in excess of what we would pay if we owned a house of similar size. Any questions?

Mr. Feeney: Let me ask this. In kind of addressing some of the questions she had. What would happen if when you start mitigating the chemicals there, your situation and her well go bad. Well, the neighborhood wells go bad? I didn't know that was wells out there myself but—

Ms. : (speaking off mic)

Mr. Feeney: --I don't know—

Mr. Dugger: I think they are not the City water because they're not in the City, I think, so the – well, there's a couple of choices. One is that obviously if a property owner damages the well system of the other then that would be probably their responsibility. The other thing that we've done in the past is to hook those properties to City water so that they aren't reliant on wells permanently. We've done both in differing instances, different situations.

Mr. Feeney: That would be a developer—

Mr. Dugger: Yes.

Mr. Feeney: --step in?

Mr. Dugger: Yes.

Mr. Stoffel: And is that—

Mr. Dugger: Typically what we would do in a situation like that, we'd take a look at the well logs before they got constructed, maybe do well tests because, you know, one of the things you want to do is make sure that you're not the responsible party for the loss of somebody's well and you know how that goes. The minute you put a shovel in the ground somebody's going to claim that what you did caused that. So typically there's a process that you go through when there are wells close by to insure that you're not the responsible party. And if you are then you solve the problem, yeah.

Mr. Feeney: Okay.

Mr. Dugger: But, yeah, so that's usually how it would work. I'd be shocked in this instance, too. I mean, they've expressed concern that their wells would be dried and that would be one of the pieces that we would do as a pre-construction activity to make sure that that didn't happen. Now, you know how that goes, so.

Ms. Armintrout: The age-targeted apartments – what's the difference between a senior community and what you're proposing?

Mr. Dugger: Those terms get thrown around a lot. I think of them on a continuum. I was out Tuesday night talking to a community about an assisted living facility--

Ms. Armintrout: Yeah, that's—

Mr. Dugger: --as an example. And they really range on an entire continuum. The most – I don't want to call it restrictive or heavily regulated, would be on one end of that continuum and that would be, say, a nursing home. It would have full nursing services. Whoever is there has fairly minimal – they're called activities of daily life, which are being able to dress yourself, being able to feed yourself, being able to make your meals, being able to get to the bathroom, and those sorts of things. You would have significant impairments to your average daily life and we've all had family, friends, relatives who've been in that situation. Those are regulated actually by the State in order to build a nursing home. You can't just show up and say, "We're going to build a nursing home." You actually have to get bed licenses for those beds.

On down the continuum of the senior housing, because it's a national – we have a national problem in providing adequate housing for our seniors right now. People who are like my 80-year-old mother who still lives in her 4½ bedroom house and, you know, why she's there I don't know, but we're all there. Then you move into assisted living facilities. Those assisted living facilities are not full nursing but they do have some typically support on those activities of daily life. Then you get to independent living. Again, it's a congregate care form where there are communal meals. Their meals are prepared – it may not have a full kitchen, but a person who is independent living is capable of independently living, dressing themselves, brushing their teeth, doing all those activities of daily life.

You then move on down that continuum, you get to age-restricted housing where the restriction is put in place that the property cannot be used-- And it's more -- there are some federal guidelines as to -- it's a free country and we don't discriminate on the basis of age, sex, etc. There are some very narrow provisions where you are allowed to discriminate on the basis of age. For people who are over 55, for people who whereby you provide additional specified services targeted to the elderly. Right below that are age-targeted projects like this one. These would have many of those same attributes but they would be typically slightly younger but they would be by virtue of their design, their amenities, their marketing, the type of structure they are. They would be used by people who would be older, but they're not required by federal law to be older. Okay? And then you get into the garden apartment -- the apartment type things, so it's an entire continuum. These things fall on that continuum someplace. Does that make sense?

Ms. Armintrout: Um-um. Thank you.

(speaking off mic)

Mr. Stoffel: Could you come up to the mic, please? The reason I'm asking you to come to the mic is so it can be recorded so it will go on record.

Ms. Sheila Phipps: This is the part I hate about it.

Mr. Stoffel: Name again, please.

Ms. Shelia Phipps: Shelia Phipps. What's your parent company for Redwood?

Mr. Dugger: Redwood is -- it's Redwood Construction and this particular project is in contract to one of their entities called Redwood Acquisition.

Ms. Phipps: Redwood Acquisitions. And what's that parent company?

Mr. Dugger: Redwood Construction.

Ms. Phipps: Okay. There's no parent company above that one?

Mr. Dugger: No.

Ms. Phipps: When I go looking, that's all I'm going to find?

Mr. Dugger: Yes.

Ms. Phipps: All right. Because I am going looking. The next time we meet, I'm going to know more about you than you do. Trust and believe it.

Mr. Dugger: I think they--

Ms. Phipps: Also – again, I’m back on about the water. Okay? They’re talking about the contamination issues. So if they get in there and start messing around, are they going to sour part of our wells just by doing what they’re doing? Do you see what I mean? I mean, like as it sits right now everything seems to be all right but when they get in there and start doing this and doing that and taking down things and water falls on it and this happens and that happens, are you sure you’re not going to poison all of our wells?

Mr. Stoffel: I think that when they begin in the early process, and I think Mr. Dugger said this. Please correct me if I’m wrong, that they test that for not only their liability but your safety, what the condition is before they begin. The fact that they’re in there doing mitigation on soil now that is contaminated may be enough of an upfront benefit to you, that that soil now is being mitigated. But then they will, I would assume that when they are done they will again check the ground water and for their own liability would make sure that was correct, too. Am I correct?

Mr. Dugger: These aren’t bad guys. Okay? It is not their intent to give you a bad well. Okay? So if you want to condition this approval on us pre-testing all those wells prior to construction, I think that’s an appropriate thing for us to do.

Ms. Phipps: After construction – after you get done doing everything.

Mr. Dugger: Well, we’ll do it at both times. It needs to be done both.

Mr. Stoffel: Yeah.

Ms. Phipps: Yeah.

Mr. Dugger: Because you’ve got to establish a baseline because what happens is if you do it after and you say, “Hey, wait a minute. We’ve got some form of contamination here and it’s our responsibility.” We need to know that that contamination wasn’t there to begin with. So the testing needs to be done prior to construction and after construction and if you want to condition this approval on that, that’s a condition which I will happily agree to because I think it’s in the best interest of my client that they do that. They don’t want to be – they don’t want to have you – you’re a pretty passionate person. They don’t to have you after them because they did something that they don’t think they did. Okay?

(inaudible)

Mr. Dugger: I know. Absolutely. When was the last time you well was tested though? So we need to establish a baseline to where that – what that well is because when you test wells you find out sometimes some of them aren’t working as well as everybody thinks they are. So we would test those wells both before this process and after and I think that’s the appropriate way to handle this.

Ms. Smith: Our wells don't come that way.

Ms. Phipps: They don't? But the river is here and the ground water is right—

Ms. Smith: The creek is behind this – the water doesn't come from the creek—

Ms. Phipps: Excuse me. Sorry.

Ms. Smith: _____.

Ms. Phipps: Also the road. Again, the road. They've got to bring this equipment in somewhere. The egress, entrance, whatever you want to call it is – I mean, the road pretty much goes straight into it. That's how that semi ended up down there, what, four years ago, because it doesn't look like it curves. People get down to my house and think they can't go out and will turn around and go out the other way because it looks like it dead ends. Do any of you own a big pickup truck? Try driving it down there.

Mr. Stoffel: Typically when any site that's developed like this, their construction entrance will come off of Lancaster.

Ms. Phipps: 256?

Mr. Stoffel: Yeah. They won't because it's direct access off the main road so they can get into the site quick.

Ms. Phipps: Oh, so all the guys that are working that site aren't going to come down my little road and park in the back. Yes, they are.

Mr. Stoffel: They would really have no reason to because they'll have a whole site to do that and also as far as the residence, there's really – they all have two-car garages and driveways. Again, I don't know, but it wouldn't – it'd be hard for me to believe why they would park on that road to walk through the woods to get to their house when they have a garage. I don't think you'll have a lot of parking issues on your road is what I'm saying.

Ms. Phipps: I have one more question, sir.

Mr. Dugger: Yeah.

Ms. Phipps: You said that the rent would be comparable to a house of that size. Do you have a figure?

Mr. Dugger: We're not supposed to talk about that kind of stuff, but that's okay since you asked.

Ms. Phipps: Well, you know, you're saying—

Mr. Dugger: Since you asked.

Ms. Phipps: A house payment – now I'm sure that there are people in this room that pay \$3000 a month for their house and I'm sure there are people who pay \$400, so we're talking a huge amount of money here.

Mr. Dugger: Yeah. The rents on those would average over \$1 a foot on a monthly basis, so an 1100 foot apartment would typically rent for over \$1100 a month and let me tell you, you can buy a lot of houses in Reynoldsburg for \$1100 a month. This is not a situation where we are providing housing for people. It's the lowest cost alternative. There are lots of houses that we can buy in Reynoldsburg for an \$1100 a month payment. This is a lifestyle choice by people who don't want to have to take care of the outside, don't want to have to clean the gutters, don't want to have to cut the grass. That's all taken care of for that amount of money, so that's the purpose and that's who the buyer of these – or the tenants or these places would be.

Ms. Phipps: When you said that, I just wanted to get--

Mr. Dugger: Yeah. Now here I am. I swore that I would tell the truth or whatever to the best of my ability. That is, it might be a little fuzzy there, but it's not way off. Okay? But it's right in that range, about \$1 a foot in terms of their rents.

