

REYNOLDSBURG BOARD OF
ZONING AND BUILDING APPEALS
NOVEMBER 20, 2014
6:30 P.M.

A CALL TO ORDER

1. ROLL CALL

Members Present: Ms. Libby Wallace
Mr. Aaron Enfinger
Mr. Anthony Rettke
Ms. Bonnie Armintrout
Mr. Rick Donovan

Members Absent: Mr. David Stoffel

Others Present: Mr. Justin Robbins, Planning Adm.

2. APPROVAL OF MINUTES OF OCTOBER 16, 2014

Minutes were approved as distributed.

3. APPROVAL OF AGENDA

Agenda was changed to combine Items A1 and B1, Special Exception Use Permit (#166784) and Variance Application for property at 6455 East Livingston Avenue, Reynoldsburg OH (#167356).

4. SWEARING IN OF SPEAKERS

Chairman Rettke administered oath.

5. PUBLIC COMMENT – None

SPECIAL EXCEPTIONS ONLY

A UNFINISHED BUSINESS

2. SPECIAL EXCEPTION USE PERMIT, 1922 BRICE ROAD, REYNOLDSBURG, OHIO; PRESENT ZONING, CC; PRESENT OWNER'S NAME, JAMES E. WIGGINS; REQUESTING A SPECIAL EXCEPTION FOR A RESTAURANT. CONTACT: MARIA ELENA SALDANA LARA (#166819).

(Recording started at this point in meeting.)

Mr. Donovan: . . .first time around that they was going to be an opening from the grocery store into the restaurant. Is that still in the works?

Ms. Lara: Yes.

Mr. Donovan: How do you propose handling the traffic through there? Are you going to allow people with alcohol drinks to walk into your store and shop and stuff like that while they're over there?

Ms. Lara: No, we not going to allow people to take alcohol—

Mr. Donovan: Because that license is specifically for that area, not for another area.

Ms. Lara: We're talking about let the customers come in from the restaurant if they're going to be dining and such.

Mr. Robbins: To be clear, the hours of operation are from 11-11, is that correct?

Ms. Lara: Yes.

Mr. Robbins: What are the hours of operation of the grocery store?

Ms. Lara: 9 am to 9 pm.

Mr. Rettke: Any further discussion? (No response.) Okay, I'll make a motion that we approve Special Exception Use Permit for 1922 Brice Road, #166819.

Ms. Wallace: I'll second.

(Mr. Robbins called the roll. Mr. Donovan voted "yes." Ms. Wallace voted "yes." Mr. Enfinger voted "yes." Mr. Rettke voted "yes." Ms. Armintrout voted "yes.")

Mr. Robbins: I just want to make sure you're clear that if you have not done so already, a zoning certificate is still required. Any signage that you propose for the building needs to go through Design Review and you have to submit an application three weeks prior to the meeting which occurs the first Thursday of every month. Additionally, before you can start work, a building permit is required from the Reynoldsburg Building Department, so I would recommend contacting them sooner rather than later.

B NEW BUSINESS

1. VARIANCE APPLICATION, 6455 EAST LIVINGSTON AVE., REYNOLDSBURG, OHIO; PRESENT ZONING, CC: PRESENT OWNER'S NAME, SONE INVESTMENT; REQUESTING A VARIANCE FROM SECTION

1175.08 TO REDUCE THE REQUIRED RESIDENTIAL BUFFER SETBACK BETWEEN SIXTY TO ONE HUNDRED AND TWENTY FEET (60'0" TO 120'0") TO A REQUESTED THIRTY FEET (30'0"). CONTACT: GRACE FONGOD (#167356)

Mr. Robbins: Item B1, Application #167356, Zoning Variance, property is located on the south side of East Livingston Avenue, west of Baldwin Road. The existing zoning is CO, Offices and Institutions District, and it is within our CC overlay. Applicant is requesting a variance from Section 1175.08 to reduce the required residential buffer setback between 60 to 120' to a requested 30'. Current use is vacant office.

Just to give the Board some background for any members who were not here, the Applicant had come before the Board for a Special Exception Use to operate basically a banquet facility within an existing office building. One of the concerns voiced by the Board was the distance from that proposed activity to the residential properties to the south. We're looking at about 30' between the existing building and the properties to the south. Our code requires, from any commercial use, a 60' buffer separation if required screening is provided and up to 120' if the required screening is not provided. Because of this, a variance was required to be basically a reduction to that 60' setback.