Ms. Phipps: They're not going to be like subsidized or anything like that?

Mr. Dugger: No, absolutely not.

Mr. Robbins: Medicare.

Mr. Dugger: I'm sorry.

Mr. Robbins: Medicare.

Mr. Dugger: Medicare. Yeah, exactly. One of the – and I think it's a good question because John and Truro Streets were built probably as alleys back when Reynoldsburg was in the '30s or something like that. I have no idea when they originally plotted or built, but they're not built to the same type of specification that you would build a street today. Right?

Ms. Phipps: To call it a street is—

Mr. Dugger: It's a street. It's – they are somewhat glorified alleys. But typically the problem with these issues isn't so much – we can do what we can do. Okay? But

at some point if people are parking on the north side of the property on John Street or Truro Street, you know, and that's an inconvenience for you.

Ms. Phipps: It's going to happen.

Mr. Dugger: All right. It may happen. The only way to do that is the fire department can't get the truck down the street and so the City goes out and signs it and says 'No Parking' and that pretty much takes care of it. Okay? There are means of doing and dealing with these issues that, quite frankly, we have to trust the City in it's infinite wisdom, will manage this process as best they possibly can and we – you know, it's a cooperative effort. We do that with the City, so.

Ms. Phipps: Is it going to be like – if there are going to be children, children are wont to wander. Okay?

Mr. Dugger: Yeah. We'll direct them right over to your house then.

Ms. Phipps: I'm saying, is this community that you are proposing—

Mr. Dugger: Yes ma'am.

Ms. Phipps: --going to have something to keep them from wandering onto our properties--

Mr. Dugger: I suspect—

Ms. Phipps: --and because we know_____.

Mr. Dugger: The shotgun that you keep behind there will more than take care of that. So I'm not flippant about it. I mean, the average expectation of number of children in this apartment would be as if you were a mother or grandmother and one of your children came home and had a child that lived with you for a short period of time. That's typically what would happen. You can't say there shall be no children in this property.

Ms. Phipps: Of course you can't. That would be illegal.

Mr. Dugger: Yeah, exactly. But what you do is, is you design the thing in such a way that it's, you know, that what you hope is that people would find that there are better places, housing for their children. But if my daughter and my grandchild needed to come home and live with me for two months, you know that I'm going to let them do that and I think that's true of anybody. So it's an unrealistic expectation and it wouldn't be right for me to say that there are no kids, there will be no kids. There may be some kids, but that's not what this whole thing is designed for, marketed for. There are expectations.

Ms. Phipps: I'm wondering if there was like something to keep them – no, anyway. I'll—

Mr. Dugger: A barbed wire fence.

Ms. Phipps: I'll talk to you in a more private—

Mr. Dugger: Yeah. That'd be fine. I've got another hearing later on so I've got to sit here for a bit but I'll talk to you. It's okay. Thank you.

Mr. Stoffel: Is there anymore public comment?

Ms. Kristy Rupert: I just think that the problem is – that's why I'm falling apart. I think what the problem is and that's why all of our neighborhood is here is because we weren't informed.

Mr. Stoffel: Can you say your name again, please?

Ms. Kristy Rupert: I'm Kristy Rupert. I live at 360 John Street. We were not informed and for us to own property across the way and not even be told what's going on, I think is very unfair that the City should have informed us as residents and owners of part of that property what's going on. So that's why you're getting all this. I'm sorry. That's why you're getting all this right now because we don't feel that you guys totally know and understand our neighborhood, wells, City, you know, road problems, that kind of thing. Okay? All right. Sorry. Thank you.

Mr. James Spires: My name is James Spires. I live at 1644 Truro Avenue. Basically I just want to reiterate the – I mean, that it is a burden on everybody that's part of the community. The entrance, whether it's intended for a fire truck or not, unless it's padlocked people will drive in and out of it no doubt. I mean, that's just how it goes. That's pretty much it.

Mr. Stoffel: Anyone else? (No response.) Does the Board have any other questions? (No response.) If none, then I'll move that we approve Item B1 variance application #162861.

Mr. Feeney: Add the testing of the wells.

Mr. Stoffel: And the – yes, thank you, Patrick. And add in the pre-construction testing of the wells and post-construction testing of the wells which are impacted by this development.

Mr. Feeney: I'll second.

(Mr. Robbins called the roll. Mr. Stoffel voted "yes." Ms. Wallace voted "yes." Mr. Feeney voted "yes." Ms. Armintrout voted "yes.")

Mr. Stoffel: Thank you everyone. Really appreciate your input. That's what it's all about. Let's move on to Item B2.

2. VARIANCE APPLICATION, 6781 EAST MAIN STREET, REYNOLDSBURG, OHIO; PRESENT ZONING, CS; OWNER'S NAME, LANDCHECK LLC/WENDY'S; REQUESTING A VARIANCE FROM SECTION 1181.03(c)(1) OF THE ZONING CODE TO ALLOW THE ERECTION OF TWO SIGNS ON BUILDING WALLS THAT DO NOT PARALLEL A PRIMARY STREET. CONTACT: DON LAYMAN (#162933).

Mr. Robbins: Item B2 is Application #162447 for 6781 East Main Street. A variance for the restaurant – Wendy's Restaurant, excuse me. The property is located on the south side of East Main Street approximately halfway between Rosehill and Hentz Road. It is zoned CS, Community Services. The applicant is requesting a variance from Section 1181.03(c)(1) of the zoning code to allow the erection of two signs on building walls that do not parallel a primary street. Current use is a Wendy's Restaurant that is currently under construction. Applicant is Interstate Construction c/o Don Layman.

To give you a bit of a background, the building was demolished and rebuilt. Again, it is currently under construction in August 2013. The building and site were designed in accordance with the Community Commercial Overlay with a variance granted to allow a 30-foot setback instead of the required 20-foot setback – excuse me, build-to line. The property is within the Community Commercial Overlay district. The property is currently Wendy's Restaurant. Let's skip to the good part.

The applicant contends the provisions within the Community Commercial Overlay that require the reduced right-of-way setback do not allow adequate visibility of the front wall. The applicant is requesting that a variance to allow three additional wall signs be erected on the sides of the building. The existing monument sign will remain and be refaced in addition to the existing directional signs that are also proposed to be refaced. On the screen you can see the two signs that are being proposed. The bottom right rendering is the front elevation with the approved signage on the front. The two wall signs that you can see right there on the side elevations, the first two are the same size and same type as the one that's on the front, and then you can see some lettering on the side where it says "Quality is our Recipe" and so forth.

The applicant has provided street views that show basically what you're looking at from the side coming down East Main heading east. Then you can see across the street, and this is the Wendy's that would be under construction. Right here you can see the _____ on the side and the way the street trees block the front signage. And then looking in another direction, Wendy's would be over here. And then the site plan. So one of the, I guess, consequences of the Community Commercial Overlay, when buildings are brought closer to the road you do have some amount of visibility limitation on the front because they're closer and you don't have enough time for kind of lateral vision.

Staff would like the Board to consider whether the applicant has met the test for hardship or practical difficulty outlined in Section 1147.05 of the code. Adequate visibility and signage is necessary for consumer businesses along East Main Street and staff would like the Board to determine if the current signage code provisions are compatible with structures built close to the right-of-way in this instance. Staff does agree with the applicant that front signage visibility is reduced the closer it is placed to the roadway. And if the Board feels that full enforcement in Section 1181.03 is causing unnecessary hardship on the applicant, staff would recommend that the Board approve the variance as submitted. If there are any slides I can show on the screen, I'd be more than happy to.

Mr. Stoffel: Is there anyone here to speak on behalf?

Mr. Doug Kincaid: I'm Doug Kincaid, Interstate Construction, 3511 Farm Bank Road, Grove City. I'm here representing the owner of the Wendy's at 6781 East Main Street and we appreciate staff's review and just to – we were here before you earlier this year and you'll probably recall that this is a longtime business here in the City of Reynoldsburg. The Wendy's has been here for over 35 years. The owner – this is a private owner. This is not a company store, so a small business owner making a major investment here for the community. He has actually built their top tier building, so making a major investment here. You know, quite honestly, prior to the process he had thoughts, would there be a better location and he felt that he was here in the community, he wanted to remain in the community. So, you know, you have a beautiful street profile now with everything that's been done and the beautification program and the trees and the brick wall and that type of thing but, unfortunately, some of that with the combination of everything, like Mr. Robbins was indicating, with the building further to the front and you're coming along a street like this, it's hard to see the front of the building and even the monument sign itself. When you're headed east there is a brick wall there along Main Street and that brick wall is taller than even the monument sign and it's – until you get pretty close to that entrance right there is when you start to see the monument sign. So the owner is hoping that if you would allow the signs on the side he would get some – you would be able to view the signage through the trees that are there. And right now if you drive down there tonight, the trees have lost leaves and that type of thing but during the summer and when some of those pictures were taken, the trees are great, but it does limit the view. So we just – he wanted to ask that he be given the opportunity to have some visibility with this major investment that he's made for the community.

Mr. Robbins: We have two members of the Board that might not have been present. I know one. I can't remember if you were there or not. You can see on the site plan that was submitted and originally approved, this black bar right here is the monument sign, the existing monument sign, and you can see how close the building is to that sign. And if you look at the Google images, basically where the mouse is right now would be pretty close to where the front façade of that building is. So I just want to give you an idea of how much closer to the street it is now than it originally was.