So I'm going to go through and talk about the variance a little bit. I think we should take a look at both of these together in terms of the Special Exception and the variance and some of the recommendations we're going to have based on that.

Since the primary building was constructed in 1973, it's likely prior to the adoption of the current residential setback requirements. Although the existing office use is operating closer than the 120/60' setback, its affects on the adjacent residential properties are minimal. Staff has concerns regarding the placement of an event center within the current proximity to the residential properties. The Board should determine whether a variance request for the proposed recreational facility is meeting the standards for a variance as outlined in Section 1147 of the code. For the record, I'm going to go through and read the sections that staff did have some concern with. 1147.05(c) "There exists special circumstances or conditions fully described in the findings applicable to the land or structures for which the variance is sought, which are peculiar to such land or structures and which do not apply generally to land or structures in the area and which are such that the strict application of the provisions of this code would deprive the property of the reasonable use of such land or structures. There must be deprivation of beneficial use of land as opposed to mere loss in value as justification for the variance." Staff finds that the land or structures in this particular area are designed for office and institution uses and that the proposed hall is merely a loss in value and not justification for a variance. The building itself is

large enough to move the proposed use into another area of the structure and be within conformance of that 60' buffer setback.

Section 1147.05(d) "There is proof of hardship or practical difficulty created by the strict application of this code beyond simply showing that greater profit will result if the variance is granted. Economic hardship is not grounds for a variance. Furthermore, the hardship complained of is not self-created, nor is it established by the basis by one who has purchased with or without knowledge of the restrictions. The hardship results from the application of this code and is suffered directly by the property in question."

Section 1147.05(e) "The variance is necessary for the reasonable use of land or building. The variance as granted is the minimum variance that will accomplish this purpose." Staff finds that the proposed hall is self-created hardship and that other remedies can be sought to resolve or decrease the need for a variance, such as relocating the proposed hall to another location in the building.

Section 1147.05(f) "The variance will not impair an adequate supply light and air to adjacent properties, substantially increase the congestion of public streets, increase the danger of fire, endanger the public safety, or substantially diminish or impair property values in the adjacent area." Staff does have some concerns that the activities and operation of the proposed hall could have negative affects with adjacent properties. A recreational facility can host a range of activities, including parties, weddings and other social events which is not necessarily in conformance with the character of the office or residential districts.

Going back to the-- And we had some additional information that was submitted, correct? So we have hours of operation up until 1:00 a.m. Once the Board votes on the variance, if it votes yes, then the vote for the Special Exception can go through. If the Special Exception goes through, the Board does have the ability to place restrictions on the hours of operation. So I'm going to open up to any questions from the Board, and if the applicant has anything further to say.

Mr. Bart Overly: I'm Bart Overly with Blostein/Overly. We're the architect. The only thing I want to add is I have a site plan which might clarify some of this visually for all of you and I'll just bring it up.

Mr. Robbins: One thing I do want to mention, there was -- we recommended the applicant hire an architect basically to do a code analysis, because you're going from an office use to what's called an assembly use and it could trigger basically code changes that require sprinklers and we thought it best before they go through further zoning that they get a code analysis done by an architect.

Mr. Overly: So I think the only thing that I will add, and I think that Grace can talk about operation of the facility, but—

Mr. Rettke: Well, both of you go ahead and state your name and address for the record before we get started.

Mr. Bart Overly: Bart Overly, Blostein/Overly Architects, 922 West Broad Street, Columbus 43206.

Ms. Grace Fongod: Grace Fongod, 8208 Reynoldswood Drive, Reynoldsburg 43068.

Mr. Overly: So I was brought in to look at the feasibility of this meeting space at the south rear corner of the property. We've done some code analysis and we've done a preliminary layout of the meeting space which would be fire separated from the rest of the existing office space. The sum of meeting space would be about 1150 square feet and that is not inclusive of a catering kitchen and two accessible restrooms. The entry would be off of the east side of the building. It's an existing entrance and we would additionally have to create a new egress on the west side in an existing window wall configuration. Speaking to the setback, obviously we're in existing conditions and obviously even if it were – it's currently unoccupied. They're not using the space for anything. It's essentially shell space at the moment. But if it were to be used for office space, it would also be outside of compliance in terms of the setback because of the age of the property and the conditions of its position on the site.