Mr. Stoffel: We had granted a 30-foot variance for them.

Mr. Robbins: That's correct.

Mr. Stoffel: Refresh my memory again on that. We granted the 30-foot variance so that they could—

Mr. Kincaid: So the monument sign could remain because where the monument sign was located, the building now is about 10 feet – being at the 30-foot point, it's about 10 feet away from the monument sign so it was just so that the building – at 20 feet it would almost be sitting right on top of that monument sign. But even at the 40 feet, you know, that building is substantially further forward than a lot of other buildings and I know this is the new code, but what happens with that is that the lateral visibility, you don't have it then when it's that far forward. And then other compounding issues with the brick wall, if you're in the right-hand lane of Main Street as you're headed east, that brick wall impedes visibility on the monument sign. So he's got several things happening with that particular property.

Mr. Stoffel: And it would appear as though, looking at the construction where it stands now, that he was anticipating getting the signs that you're asking the variance for?

Mr. Kincaid: We were hopeful that, yes, that it would be granted and I think in one of the pictures that you might see, when the trees were in bloom and everything you really couldn't see the front of the building. The one location on the drive-thru where they have kind of a red element it's called, there would be a sign on that and that would at least give him a chance to have people to be able to see his signage through the trees at the angle as you're driving westbound.

Mr. Feeney: Are you going to have a sign on the front of the building?

Mr. Kincaid: Yes.

Mr. Feeney: And so it's front and side and the monument?

Mr. Kincaid: Right.

Mr. Robbins: The bottom right drawing is the front of the building and you can see the popup where it says 'Wendy's' in the red.

Mr. Feeney: So that's really not the front. It's kind of set back, I guess.

Mr. Kincaid: That red blade on the front is back about – it's about 10 feet back further from the very front of the building, yes. But even with that, it's still not a very visible thing as you come down the street.

Mr. Feeney: You're right about the leaves off the tree. I did notice the sign. All of a sudden it's just like – I kind of thought maybe it was open but I realized _____ not open but--

Mr. Kincaid: And I think some of this, too, is just not the nighttime visibility, it's the daytime visibility to try to give him a chance to have people know where he's at and that type of thing. I know that some of the businesses are allowed these signs if they're in like a shopping center lot or that type of thing, but really those are the businesses with a lot of visibility. You know, in a way, it seems like why do they need it because they're in a totally open parking lot whereas here he is sitting in an area where it's harder to see and it would seem like he is the one that needs that visibility with the signage so people know where he's going along a 35-mile-an-hour street.

Mr. Stoffel: Does the Board have any other questions? (No response.) Is there any comment from the community? (No response.)

Mr. Feeney: I'll make a motion. I'll make a motion we accept Item B2 variance 162933.

Mr. Stoffel: I'll second.

(Mr. Robbins called the roll. Mr. Stoffel voted "yes." Mr. Feeney voted "yes." Ms. Armintrout voted "yes." Ms. Wallace voted "yes.")

Mr. Robbins: You're not done yet. Just a quick note because the variance passed, the allowable square footage for signage is, if it's over 100 square feet then it requires a comprehensive sign plan, so the applicant has filed for a comprehensive sign plan in the case that the variance passed

3. COMPREHENSIVE SIGN PLAN APPLICATION, 6781 EAST MAIN STREET, REYNOLDSBURG, OHIO; PRESENT OWNER: SGR RESTAURANTS; CURRENT BUSINJESSNAME, WENDY'S; REQUESTING APPROVAL OF A COMPREHENSIVE SIGN PLAN; CONTACT: STEPHEN WORD (#162895).

Mr. Robbins: All the information's the same as the last application. Applicant is requesting a comprehensive sign plan review for the following signage: One 10' x 5' monument sign reface; three directional signs that are existing to be refaced; one new front wall sign measuring 10'8" x 3', and that's the one that was originally approved by Design Review you can see on the front of the building. One new side wall on the west side measuring 10'8" x 3', one new side wall on the east measuring 10'8" x 3' and one new side wall on the east measuring approximately 7' x 7'. Three of the requested signs are not allowable by code technically. Applicant has applied for a variance to allow the construction of the wall signs located on the sides of the building. And, again, because they exceed 100 square feet, a comprehensive sign plan is required. Staff finds the placement, design and size of the signs to be in suitable proportion and

placement on the building. The signs as proposed are not excessively cluttering the building or the site. Staff recommends the Board approve the comprehensive sign plan as submitted contingent upon the granting of the variance that would allow the side wall signage. Staff finds the proposed signage satisfies the requirements in Section 1181.03(d)(1) as it does not represent a safety concern, is attractive and coordinates with the structure and adjacent properties. I can flip through these a little bit. This is the front wall sign that was already approved by the Design Review Board. This is the existing monument sign to be refaced with the new Wendy's logo you can see on the right hand side and, again, the wall signs.

Mr. Stoffel: Does the Board have any questions? (No response.) Do you have any additional comment?

Mr. Kincaid: No, I don't think I do but I'm here for any answers. I might just add that on the monument sign and the directionals there's no change in size or anything like this. This is just kind of a new logo, more of a script logo, but dimensionally it's all staying the same.

Ms. Wallace: I make a motion that we accept the comprehensive sign plan application.

Mr. Stoffel: I'll second.

(Mr. Robbins called the roll. Mr. Stoffel voted "yes." Mr. Feeney voted "yes." Ms. Armintrout voted "yes." Ms. Wallace voted "yes.")

Mr. Robbins: A couple things I must say. The two wall signs and the refaces still require Design Board approval. The meeting will be the first Thursday of December. Each of those signs requires a sign permit issued by the Zoning Department and each one is going to require, with the exception of the reface, the wall signs will require a building permit.

4. VARIANCE APPLICATION, 8455 EAST BROAD STREET, REYNOLDSBURG, OHIO; PRESENT ZONING RI; OWNER'S NAME, LIMITED BRANDS; REQUESTING A VARIANCE FROM TABLE 1181 AND SECTION 1181.05(e)(3) OF THE ZONING CODE TO ALLOW THE INCREASE OF THE MAXIMUM AREA OF A MONUMENT SIGN FROM 100 SF TO 200 SF, AND TO ALLOW THE ERECTION OF A SIGN THAT CONTAINS MOVING IMAGE ILLUMINATION. CONTACT: GLEN DUGGER (#162862).

Mr. Robbins: Variance application for 8455 East Broad Street, Application #162862. Property is located on the south side of East Broad Street and west of Taylor Road. Existing zoning is RI, Restricted Industry. Applicant is requesting a variance from Table 1181 and Section 1181.05(e)(3) of the zoning code to allow the increase of the maximum area of a monument sign from 100 sf to 200 sf and to allow the erection of

a sign that contains moving image illumination. Current use is office distribution. Applicant Smith & Hale, in care of Glen Dugger.

Applicant is proposing a placement of a sign that matches other brand signs located elsewhere throughout Central Ohio. The new monument sign would be located on the west side of the entrance drive, contain LED video graphic measuring 31' x 6' and sits on a 2' tall monument base. The LED videographic would show movie images consistent with the company's branding and image. When I say "moving image" to the best of my knowledge we're talking about a still image that will change and not animate. I think I'll let the applicant speak a little more to that. The site currently has 3700 linear feet of frontage along East Broadway. The closest building frontage is approximately 460' from the roadway. You can see that – this area right here is about 460' from the right-of-way. The presence of landscape buffering and large setback from the roadway, visibility of the buildings is negligible. Staff understands the need for visibility and signage for businesses within the city. The presence of considerable landscaping and the large building setback from the roadway allows visibility for signage only. The tenant signage restrictions is to provide an attractive and orderly appearances in all districts, to promote harmony and clarity with signage and to protect the health, safety, morals and welfare of the community. The signage as proposed is larger than allowable by code, but the proposed signage does meet the intent of the signage code. Staff does have some concern regarding speed of change for images to be displayed on the sign. Board has, in the past, placed restrictions on the speed with which those images can change. Staff asks that the applicant consider a 20 second minimum time interval for changing the image and that if and when images change does not do so in an abrupt manner, i.e. doesn't have a white or red flash in between images, or something of that nature that would be distracting. Smooth transition between the two, fade to black, fade back in, something of that nature I think would be acceptable if the Board approves the variance. Staff finds the full application of the zoning code on this lot would represent a hardship on the applicant that is unique to the property as outlined in Section 1147.05. It is a finding of staff that the variance as requested does not cause harm to the desired character for the neighborhood as set forth in the zoning code, does not represent a burden to nearby property owners or the community as a whole.

There's a couple other instances of signage of this nature. The most notable one is off, I believe, Morse Road and the intersection of 270. They have a large office and distribution center there. A signage meeting these dimensions and type is there. It's been in operation for some time now I believe. As far as images go, it's basically their different brand products between Bath & Body Works and The Limited and I think one other that will be cycling through. This is the proposed layout. They have two existing monument signs in the area, one on each side. Those are proposed to be demolished and replaced with this single sign here. Here's an overhead of it, kind of getting a scale of this development and how far back these buildings are. I mean they have no way or no instance for wall signage that you would see with a normal development, the normal commercial or industrial development. It's too far back. I don't know if the applicant would have anything to add or have any comments.

Mr. Glen Dugger: I just have a couple things. Thank you. Again, my name's Glen Dugger. I'm an attorney at 37 West Broad Street. I represent and have represented The Limited since this project was a cornfield and I've been fortunate to kind of manage the relationship between the company and the City of Reynoldsburg for the last 20 years. I really would like to express that I think that the city and the company have a really symbiotic relationship. They're a terrific corporate citizen, at least I believe so, and I think that the city has, at every instance and every turn, been supportive of the company from the very first time that we sat down with the city about this project over 20 years ago. The application is as described by staff. I've learned a couple things in the last couple of weeks about this type of sign. It's called an electronic message center, because it does more than just identify the sign. The graphic that is installed at the Morse Road location that the limited has is really an imaging piece. As you get off the freeway at 270, it's way finding but it's also – The Limited is a fashion business and they think, justifiably so, that sometimes it's difficult to run a fashion business from Columbus, Ohio. They have to oftentimes compete with New York, Chicago, San Francisco, LA, Miami to get people here to work. That's one of the reasons that this place is built the way it's built. It's one of the reasons Abercrombie's built the way it's built is that it provides some level of excitement to the employees that come to this place every day, who are highly talented, creative people. This is pretty much the sole entrance to that campus. As Justin pointed out, as you drive East Broad Street, if you don't know it's there, you wouldn't know what's there, because it's virtually impossible to see because of the landscaping that's done out front, to see the 4000 car parking lot. This is the entrance through which their employees, their customers, their vendors, their hopefully new employees come. There's additional signage on Taylor Road at some of the truck entrances further down Taylor Road, but this is basically the only graphic that they have on that stretch of street. This electronic message center is state-of-the-art. You're starting to see them around town and, quite frankly, Reynoldsburg is not alone in the fact that the regulatory scheme and the technology have kind of outpaced each other and we now have a prohibition in the code that, quite frankly, doesn't apply to the high tech state-of-the-art type of display. So I don't think there's any question that it's in the right place. I don't think it's a question, it's appropriate. The only difference that I think we have with staff and it's really a nuance difference, is that staff would like to see – or suggested that we have the turnover rate, the recharge rate, the number of times that this thing can change itself. We, I believe, have applied and indicated that the plan was to have that rotate not less than every 8 seconds, so it would be 1, 2, 3, 4, 5, 6, 7, 8 and then it would, as he pointed out, fade to a different type of graphic. There are three businesses in that location as Justin pointed out, Bath & Body Works, Pink, and Victoria's Secret. The only concern we really have is that for those people who are coming to this thing for the first time, because you can't see a building and because this is the only way finding that we have, is that we would hope that the number that the recharge that a person approaching the sign on East Broad would be able to see each of those three business units so that they would know to be able to pull into the entrance there at the primary entrance where that sign would be located. And also so that we think that the suggestion – and I understand that 20 seconds may seem pretty fast, but for somebody who's traveling 45-50 miles an hour on East Broad Street, we think it needs to rotate over a little bit quicker than that in order for them to be able to

find the way into the actual entrance. So I think the only difference that we have with staff is how quickly that would recharge. We agree with staff that no pulsing would be permitted. None is requested. We also agree with his suggestion that it would be appropriate that on the change from one screen to the next that that transition be handled not abruptly. I don't know how to put that, but I've seen the one at Morse Road and I didn't notice that particular facet. It seemed to slide from one screen to the next. Did you recall seeing that either way?

Man in Audience: Yeah, when I viewed it, the screen did fade in and out.

Mr. Dugger: But it didn't go boom, boom did it?

Man: No, no. It was what I considered to be timing wise about 10 second intervals.

Mr. Dugger: I think that's the only piece of this application on which we have a fairly minor disagreement with staff, concerns how quickly that sign could turn over and we believe there is a business justification for doing so. I understand the city's concern that they don't want these things popping up all over town. I think we do have a unique situation here. I'm unaware of any other private property owner in Reynoldsburg that has 3700 linear feet of frontage on a public street. I can't think of any. We have basically an unobstructed distance of that length in which we're trying to move an enormous volume of people in and out through that entrance. If there are any questions, I'd be happy to talk about them.

Mr. Feeney: No, I don't have any questions. I do know the sign up on Morse Road and I kind of – the first time I saw it I thought, "Why don't we have one of those?" Now we do.

Mr. Dugger: If I can tell one story, when we did this zoning originally 20 years ago, we put in the package the Victoria's Secret catalogue and I was of the opinion that that was a bad idea, because the Victoria's Secret catalogue in the early 90s was a pretty racy thing. There was a great deal of discussion as to whether that would be appropriate. When we were doing our zoning presentation, everybody was reading the catalogue and nobody was paying any attention to me and my talking about it. The point of that is they're very conscious about these screens tie into their corporate branding. This is how they make their first impression to people. So while you might say a sign is a sign is a sign, for a company that operates in this industry, the first impression is extraordinarily important to them and that's the reason for the sign in this application. Thank you.

Mr. Stoffel: I have a question, too. Why-- How do I state this? How did The Limited – what was the reasoning for desiring 8 seconds and what's the city's desiring of 20 seconds? Are there studies that show that on a road that's a 50 mile an hour speed that that's necessary to flash that often? I'm just curious.

Mr. Dugger: Yeah. Well, in accordance to our sign consultant, the guy who's going to put this sign up, he says that's what an industry standard is is 8 seconds. The city might have a different standard.

Mr. Robbins: The rationale behind that is basically continuity. The Design Review Board is the body that typically looks at moving signage and puts stipulations on those. The Board has oftentimes said 30 seconds, 20 seconds depending upon the signage. I can say there is a notable difference between what they're proposing and what is typically done for the signage that those stipulations are put on and that's the glowing red LEDs. So we're talking about signage where they say 20 second minimum for changes and those are kind of – they don't fade. It's abrupt. So the idea was that you put a minimum turnover rate of 20 second on there and it's going to avoid situations of blinking lights, flashing, scrolling, things like that. So I don't want to say it's arbitrary in this matter, but it is something that the Board has said in the past for those particular types of signs.

Mr. Feeney: Of course this sign is parallel to Broad so it's not perpendicular so coming down the street, when you pass it you're only going to see it for a few seconds on each side.

Mr. Robbins: That'd be correct. Yeah.

Mr. Feeney: I don't know about the 20 seconds, it seems like a long time. But my opinion would be that The Limited is highly professional. This sign is probably just not bought off the market as this design so I would think – I personally would leave it up to Limited to pick their own, do their own judgment on the sign turnover.

Mr. Stoffel: Does Design Review Board have – do they have a say on that—

Mr. Robbins: Yes, they will.

Mr. Stoffel: --interval?

Mr. Robbins: Yeah.

Mr. Stoffel: Okay. So are we just here tonight—

Mr. Robbins: This is the variance to allow basically a moving image of type and the area.

Mr. Stoffel: So we're not here to decide that timing, correct? That's up to—

Mr. Robbins: Yes. We can address that at another Board, I think.

Mr. Stoffel: But that won't – the Design Review Board making that determination doesn't hold you guys up at all, correct?

Mr. Robbins: That'd be correct.

Mr. Dugger: Right. Because we had put the sign up and then it just adjust it as to whether it's two seconds, eight seconds, 38 seconds.

Mr. Stoffel: Right.

Mr. Dugger: And there would be an application at that time for that. The issue here for us is that it does require a variance because of the way the code's written.

Mr. Robbins: Right.

Mr. Stoffel: Any other comment from the audience? (No response.) Any more questions from the Board? (No response.)

Mr. Robbins: Do we have a motion?

Mr. Stoffel: I'll make a motion we approve Application #162862.

Mr. Feeney: I'll second.

(Mr. Robbins called the roll. Mr. Stoffel voted "yes." Mr. Feeney voted "yes." Ms. Armintrout voted "yes." Ms. Wallace voted "yes.")

Mr. Dugger: Thank you very much.

Mr. Stoffel: Thank you.

Mr. Robbins: Just for the record, Design Review is still required for this, Mr. Dugger, and a building permit is required as well.

(Mr. Dugger speaking off mic)

Mr. Robbins: I think tomorrow is the application deadline.

Mr. Dugger: Okay.

Mr. Robbins: The meeting will be on the, I believe, it's the 2nd of December.

(Mr. Dugger speaking off mic)

5. SPECIAL EXCEPTION USE PERMIT, 6415 EAST LIVINGSTON AVENUE, REYNOLDSBURG, OHIO; PRESENT ZONING, CO; PROPOSED USE, CHILD CARE FACILITY; PRESENT OWNER, TAI C. WONG. CONTACT: BRANDI FOSTER (#162840).

Mr. Robbins: Up next we have Application #162840 for 6415 East Livingston Avenue. Special Exception Use Permit Application for Kids & Me Childcare. The property is located on the south side of East Livingston Avenue across from Steckel Road. The existing zoning is CO which is Office & Institution. They are seeking a Special Exception Use Permit to operate a childcare facility within the Offices and Institutions District. Current use is Medical Office. Applicant is Brandi Foster. The applicant is proposing a mid-sized childcare facility serving children two months through five years of age. Hours of operation are proposed to be from 6:30 A.M. to 6:30 P.M. Monday through Friday. The adjacent property and spaces will remain Medical Office. The property to the north of the street are zoned R3. Other adjacent properties include AR2 and Community Commercial. Reviewing the application there were a few issues that staff had regarding the placement of the childcare facility within this particular property. There are basically three areas of concern. The first would be traffic and parking. Second is adjacent tenants and the third is the play area. So I'll go through and I'll address each one of those individually, allow the applicant a moment to comment and get some feedback from the Board.