Mr. Robbins: Could you tell me what materials the exterior walls are constructed of?

Mr. Overly: It's concrete block, so it's Type II.

Mr. Robbins: Okay, what about the roof?

Mr. Overly: Metal deck. So we obviously would have to – it would be Use Group A2. Doesn't need to be sprinkled because you're limited to 2400 square feet for assembly space before it has to be sprinkled. Basically that Use Group A2 gives us a total occupancy load of 77 and I know that the applicant stated in the last meeting that they didn't really see events happening in this space larger than 60. So that kind of speaks to the scale of event. They're not really large wedding events. There's no way that this facility could even accommodate that kind of event. Even if it were to expand, they would have to then move their fire separation to some other point in the building which would be a very costly thing in order for them to expand the operation of the facility in terms of the occupancy.

Mr. Robbins: Is there audio equipment that's proposed to be permanently installed there? Speakers?

Ms. Fongod: (Inaudible, off microphone.)

Ms. Armintrout: You said that this is used for training and seminars. Will you have computers and all that kind of stuff in there too for training?

Ms. Fongod: No, we're not going to have computers. We're going to use by projection.

Mr. Donovan: You're wanting hours until 1:00 o'clock in the morning?

Ms. Fongod: Not more than four hours at a time. So it's open from 9-1:00 a.m., but you can only use four hours maximum.

Mr. Donovan: You can only use the room for four hours?

Ms. Fongod: Yeah, maximum.

Mr. Donovan: What would be going on until 1:00 in the morning?

Ms. Fongod: It all depends. If it's a banquet, it can go up until 1:00 in the morning.

Mr. Robbins: From staff's standpoint, in my mind 11:00 would be a more appropriate time. As somebody who has recently gotten married, I can tell you for certain that everywhere that you can rent out, it stops at 11:00. Music off at 11:00, everything done by 11:00. I don't think that's too atypical in renting out space like this.

Mr. Enfinger: Justin, I don't see any commentary on the parking situation. I know we did have some discussions about that and we have his parking calculations reads 54. Is that correct?

Mr. Robbins: I think the applicant had-- You still have that, correct?

Ms. Fongod: Yeah, I have a contract with Dr. Dell to use his parking lot.

Mr. Enfinger: Okay, but do we need a variance for that?

Mr. Robbins: I think the Board can act in -- I think we can take that into consideration.

Mr. Overly: Yeah, we did calculate that with the new use the total parking load would be 54 spaces, but they do have an agreement with the adjacent lot. As I calculate it, essentially we're asking for a reduction from 54 to 43 onsite

spaces, but with the understanding that we have this enforce agreement with the neighboring property.

Mr. Enfinger: So is that a part of this variance?

Mr. Robbins: It was not originally as part of this variance. Ms. Fongod, could you talk a little more about the nature of the current business that's within the building?

Ms. Fongod: We do home health services. We just have office staff. The employees go to patients' homes and take of them. We have five staff in the office.

Mr. Robbins: Do you inhabit the entire building besides the space that you're looking to renovate?

Ms. Fongod: Yes. I use the entire building. We have an accounting department and a billing department, so the whole building is used.

Mr. Robbins: I believe the last time the Board met it was recommended to the applicant that an agreement be made between her and the adjacent property owner. I think to that extent, from what I understand, it has been done. Perhaps the Board would like to look at it?

Mr. Rettke: Yeah, we'd like to see it. You've got a copy for your record?

Mr. Robbins: Not right now, but I will need one.

Ms. Wallace: My concern is that the hours of operation with being so close to the neighborhood, with the noise levels and things like that. If it was for meetings during the day that would be one thing, but to have parties and banquets in the evening when you're 30' from somebody's house, that's a major concern for me.

Ms. Armintrout: That was my concern too. That's why I was asking what kind of training, if it was during the day for businesses to come in.

Ms. Fongod: Yeah, we'll do that bit. We'll do banquets, I will do the training too. Something very small. It's not going to be loud. I don't think the music will even extend outside. Like I said before, there used to be a church in that building, so I don't think the noise should be a problem.

Mr. Enfinger: To that point, churches usually don't have events until 1:00 in the morning, so it is a reasonable concern.

Ms. Fongod: I'm talking about the noise. I think the noise is minimal.

Mr. Robbins: As far as outside activities go, now that there's a door on the west side of the property and there's a fair amount of space between the door and the building. It makes a nice little niche, as they would say. Is there, to your knowledge, any chance that folks would come outside for a game of beanbags or smoke cigarettes? Again, our concern is its proximity to that residential district and if you have a banquet and you have people milling around outside smoking or if the party spills outside, that's also a concern.

Ms. Fongod: (Inaudible.)

Mr. Enfinger: Justin, I guess I'm pressing the point here, but does this letter simply serve an adequate, from a protocol standpoint, does it serve the purpose of a variance? Can a variance be replaced or granted or just overlooked simply with an agreement? If they're not meeting the requirement, it would seem to me that irrespective of the neighbor's willingness to allow them to use the space, they still have to be quiet. I know we did have the discussions at the last meeting concerning that and that would have been – that was an option to have the agreement. We would take that into consideration. We can weight that. But I'm afraid we don't have that variance and we're not pursuing that right now.

Mr. Overly: That would apply to overlapping events essentially, which would take place during business hours, because I think the parking calculation is dealing with both office and event which is where we get to the 53. On a weekend, we don't have the office use, we're only event.

Mr. Enfinger: Justin, is the 54 the number that we have to work with for the use of the building, the square footage?

Mr. Robbins: It is. Our code doesn't give a whole lot of leniency in terms of parking requirements. There's no where that outlines the acceptability of _____ shared parking calculation. I can say in the past the Board has taken into consideration how uses can overlap within a building and determined – I mean assuming that the use that's in there right now is basically representative of the type of parking demand that's going to be on the site and if it's a lot that's not full, I mean I think the Board should take that into account.

Mr. Enfinger: How many employees do you have, Grace?

Ms. Fongod: Five.

Ms. Wallace: Again, my concern is evenings and weekends for the neighborhood. If it was used for business meetings, training where they had catering, food brought in during "normal business hours" it wouldn't be as much of an issue as having parties in the evening that could spill out and cause an

issue for the neighborhood. Business hours, business meetings seem like a reasonable request, but I have a real issue with it being a party building.

Ms. Fongod: Two blocks from me is a big shopping center, so I don't think if I have a small banquet it's a problem. It's already open to the public. Just after that doctor there, there's a big shopping center. It's not all residential.

Mr. Enfinger: Justin, can you pull up what she's speaking of? The fact of the matter is the proximity to it and I'm not sure that – and even irrespective of what happens a couple of blocks down, we're not really talking about that. We're talking about yours in specific and how it relates to the current zoning regulations.

Ms. Fongod: Yes, but understand that mine is all enclosed and the neighbors behind the fence. So two blocks from me is an open space. So having something with mine shouldn't be a problem, because there's already a shopping center that people go in and out.

Mr. Overly: What if, and I'm speaking on behalf of the client. I don't know if she'd agree with this, but what if an agreement was made not -- to specifically not allow outdoor spill-out of events? So, you know, basically it's written into the agreement that if you have events after certain hours, there's no outdoor element of the event.

Mr. Enfinger: To that point, I just think it would be very difficult to enforce. And she may have staff that would be there, but you're not going to be able to control people. And if it's 12 o'clock and they're wanting to go for a walk and hang out in the back, it's difficult to force people to come back. That's the reason why these zoning rules are in place and the reason why you have these setbacks and we have to take that into consideration for all possibilities. You know, perfect scenario, yeah, everyone would stay inside and it wouldn't get loud, but we all realize perfect scenarios aren't what the problems are. The problems become when it does spill out, if you have an occupancy load of 77, you're not fitting 43 cars, then you're definitely spilling over into the neighbors. Those are the types of situations and scenarios that we have to be concerned with. We have to consider the hypothetical in other words.

Mr. Donovan: I would like to know what you're going to do about the smokers?

Ms. Fongod: They're allowed to smoke outside.

Mr. Donovan: Yeah, that's it. Where are they going to do that?

Ms. Fongod: I can't answer that.

Mr. Donovan: That's the problem. You have to have a designated smoking area outside a public building if you're going to allow that. If they're going to go out there 10, 12 o'clock at night and smoke-- I don't have a problem with them doing that, it's just that—

Ms. Fongod: I going to have a responsible group. So all this spilling out, I'm not even foreseeing all that. It has to be a responsible group.

Mr. Rettke: Any other questions, concerns, comments?