So the first is traffic and parking. The location of the property along the unsignalized intersection along, I should not say Brice Road, along Livingston Avenue. It does lead to some issues of ingress and egress particularly during times of peak travel such as the mornings and evenings. Staff has concern that a large amount of cars turning left onto Livingston in the mornings could cause safety issues within the site. The reason I'm saying that is if the closest intersection is going to be to the freeway, which I assume, you know folks coming and going from work are going to access I-70. Folks will likely be turning left out of here in the morning which is going to be in the same – it's across traffic to do it to get back on Livingston. In the evenings it's not going to be as big of an issue if people are turning right out of here to go to the east on Livingston. So there is some amount of concern with stacking and people turning left and right, both to and from the site onto Livingston. As far as parking goes, the site currently has 35 spaces shared with a medical office adjacent. Total area of the building is approximately 9680 square feet. Parking requirements for professional services such as medical office are one space per 200 square feet and this particular property leased out as a medical office would require approximately 49 parking spaces. The concern from staff is that the use combined with peak hours such as a daycare could magnify the parking requirement issues that are already on the site. Again, a parking study hasn't been done. We don't know exactly if their peak hours within the medical office but the concern is that we have these parking requirements on site and then to add an additional use that could have peak hours might cause parking issues. As far as adjacent tenants go, Section 1145.09 states that the Special Exception test must address: A) The proposed use shall be in harmony with the existing or intended character of the district and nearby affected districts and shall not change the essential character of the district. B) The proposed use shall not adversely affect the use of adjacent property. One of the concerns from staff is that the presence of a childcare establishment could have adverse affects on adjacent medical tenants within the building. The intent of the Commercial Office District is to provide a suitable place for

professional activities to take place and the presence of a daycare and resulting noise that could follow does not necessarily match the existing or intended character of the property. Part of what we do with zoning is to have areas in which specific uses can operate without interference from other uses and without causing interference to other uses that might not be compatible.

Third recommendation or cause of concern would be the play area. On the drawing that was submitted you can see the playground to the west of the site and that is against Briceton Drive at the corner of Livingston Avenue. The State of Ohio requires that childcare establishments provide a suitable play area for children and the applicant has shown that a fenced area is to be provided in the front lawn of the corner lot, to place a chain link fence in the play area. And I believe they had also submitted a Certificate of Appropriateness for that fence in the district. Staff does have concerns that travel to and from the play area of the building are not necessarily adequately defined and that children are going to have to trek across a parking lot to access the play area. This could be of concern if there are other— If it's just a daycare, I think that's something you could probably manage, but since it is being used by office space in other parts of this building, it could be an issue between children walking to and from the playground and cars seeking parking. Staff believes this could be a potential safety hazard. It is the recommendation of staff that the Special Exception use permit for the Kids & Me Childcare to operate at 6415 East Livingston Avenue be denied. Staff finds that it does not meet the test as outlined in Section 1145.09. Staff does not find the proposed childcare establishment is in keeping with the character of the district and could have negative impacts on surrounding businesses and could present a safety hazard for the children located at the daycare.

I do want to say that there are a lot of places in Reynoldsburg that I think are suitable for childcare facilities. We, as a Board, have come across some of these applications and the ones that are well-suited for them are typically the ones that are designed to be childcare so they have the parking figured out, they have the play area figured out and it's not necessarily using an office building for something like a childcare facility. So if the applicant would want to come up and answer any questions or address any concerns.

Mr. Ray Foster: My name is Ray Foster. I live at 2523 St. Rt. 23 in Fostoria, Ohio and I'll be representing Brandi Foster, which is my daughter. First of all, I want to address the issues at hand. First I want to talk about the tenant.

Mr. Robbins: Mr. Foster, I don't mean to interrupt you. I apologize, sir. I want to provide the Board with this drawing that was submitted with the fence permit that does show—

Mr. Foster: A crosswalk.

Mr. Robbins: Yeah.

Mr. Foster: As you guys take a look at the drawing that he presented to you, there is a crosswalk that does not particularly go across the parking lot. It is designed to go to the playground area. The playground area is in the area where it says it has to be at least 40 feet from Livingston Avenue by law and it is 40 feet plus, and it has to be at least 30 feet from Briceton Avenue and it's 30 feet plus from Briceton Avenue for the play area. There are approximately 35 parking spaces at this building. One information that they do not have correct, and I'm not sure why, it isn't a medical office. It's a medical billing office. It's just where people go to file for claims, so it isn't a big facility and I do believe they have three employees at that facility. Also, there is a maintenance building there which has three employees and they're working there maybe two to three days out of the week. So that would address the problem that we were talking about with the tenants. And as far as the play area is concerned, as you can see on the drawing there shouldn't be any problem at all because it is divided where there is a place where the kids are supervised to get to the playground and from the playground. That parking lot does not go all the way through, so there's no need for anyone to go in this area because it is a dead end. And as far as traffic is concerned, 90% of the kids are dropped off at 6:30 in the morning, so there isn't really a big concern about cars going in and out of that parking lot because the majority of the tenants at that parking will be the daycare and there's only going to be four employees of that anyways and they're there 24 hours – not 24 hours but that 12-hour shift.

Mr. Robbins: Not to interrupt -- I'm going to turn the lights off so you can -- I have the overhead image of the building up here. There you go. Just so everybody can see.

Mr. Foster: Okay. If you notice the Livingston Avenue, the parking lot that leaves Livingston Avenue, we did a research on there. It said the traffic in this area is considered moderate but within reasonable or average limits not excessive or extreme. So that shouldn't be a problem at all as far as the parents bringing their kids in and out. And we're looking at no more than about, based on what's approved, 35-40 kids tops, and that won't be probably for a couple of years down the road.

Mr. Robbins: What's the total square footage of the space that you're proposing to lease out and to actually operate in?

Mr. Foster: 1500 square feet.

Mr. Robbins: 1500? Okay.

Mr. Foster: And the playground area is a 45 x 50 area that will be fenced off.

Ms. Armintrout: You would not be taking the trees down, right?

Mr. Foster: No. The law says the trees have to be there for shading.

Ms. Armintrout: And has anybody in the building talked about – because the high school is right beside this. How about the traffic of the kids walking through there after school?

Mr. Foster: Well, we noticed in the last month that we've observed, I think I've seen one lady and her daughter cut through that parking lot during the peak hours when school is getting out. And I haven't seen that many kids walking down Livingston.

(speaking off mic)

Mr. Foster: Right. Because that's a dead end and there's a small area where a kid can go through.

Ms. Armintrout: Um-um.

Mr. Foster: Other than that, I haven't noticed any heavy traffic at all.

Mr. Robbins: The crosswalk that you're speaking of, so you exit the building. I'm going to bring the images back up real quick. And there was a drawing that was submitted for the Design Review Board I think the Board members haven't had a chance to review that does show a walkway on the south side of the site that leads from the building to the play area.

Mr. Foster: Correct.

Mr. Robbins: Can you talk a little more about that? Are we talking about a striped walk or is that some sort of curbed area? One of the issues I think that can come up is this is – let me look here on the site. I don't know if that's visible to you or not. Let me turn this light off real quick. Okay. So this area right here on the side, is that what's proposed to be the walkway in between the building and the play area?

Mr. Foster: Yes, that's correct.

Mr. Robbins: Okay.

Mr. Stoffel: Would that walkway be all in pavement? Because it looks like that hedgerow goes right up to the edge of the pavement, so that whole time would the kids be walking along—

Mr. Foster: Along the hedge. There's a 6-foot wood fence and then for about 25 meters I would say and then the rest is a 4-foot chain link fence along that hedegeline.

Mr. Stoffel: But there is – I guess I'm wondering is there between the asphalt and that hedgerow is there any grass for the kids to walk on or would they – is that path all along the parking lot?

Mr. Foster: It's all along the parking lot.

Ms. Wallace: So what you're saying is they'll leave the building where the cursor is there and then just walk along the hedges and then down into the grass in the bottom right of this picture?

Mr. Foster: That's correct. That would be a crosswalk right there just like if they were crossing the street.

Ms. Wallace: Where would be the crosswalk? I'm sorry.

Mr. Foster: Right along that hedge line. Did you get a copy?

Ms. Wallace: Yeah. We have one right here.

Mr. Feeney: You'd come out this sidewalk and there's like a hashed area out there already?

Mr. Foster: Um-um.

Mr. Feeney: Is that the area going towards the fence and then along the fence?

Ms. Wallace: So is that going to be marked off so that specifically – is there going to be any way that it's protected from the traffic or is it just going to be like lines painted on the pavement?

Mr. Foster: It's going to be marked off with lines on the traffic and the owner of the property says if need be they could put another fence line there to separate.

Mr. Stoffel: Not knowing what the dimension are of the drive back there, is there width provided in that pavement that if there's a 6-foot walking path designated for these kids that there is still a drive aisle width that meets code at Reynoldsburg as far as drive aisle width? Do we know what that overall dimension is at that point?

Mr. Foster: Um-um.

Mr. Robbins: It's dependent upon the size of the parking. Let me look real quick.

Mr. Foster: Based on what I've seen, my recollection, there is let's say 5 feet width for the walking area. There is more than enough room for cars to back out, turn around. There's plenty of room back there. There's a lot of room.

Mr. Stoffel: I guess I would have to know that that dimension is real. I mean, looking at it, I don't know. And I don't know if there is some kind of requirement as far as what that width has to be for the kids to walk on if it is in a paved area.

Mr. Foster: Right. I tried to research that dimension and I couldn't find those dimensions.

Mr. Stoffel: That would mean a lot to me to know that because, again, just looking at this I can't tell what that is, if there's room for that. I mean, I understand the restriction you have as far as area but a picture here without actual dimensions that we can say, "Yeah. That remaining drive aisle width, once you take that five or six feet for the children's path leaves you with, I think you probably have to have 20 feet, I think is what it is. It's close to 20 feet. If you have that, that would make the decision – it'd be easy for me to make a decision, but I don't even know what that path has to be in pavement, if there even is a requirement for that.

Ms. Armintrout: And it also looks like that if the crosswalk is built there that some of the parking will be taken away as well. Is that correct?

Mr. Foster: No, that isn't.

Ms. Armintrout: No?

Mr. Foster: The parking is in place as you see it on the—

Ms. Wallace: The top right parking slot—

Ms. Armintrout: Looks like it'll go—

Ms. Wallace: Yeah. It means they would have to be walking through a parking spot. What if somebody happens to be parking there that day? That's right where the cursor is, right there, down right there. That parking spot is right up against that edge.

Mr. Foster: Right. What has happened is I proposed to the owner this here and he said that is no problem to remove that parking. There is no problem.

Ms. Wallace: And just a safety issue from a parent's standpoint, you're walking – in the age group, it's not like you're walking 12 and 14-year-olds, you're walking 2 and 3-year-olds through an active parking lot that has no barrier between the car and the child.

Mr. Foster: But there will be a barrier. We have the lined crosswalk and the owner of the property said if need be he would put a chain link fence to run all the way down to the playground.

Mr. Stoffel: Justin, can you rotate that 180? I want to look at it--

Mr. Robbins: Certainly.

Mr. Stoffel: --the other way. It didn't give me what I wanted.

Mr. Robbins: Doesn't give us much.

Mr. Feeney: One thing I don't see on here is where your dumpster is going to be for trash pickup. My concern was they're going to have to come around to the back to dump the trash for that facility. Do you know where that's—

Mr. Stoffel: Is there a dumpster in the back there? Is that where that dead ends?

Mr. Foster: There is a dumpster.

Mr. Robbins: Yeah. Looks like there's—

Mr. Foster: But it looks like it's a dumpster that is shared by the apartment complex over on the other side of that street.

Mr. Feeney: Yeah. I think that's where we were coming from – I can't see now. On this sheet where it has the county map and it shows the parking and this little finger that sticks out here that creates additional parking back here. Now and if you take 6 feet away or 5 feet or 4 feet, whatever it ends up being with a fence and people are going to have to come and park here and then your dumpster – your trash pickup is going – the trash truck is going to have come back in here.

Mr. Foster: Right.

Mr. Feeney: Is there enough space to get around like that?

Mr. Foster: With the crosswalk?

Mr. Feeney: Yeah. With the crosswalk and I think that was what we were alluded to is that – what is that dimension between that curbed area that sticks out here and then the new fence.

Mr. Foster: Yeah. That's what we would have to—

Mr. Feeney: It's not just for trash pickup, but I'm sure the fire department would want to know that, too. I mean, your worst case scenario is getting a fire truck or an ambulance back there.

Mr. Foster: Right. Now keep in mind this is drawn up on a worst case scenario and that was how I was told to present it. If all this – is any thing else – if you notice on the drawing – could you put that back up, please?

Mr. Robbins: Which one?

Mr. Foster: The showing of the building, the actual building.

Mr. Robbins: This guy?

Mr. Foster: Yeah.

Mr. Robbins: Can you see it or do you want me to turn the light off real quick?

Mr. Foster: I can't see it.

Mr. Stoffel: You want it 180? Is that what you–

Mr. Foster: Okay. Right here, if you coincide with this here, as you come out of the building down the sidewalk we can also come – if instead of making a left going to that, the way we designed it here, you can also make a right and go along the building. That's all grass area, take you straight to the sidewalk. And from that it takes you straight to the playground.

Mr. Robbins: So you mean come out of the building and on to the public sidewalk along Livingston to access the play area?

Mr. Foster: Right.

Mr. Robbins: Right. From the grass area to the sidewalk that's facing Livingston and that takes you straight to the playground. Just like if I was walking my kid.

Mr. Robbins: It seems that on the south side of the building where the dumpsters currently are, I know it's paved but it's about a nice dimension for a play area back there that would have absolutely no traffic conflicts. So you're looking at instead of – I'm not designing your play area, but I'm just making a comment. And if you have a play area that's proposed on this yard over here with what you have to walk across a parking lot with four or five rows of parking and/or walk up to a public sidewalk and cross in front of the access point right there with, you know, cars might be coming and going and it's 3 or 4 feet away from Livingston Avenue to access the play area. If this play area was adjacent to the building, this area to the south where you have the dumpsters right now, that would make it so the children wouldn't have to trek across the parking lot or across a public sidewalk in order to get in to the play area. I mean, it would be flush against the building. It's already screened. There's enough space back there.

Mr. Stoffel: Again, at first blush to me, it makes sense to go out on the public sidewalk and then come around.

Mr. Foster: Right.

Mr. Stoffel: But then you're asking one or two adults or however many to herd 12 or 15 kids across an entrance drive on Livingston Avenue. I'm not comfortable with that. Again, we don't want to design your site, but that back corner, I agree, I think that would be an ideal place but if you were—

Mr. Foster: Would you show me that, the back corner?

Mr. Robbins: So you have the building, Livingston Avenue over here to the left and then there's a back corner, basically that little pork chop in the back where the dumpster currently is. An odd-shaped space, but it's a space that would be big enough for a play area and it goes against this hedgerow right here and up along the side of the property. So it would take removal of the asphalt, it would take replacement of the dumpsters and likely a rebuilding of some type of method to shade the dumpsters from view as required by code. But it seems to be an appropriate spot, I think, in the long run.

Mr. Feeney: Which wing are you occupying?

Mr. Foster: What was that?

Mr. Feeney: Which wing are you occupying? You aren't occupying the whole building, correct? You're just one of these wings?

Mr. Foster: No. The wing closest to the parking lot, right here.

Mr. Feeney: Right there?

Mr. Foster: Right there.

Mr. Robbins: And is there a shared aisleway or space that runs throughout the building?

Mr. Feeney: I think there was.

(someone speaking off mic)

Mr. Foster: There's a hallway that runs through when you go through the door and then all the other tenants are to your right.

Mr. Robbins: Okay. Now, is it supposed to take up the entire—

Mr. Foster: That's correct.

Mr. Robbins: --portion of the whole wing?

Mr. Foster: Yes, it is. And the way that wing is designed there wouldn't be any construction or anything needed because it's just three big open rooms.

Mr. Stoffel: For me, really it's – until we know if you're interested in doing that in the back, if you want to have the playground where you show it now, I can't approve anything until I know that there's width there for the dumpster, for the dump truck to get back there now. If it is even legal or safe to have children access walking in a designated parking area and if there is required some kind of barrier. I don't know what that would even be because we've never – I've never – I haven't seen a proposal like that before. So, for me, I would have to see a detailed site plan and some kind of acknowledgement from someone who knows better than I do if that's safe and legal to have kids doing that. That's just me. I'd have to see that.

Mr. Robbins: I think in instances in which this has happened in the past. I don't mean trekking across a parking lot, but possible conflicts between say kids and cars, bollards were recommended or required that would basically survive the impact of a pretty large vehicle. So in an instance like this we would be talking about a series of bollards that would stretch across 150 feet spaced at something that'd be small enough to keep a car from going through, so we're looking at maybe a 5-foot interval or something of that nature. I mean, it – I think the big issue is point of conflict between kids and cars and then part of the charge of this Board is to make sure that those points of conflict don't result in any safety issues. I mean, if this goes in and if the Board approves it and there are kids walking across the parking lot and, you know, one guy is not looking or messing around with his iPod or something and something happens, I mean, it's on us. Staff would feel much, much more comfortable if the play area was something that could be defended against automobiles, something that didn't have children going through the parking lot to access. Again, I think the space to the south of the building seems like an appropriate spot for something like that because there's really only one point of conflict right there and two or three bollards seem like it could stop that.

Mr. Stoffel: I'm just curious what your response to that is. I mean, would you be interested in coming back with a more detailed site plan?

Mr. Foster: Yeah. That'd be great. So what I'm hearing, correct, is our biggest concern is pretty much not the tenants because there is no tenants, it is the play area because of the—

Mr. Robbins: Safety of the kids, yeah.

Mr. Foster: Yeah. Safety of the kids because of interaction with the cars, possibly just somebody just going through the parking lot.

Mr. Robbins: Yeah. And one of the things as well, if – I know the landowner is an engineer. If he can provide drawings of the buildings we can do parking calculations. One of the issues as well is if we have to remove parking spaces in a building that is already underserved by 11 spaces according to my “back-of-the-napkin” calculation of what the square footage for the building is.

Mr. Foster: Would you base those figures on being a medical building or parking footage?

Mr. Robbins: Professional office is parked at one space per 200 square feet for professional office, so that’s the same for retail. Restaurants are parked at 1 to 100. Industrial is like 1 to 400 or something like that, so 1 to 200 is a really, really standard number that you see in a lot of communities for this type of building. Those calculations are done on square footage. So you would take the total square footage of the building. My calculation was 9860 square feet, I believe, and divide that by 200 and you get your parking calculation requirement of 46 spaces.

Mr. Foster: Would I have to subtract 1500 square feet of that from that building and then do the parking because we’re not talking about office space of 1500 square feet.