Mr. Robbins: Moving forward there's a couple options that the Board has. I think this is going to be the best way is if we vote on the variance first, because the Special Exception is going to be contingent upon the variance. Secondly, the Board can vote on the Special Exception.

Mr. Rettke: Well, hearing no other comments, I guess I'll move that we approve Item B1, Variance Application, 6455 East Livingston Avenue, #167356.

Mr. Robbins: I just want to remind the Board that any no votes should be followed by which parts of the code are not met.

Ms. Wallace: I'll second.

(Mr. Robbins called the roll. Ms. Wallace voted "No, citing Section 1147.05(d, e and f)." Mr. Donovan voted "No, citing standards 1147.05(a)." Mr. Enfinger voted "No, the application does not meet the requirements of Section 1147.05(d, e and f)." Mr. Rettke voted "I'll have to follow suit. No, I don't believe that it follows the characteristics of 1147.05, specifically (a), (c), (d), (e) and (f)." Ms. Armintrout voted "No, for 1147.05(c)(d)(e)(f)."

Mr. Robbins: And now for **Item A1, Special Exception, Application #166784).**

(Mr. Robbins called the roll. Ms. Wallace voted "No, 1147.05(d)(e)(f)." Mr. Donovan voted "No, 1147.05(a)." Mr. Enfinger voted "No, the applicant does not meet the requirements of Section 1145.09, specifically items (a)(b)(c)." Mr. Rettke voted "No, again I'll support staff's recommendations. I feel that it falls short of 1147.05(a)(b)(c)." Ms. Armintrout voted "No, on 1147.05(a)(b)(c)."

Mr. Robbins: There is the opportunity to appeal the Board's decision to City Council. The City Council Clerk is named April Beggrow. Any decision by the Board can be appealed to Council and must be submitted in writing to April within 30 days of the date of this meeting. That includes both the Variance and the Special Exception.

Mr. Overly: Thank you. May I ask just one question? If operationally things were to be altered in terms of weekend use and hours of weekend use, is there any sense from this Board that these votes would be altered by that? For instance the question came up about 11:00 versus 1:00. I don't think there's anything architecturally we can do to satisfy the concerns of the Board, but if there are operational things that we should know about that would be suggestions that the client could take into account, they would be appreciated.

Mr. Rettke: I think we kind of covered that last time when you weren't here. Operationally, I think 1:00 is too extreme butting up to that subdivision. She's not going to be able to control the spillover, people going out smoking a cigarette, telling a joke, maybe alcohol is involved. In my opinion that area, if she came to us and said "I'm in the home health care business. I want to conduct CPR training for people providing that service and maybe we might do an evening class where it runs 6, 7, 8 to 9, I don't think I'd have a problem with that. Professional—

Ms. Fongod: (Speaking off microphone.)

Mr. Rettke: I don't want a wedding reception.

Ms. Fongod: Nobody's going to do a wedding in that place.

Mr. Rettke: But you're classifying it as an assembly hall. I'm not going to argue. That's my feeling. I wish you the best of luck.

Mr. Overly: Thank you.

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5. SPECIAL EXCEPTION USE PERMIT, 1713 BRICE ROAD, REYNOLDSBURG, OHIO; PRESENT ZONING, CC; PRESENT OWNER'S NAME, RODERICK TOYA JOHNSON; REQUESTING A SPECIAL EXCEPTION FOR A DAYCARE. CONTACT: RODERICK JOHNSON (#167410).

Mr. Robbins: This is application 167410, Special Exception Use Permit. I do want to mention this is a transfer for 1713 Brice Road. The property is located in the northwest corner of Brice Road and Astor Avenue. The existing zoning is CC, Community Commercial, and it is within the CC Overlay District. Applicant is requesting a Special Exception Use Permit to operate a childcare center within the Community Commercial District. I believe there's a childcare there already, is that correct? (Affirmative answer off microphone.) Okay. The proposed hours of operation are Monday through Friday 6am to 6pm, proposed to include five employees and serve children from infancy to 12 years of age. The total area of the building is 6,142 square feet. The surrounding properties are zoned CC Community Commercial. Adjacent tenants include medical

offices. Previous business was a daycare. Existing play area is attached to the west side of the building.

Mr. Rettke: Please state your name and address for the record.

Mr. Roderick Johnson: My name's Roderick Johnson, this is my wife Toya Johnson, 1713 Brice Road, Reynoldsburg Ohio 43068.