Mr. Robbins: Well, this is where the issue gets a little more tricky. Our city does not have standards of parking for childcare facilities. 1 to 200 is a pretty lax parking standard when it comes to a heavy use like this. I don’t want to say heavy, but it’s a use that experiences peak travel and parking times. So you have a group of people that are coming in the mornings and a group of people that are coming in the evenings and the way parking calculations typically work is the parking has to be sufficient to provide enough spaces for everybody at peak hours. So medical offices, professional offices typically don’t have peak office hours like that. I mean, they might at some instances but not like a restaurant or a daycare would have. So any parking calculation that takes into account the daycare is going to be more stringent than you would have with the 1 to 200 calculation. So you would likely be looking – and again, this is something that the Board has to look at kind of subjectively because if people are coming at 6:00 in the morning and the offices aren’t open at 6:00 in the morning, it’s not going to be an issue. If people are coming at 6:00 at night and the offices aren’t open at 6:00 at night it’s not going to be an issue. But I think at the bare minimum we could calculate the entire building at professional office and we could arrive at the parking count that we have now of 46 spaces that would be required. This issue is if a walkway is placed on the side of the parking lot we have to maintain a 13-foot drive aisle, right. So you’re at the bottom of the parking lot and folks come down and they park. If they can’t find a space they continue around and go through. If you have 6 feet at the bottom that’s basically taken up by a walkway, you have to move that 13 feet up and you’re going to basically get rid of I think three spaces. One, two, three, yeah, looks like about three spaces. And what

you're doing is taking a parking count that's already below what it is required by code and they making it even lower and that is something I don't think – my guess is the Board wouldn't be in support of. And the way the Special Exception works as well is once it passes the Board, it gets a hearing through City Council and it could be the case that any one of those Council members would look at those numbers as well and say, "This could be problematic." We also have to base Special Exceptions upon scenarios that take into account, let's say that this does get rented out eventually into some sort of office space-- I mean you said there were three employees here. Is it currently that a majority of the space is not rented out, or is it a business that's functioning right now with just three people in the entire space?

Mr. Foster: Three people in the entire space. There's two slots that's rented out with a total of six employees. There's one vacant.

Mr. Robbins: That's pretty good if you've got three guys in a big office like that. I'm sure one of them has an entire wing. So again, with the parking, and these are some of the things that we look at and this is some-- In staff's opinion, you know exploring the option of a play area to the south, you basically have part of the parking lot that just gets used as pickup and drop off and for dumpsters. You can change the position of those dumpsters and you could still have it function as that type of area and then have a play area back there as well. That would avoid some of the conflicts that you have and it would avoid some of the parking issues. You really can't take away any spaces to provide a walkway because the parking lot, as it stands, doesn't meet code.

Mr. Stoffel: And, quite honestly, the cost of those bollards versus ripping out some asphalt, I mean I wouldn't want to throw an estimate together, but those aren't cheap to put in as well and, again, that's going to affect your traffic count, your parking count which right now isn't anything we're that thrilled with to begin with. So, again, I'd like to see what a different proposal for how you are going to provide a playground, whatever that would look like to you, whatever you would like to show us.

Mr. Foster: She was asking – and that's going to be based on the square footage – about indoor play area.

Mr. Robbins: Have you guys checked with the State of Ohio for the requirements? They have certain numbers. Off the top of my head I don't know what they are. I know—

Mr. Foster: I know everything's based on square footage per child.

Mr. Robbins: So if you had, say, 40 kids, you need so many square foot of play area and then if you're over a certain threshold it has to be outdoor play area. Is that correct? Okay. I know in Council meetings in the past where this has come up, that they did take a pretty heavy look at what the state requirements are and we're not – they basically weren't going to approve anything that isn't in conformance with the state standards. So, moving forward, I think there's basically three options for the Board – or

two options, the Board and yourself. The first, they can vote up or down, approve, deny as submitted, or the other option would be to table the application. What tabling is is it allows the Board to make recommendations basically where they see issues with the site and with the application, and it allows the applicant an opportunity to address those.

Mr. Foster: The recommendation that was already presented?

Mr. Robbins: Yeah. So the biggest issue is going to be the play area and then the travel to and from the play area. So if it gets tabled, the Board of Zoning and Building Appeals has a recess in December. The Board meets next in January, the third Thursday in January and that would be an opportunity, basically two months, to get the necessary materials, drawings, application kind of in a good point to come back to the Board and let them take an up or down vote, obviously contingent upon a vote from the Board to table or however they move.

Mr. Stoffel: Well, he can decide if he wants to table or a vote, correct?

Mr. Robbins: Yes.

Mr. Foster: Yeah, I table.

Mr. Feeney: I'll make a motion to table Item B5, Item 162840.

Ms. Armintrout: Second.

(Mr. Robbins called the roll. Mr. Stoffel voted "yes." Mr. Feeney voted "yes." Ms. Armintrout voted "yes." Ms. Wallace voted "yes.")

Mr. Foster: I have one other question. As far as the dumpster's concerned, state regulations say that the dumpster has to be in a sightly area, it has to be fenced in or covered where it's not a poor eyesight. Is that how that works?

Mr. Robbins: Within the city it has to have screening. So if the dumpster gets moved – right now it's pretty well screened because you have a building to the north, you have basically a hedgerow to the south. With new construction or with any kind of movement of a dumpster area, we typically require a "dumpster corral" and it would be a brick wall or fence that blocks view of the dumpster from neighboring properties and from the parking lot.

Mr. Feeney: It could be a wooden fence or just some type of screening.

Mr. Robbins: Yeah, anything that can block the visual of it. They typically have doors—

Mr. Foster: So that would be a view from the neighboring homes, Brice and Livingston.

Mr. Stoffel: Say if you would put it out where you have the playground area on that drawing, it would need three sides.

Mr. Robbins: It's really standard. Any architect will know exactly what you're talking about if you say screen the dumpster. They probably have a standard detail that they can show. See the one next door? It looks like there's a fence that goes around the dumpster. The thrust of it is if you can make it work without basically breaking the zoning code, or not following the intended zoning code, that would be the way to go.

Mr. Foster: So we meet again on the third Thursday in January?

Mr. Robbins: That's correct.

Mr. Feeney: Any other questions for anyone? I think it's going to be good to revisit that. The playground area I think will solve some of your problems if you can make it work back there. You don't have the kids out in front of everybody and walking across the parking lot, eliminating some parking spaces.

Mr. Stoffel: And you're not in the childcare business because you want to see kids get hurt. You want what's best for them just like we do. So we're looking forward to seeing what you bring back and trying to work with you. Thank you for your time.

6. MAJOR SITE PLAN APPLICATION, 13885 BALTIMORE-REYNOLDSBURG ROAD, REYNOLDSBURG, OHIO; PRESENT ZONING, CS; PRESENT USE, VACANT LOT; PROPOSED USE, PARKING LOT; PRESENT OWNER, McDONALD'S REAL ESTATE CO; CONTACT, ERIC CHENEVEY (#162805).

Mr. Robbins: Major site plan review, McDonald's, at 13885 Baltimore-Reynoldsburg Road. Application #162805. The property is located on the west side of Baltimore-Reynoldsburg Road north of the I-70 interchange. The existing zoning is CS, Community Services. Applicant is requesting a major site plan review for proposed parking lot on an undeveloped parcel adjacent to the existing restaurant and gas station. The current use is vacant. It is a wooded lot. Here's a image of it. Applicant has submitted a complete application as outlined in Section 1143.03(c). The proposed parking site is a small wooded parcel near the corner of the McDonald's site. McDonald's is proposing the construction of a small lot with 14 parking spaces. Parking will be primarily used by McDonald's employees, and I assume that's some matter of overflow parking. Staff has worked with the applicant to address several issues on the existing site, in particular Section 1180.06 states that all trees that are removed in the process of development must be replaced. The applicant has agreed to a series of street trees along Taylor Park Drive to meet the requirement of the tree preservation ordinance. The applicant is to provide updated drawings to the Board at the time of the meeting. Staff does have concern regarding the cohesive appearance with the rest of the developed site. The parking lot is uncurbed with parking blocks while the existing site in both the Shell station and the McDonald's are curbed. Staff would like the Board to require curbed edges instead of parking blocks on the lot. In addition, staff would

also like the Board to require that the disturbed areas onsite be replaced with sod instead of seed to reduce the amount of time needed for an appropriate appearance. On meeting the above recommendations, staff finds the proposed project is meeting the intent of the zoning code. Staff finds the proposed project will cause no undue harm or negatively affect the health, safety or welfare of residents or businesses in the City of Reynoldsburg.

Male: I apologize, I thought the drawings were sent over earlier.

Mr. Robbins: No, we don't have a copy of those. Let me double check my email and make sure I'm not the one at fault. I don't guarantee I'll tell you if I am.

Mr. Joe Smiley: Good evening. My name is Joe Smiley. I'm with a copy called Land Strategies. I am a consultant to McDonald's Corporation and acting on behalf of the applicant tonight. We've worked with the City, as Mr. Robbins indicated, on most of the issues affecting it. We have no problem with the condition of sod versus seed. It really is to assist in the overflow. When this property was originally constructed, who'd have guessed that everything that's around it is around it today and the business is as vibrant as it is? So, in discussions with Wesley Ridge, the owner, which is Wesley Glen, just a different company, they are thrilled to potentially be rid of a piece of property that they just pay taxes on and worry about sitting in the woods doing all the other stuff. I don't know if everybody's been by it, but the trees are not in a really great healthy state. There's several of them that have fallen and that are laying on the sod. So it looks like you might have it there.