Mr. Rettke: And as Justin stated, this is a transfer so you're acquiring the business from somebody else that's already operating?

Mr. Johnson: Yes, sir.

Mr. Rettke: A new name, I presume?

Mr. Johnson: Yes, sir.

Mr. Robbins: For the record, could you state the name?

Mr. Johnson: Sunshine Early Learning Academy.

Mr. Rettke: And you propose to run it the same way as the prior occupant? Same amount of kids?

Mr. Johnson: Yes. I've currently been over there at the center Monday through Friday with the current owner shadowing her so that I can get acclimated not only to the business, because my previous background is completely different. I was a prison warden at Ross Correctional Institution as recent as May of 2014. So I've been shadowing her to get acclimated to keep the integrity, to get acclimated to operation, to learn the background, the environment there, the tenants next door as well as the families and the children. So I'm there Monday through Friday from 8 to approximately 6:30-7:00 in the evening.

Mr. Rettke: Can you identify from that photo where your – what area you're going to inhabit? I know there's a medical office. Is that the one in front along Brice?

Mr. Johnson: Yeah, they both run from Brice Road to the back of the building. So the front-- You enter the center from Astor Road and the medical office, which is a dental office, is at the rear. So there's no traffic from the front of the building which is on Brice Road. They enter through the back. So the parking lot is in the rear of the building and also back in the rear is the fenced in area where the kids come out to recreate, but it's on the opposite side.

Mr. Robbins: So to answer Mr. Rettke's question, I believe that the dividing wall is dead center of the building. I do want to mention that I think as compared to some of the other daycares that we've had come through recently, I

think a couple things about this are different. I think the parking situation is a lot different, so there's not traffic running through. You can park and walk your kid directly from the parking to the building. There's not kids traversing the parking lot or a drive-by aisle to get to a play area. There's only one other tenant and they've been next to a daycare for some time now it seems.

Mr. Rettke: Yeah, I remember considering this, I don't know, 3-4 years ago maybe. I was fairly new on the Board. I don't recall the playground being considered at that time, but the state oversees you in that playground and they don't have any issues with it that you're aware of?

Mr. Johnson: No. They were just out maybe four weeks ago, just a routine visit.

Mr. Rettke: How often do they visit you, just out of curiosity?

Mr. Johnson: They can do it any time they want, but typically every six months.

Mr. Rettke: Any other questions, concerns, discussion? (No response.) Well, like I said, I think we put the prior owner – because that was going from something else to a daycare. I know we scrutinized that pretty good. I think it was a consignment shop or something at one time. With that being said, I move to approve Item B5, Special Exception Use Permit for 1713 Brice Road, #167410.

Mr. Donovan: I'll second it.

(Mr. Robbins called the roll. Ms. Wallace voted "yes." Mr. Donovan voted "yes." Mr. Enfinger voted "yes." Mr. Rettke voted "yes." Ms. Armintrout voted "yes.")

Mr. Robbins: I don't know if you've done so already, but a zoning certificate is still required. In addition, I would contact the Building Department to make sure that everything is sorted out through them, because they will require an occupancy permit. In addition, any kind of signage that you want to put up has to go through Design Review. So even if you change the face of the sign out that's existing, it still has to go through.

This isn't the end, per se. Just to give everybody an idea of the process, once this meeting's over with, we send the recording to a transcription service. They transcribe the minutes and the minutes get sent to City Council. At the next regularly scheduled Council meeting they have the ability to either approve or they can kind of introduce it as an Ordinance. I cannot issue the zoning certificate until after they have a chance to approve it, so probably another week and a half before that happens. If they do take it up as an Ordinance, it could be an additional month and a half.

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6. SPECIAL EXCEPTION USE PERMIT, 1800 BRICE ROAD, REYNOLDSBURG, OHIO; PRESENT ZONING, CC; PRESENT OWNER'S NAME, IMPALA CAPITAL LLC; REQUESTING A SPECIAL EXCEPTION FOR A CAR WASH. CONTACT: MARVIN JAMES III (#167415).

Mr. Robbins: This is for application 167415, 1800 Brice Road, requesting a Special Exception Use Permit to operate a car wash in the Community Commercial District. The existing zoning is CC, Community Commercial and is within the CC Overlay District. Applicant is Martin James, current use is vacant. Proposed to use the existing drive-thru for handwashing car services. Hours of operation proposed to be Monday through Wednesday 8-7, Thursday through Saturday 9-9 and Sunday from 12-6. Proposed to have five employees and one staff manager. No external changes are proposed on site. Applicant proposes to use traffic flow of the existing drive-thru. Properties to the north are zoned AR2, multifamily residential and all other adjacent properties are zoned CC, Community Commercial.