Mr. Robbins: Yeah, it was emailed to me. I apologize to the Board for not getting this to you in a timely manner. But the street trees are to match the existing ones that are in front of Target. There's a total of six trees that are proposed.

Mr. Smiley: So, with that, I'm happy to answer any questions that the Board might have.

Mr. Stoffel: Can you go back to the aerial, Justin? That's your property, so you can do whatever you want. Right there where you're showing your proposed entrance, is that an existing landscape area right where the hand is? What's going on there?

Mr. Smiley: I can't see in the aerial, sorry. Do you have the survey?

Mr. Stoffel: It doesn't show up on the drawings you provided, but, again—

Mr. Smiley: I don't believe it is. It's bumping up against the trash corral and I think it's just a grass area, grass island. I couldn't swear that there's not a few bushes there.

Mr. Stoffel: That area in front of the white car?

Mr. Robbins: The row of hedges?

Mr. Stoffel: That isn't some designated landscape area, is it that's going to be removed?

Mr. Smiley: I couldn't be honest with you. I don't recall without having the survey in front of us. That was the – the choice made here was to do internal circulation versus an external drive and that came with discussions with staff. I've got Dave Warren here with me from McDonald's Corporation.

Mr. Warren: I'm a little bit familiar with the site and I really didn't come prepared to say anything. Actually that area is where the crew actually goes over to stand and smoke since they're not allowed to smoke in the buildings or close to the entrances. So it's really – some days it's grass and some days it's kind of a tramped down mud area. With our proposed plan I think we'd end up making it a lot more attractive of a landscape area and with the street trees it will make a lot more attractive corner. It's just overgrown all along the parking lot where the white car is, so it's mostly just overgrown.

Mr. Stoffel: Yeah, I guess the only question I had was it was a little bit difficult to distinguish exactly if there was a real property line going through there, if part of that – and this angle kind of actually looks like it is a designated landscape area. If that was any part of the gas station's property that was being disturbed—

Mr. Smiley: Oh, let me kind of explain to you what's going on. This is what is referred to as a co-branded location. We are – one of us is the tenant and one of us owns it. We have a long-term arrangement, so everything we do is in conjunction with True North. The area that I'm showing is that we have shrubbery on both sides of the dumpster that's there and then the rest is just a grass area. There's a light in there and a telephone pole and there's two tables back behind the dumpster and that's I'm assuming what David refers to as where the crew meets and sits. They'll probably move those two tables on the other side of the trash corral and try to keep them out. Hopefully that answers your question.

Mr. Stoffel: Yeah, it did, thank you.

Ms. Wallace: Will there still be lighting in that area or are you going to take the light posts out that's there?

Mr. Smiley: No, there'll be lighting in here, yes.

Mr. Feeney: Are you putting additional lighting?

Mr. Smiley: Yes. It'll be the cut-off type very similar to what's there. We'll match those and put it in.

Mr. Stoffel: Does the Board have any other questions? (No response.) If not, then I'll go ahead and make the motion that we approve item B6, major site plan application #162805.

Ms. Wallace: I'll second.

(Mr. Robbins called the roll. Mr. Stoffel voted "yes." Mr. Feeney voted "yes." Ms. Armintrout voted "yes." Ms. Wallace voted "yes.")

7. SPECIAL EXCEPTION USE PERMIT, 1765 BRICE ROAD, REYNOLDSBURG, OHIO; PRESENT ZONING, CC; PRESENT USE, VACANT RESTAURANT; PROPOSED USE, EATING AND DRINKING ESTABLISHMENT; PRESENT OWNER, WILLIAM TZABOURNIS; CONTACT, NICK NYE (#163009).

Mr. Robbins: Item 7 is 1765 Brice Road, Special Exception Use Permit application for Nico's Cajun Restaurant. Application #163009. The property is located on the west side of Brice Road north of the East Livingston intersection. Existing zoning is CC, Community Commercial and it is within the Community Commercial Overlay District. Application is requesting a Special Exception Use Permit to operate an eating and drinking establishment within the Community Commercial District. The location has been in operation as a restaurant, previously as both Sultan's and Arthur Treacher's. The city does not have an approved Special Exception Permit on record for this property. Adjacent properties include general retail to the north and vacant buildings to the south. All adjacent properties are Zoned CC, Community Commercial. Staff has worked with the applicant to address some concerns. Operation hours are to be Monday through Sunday 11 a.m. to 10:30 p.m. Applicant has run a Cajun Island restaurant previously at the Brice Mall, I believe. That's correct. The proposed restaurant is to be dine in and alcohol is not proposed to be served or sold on premises. The site contains 28 parking spaces. The proposed restaurant has an area of 1700 square feet. Parking requirements for a restaurant use are one space per 100 square feet with a total of 17 required spaces. Existing parking is adequate for the use proposed. Deliveries are expected throughout the day and will occur at the rear of the building. Proposed use has adequate access to public facilities such as roads, storm drainage, water and sanitary and fire protection. It is the recommendation of staff that the Special Exception Use Permit be granted as requested. The applicant has met all conditions as outlined in Section 1145.09 of the zoning code to allow the special use of the existing space. The proposed restaurant is in keeping with the character of the surrounding businesses and properties and will not negatively affect the operation of adjacent businesses and properties. The proposed use will not adversely affect the health, morals, safety and welfare of the community as a whole. It's the judgment of staff that the operation of Nico's Cajun Island Restaurant within this district is in keeping with the desired character set forth in the zoning code and does not represent a burden to nearby property owners or the community as a whole. Here we have an overhead shot of the business. I believe this is a plan that was originally approved through the building department for Sultan's. I don't know how much the layout is proposed to be

changed. I would assume that the kitchen layout is to remain the same, along with the seating.

Mr. Gene Johnson: I'm Gene Johnson and the owner of the property is a guy named Bill Tzagournis, who's a retired pharmacist who lives in Upper Arlington. The operator and lessee is here in the building, Nick Nye, sitting back there, who is a recipe genius. I'll give you a sample of the menus that he used at his Brice Mall building which is going to become the world's largest Honda dealer. Lindsey bought the whole property so all the tenants went bye-bye. This floor plan here was actually a remodeled plan done by Arthur Treacher's in '93 and that's the last time any significant remodeling, but those plans were approved. Nothing's changed, although Nick is changing a lot of the equipment, but it stays in the same position as depicted on the plan that you have. I'm really excited for him. His food is absolutely excellent. He has a nice following. He was smart to keep his old phone number from the Brice Mall place, so he'll open with that and that will be helpful. The food is delicious. He makes his own sauces and we'll have to make sure we get you some samples, but didn't have any tonight. He has a facility in Athens, Ohio where he makes huge quantities of the stuff for wholesale use and then makes it is bottled use for retail use. Those sauces are kind of the trademark of the business. Questions? It's been a successful place since, I think it was 1973, Justin, when the first Arthur Treacher's was opened there. We converted the other Arthur Treacher's recently on Main Street to the Genji Go. Some of you may have tried that. It's the same people that own the Genji Steakhouse further south on Brice Road. But both of those buildings, this one and that one, are former Arthur Treacher's.

Mr. Feeney: I don't have any. It's pretty straight forward. I know we aren't approving any signage.

Mr. Johnson: We're just changing the faces of the existing signs which were permitted. There won't be any issue on signage.

Mr. Robbins: That's one thing I want to clarify as well. Are there any kind of changes you guys are proposing to the building? Color changes? Landscaping, signage? All those things have to be approved through Design Review because this is in the Overlay District. So my recommendation would be is everything that you want to change, get it together in one single application and go through a single time. So if you want a different building color, if you want any kind of new landscaping, things like that, get that figured out as soon as possible.

Mr. Johnson: The colors that were put on by the last guy were pretty much God awful, so those are going to get changed. The landscaping had just been allowed to get really crappy and Nick has already got a lot of good stuff done there and he'll do more. But it's going to be greatly improved. I think it's going to be better than Arthur Treacher's was when they were there.

Ms. Wallace: The menu looks good.

Mr. Robbins: What's a Cajun pizza?

Ms. Wallace: I'll take one of the crab and shrimp.

Mr. Stoffel: We want to thank you for your patience. It's been a long night.

Mr. Nye: At the food court that we had, we also had a Hershey's store, a barbecue store. We sold hot sauce, we sold my stuff and we sold other people's hot sauces too and then we had the _____ pizza and the Cajun Island. It was like five different stores all in the food court. I ran the whole food court. The Cajun Island pizza has the blackened chicken on it. Our best seller is actually the blackened chicken with bowtie pasta. That was like 50% of our sales.

Ms. Wallace: What's your closing time?

Mr. Nye: We're actually going to be closing about 10:00. Before we used to close at 3:00 a.m. in the morning, cause we serviced a bar that was next door and we also had a poker room over at the mall so we took care of them as well. We're not going to have that here.

Mr. Stoffel: Does the Board have any other questions? (No response.)

Ms. Armintrout: I will make a motion to approve.

Ms. Wallace: I'll second.

(Mr. Robbins called the roll. Mr. Stoffel voted "yes." Ms. Wallace voted "yes." Mr. Feeney voted "yes." Ms. Armintrout voted "yes.")

(Mr. Johnson speaking on unrelated matter.)

C OTHER BUSINESS - None

D. ADJOURNMENT

The meeting was adjourned at 8:58 p.m.

David Stoffel, Chair

Justin Robbins, Planning Administrator

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Area East Secretarial Service
7668 Slate Ridge Blvd.
Reynoldsburg OH 43068