Looking at the parking requirements, the development itself has plenty of parking. While there's nothing that specifically is required for car washes in the district, as far as I understand, there is ample space. If you take it to the 1 per 200 square foot, you're at approximately-- Excuse me for a minute. Auto space is 1 per 250, you're at 18 required spaces.

Staff does have concern with the character. Staff has concerns with post businesses not necessarily in keeping with the character of the area. The center is located in a spot that was intended to accommodate neighborhood retail and commercial activities. We do have concerns regarding car detailing, serious concerns about car detailing activities taking place outside of the building. It's the finding of staff that a residential strip center is not necessarily an appropriate spot of structure for a car wash.

It is the recommendation of staff that the Special Exception for proposed car wash and automotive detail service be denied based on the following sections: 1145.09(a) "Proposed use shall be in harmony with the existing or intended character of the district and nearby affected businesses and shall not change the essential character of the district." 1147.09(b) "The proposed use shall not adversely affect the use of adjacent property; and 1147.09(c) "The proposed use shall not adversely affect the health, safety, morals and welfare of persons residing or working in a neighborhood."

Again, a serious concern with the proposal as submitted was detailing occurring outside of the building.

Mr. Marvin James III: I am Martin James III, 1800 Brice Road. This is my business partner.

Mr. Romel Peters: I'm Romel Peters, 6672 Reynolds Road, Mentor OH 44060. There won't be any detailing going on outside of the building. There's adequate space inside where we can fit at least 9-10 cars for detailing. That garage is large enough where we can have three cars go across, so we can have two lanes for traffic coming in and the lane for like 3-4 cars for detailing.

Mr. Robbins: Can you guys see this on the projector clearly? A quick note that the space that you're looking to occupy is just this.

Mr. James III: I apologize. That was my drawing. The line in the middle actually is just the first block, so I do apologize for that.

Mr. Robbins: Okay, cause I believe on this side is still the 99 Cent Store. He might not appreciate your waiting room inside his business.

Mr. James III: He's a really nice guy. Actually helped us out a lot with getting information as far as the parking lot.

Mr. Donovan: With your notation on here, "Per permission we will use these parking spaces for extra detailing."

Mr. James III: That was initial and then after conferring with my business partner over the course of the past couple of weeks, we've actually sat down and looked at some things to where the space inside of that facility is very large. Like I said before it used to be a drive-thru and then before that it was actually a laundromat. So actually can put, realistically, like nine cars inside at once. So there's no reason for us to actually be doing any detailing outside.

Mr. Rettke: So go over the wash process. If I bring my truck in there, I'm going to park it outside the door, right?

Mr. Peters: Well, when you pull in initially there will be two lanes with two guys in each lane. So you pull in, there's a power sprayer. He'll power spray it down and then give you a hand wash, dry it at his specific station. So we're going to run four stations, two, two, two and then this lane will be for the detailing. So you pull in, you get washed, and then you pull out and that allows the traffic to flow out.

Ms. Wallace: So you stay in your car when you're getting your car washed?

Mr. Peters: If you're getting inside and out, then you would get out to go to the waiting area. If you're just getting the outside, then you would go up to that lane.

Mr. Rettke: So have you guys looked into what it requires to drain that facility? I'm not sure if it can go down a regular drain or floor drain.

Mr. Peters: I did look at the draining. They do have drains running up the entire garage because what they used to have in there was a carryout, so they had the coolers and each cooler had to have its own drain. So the only thing that we may be doing in there is maybe tapping into those drains for one main drain but we don't have to, because it already has sufficient draining to drain the water.

Mr. Rettke: Do you know if there's requirements on that with the runoff?

Mr. Robbins: My guess is yes. I don't know for certain, but I think it would be a fair guess to say that car washes do have certain stipulations in terms of what's allowed to enter the—

Mr. James III: It's actually called a centralized drain system, so it's to deter water and other stuff to go where it's supposed to go.

Ms. Wallace: You said it was a laundromat before? There's got to be a significant drain system if you're running 50 washers.

Mr. James III: There's actually 7-8 different drains.

Mr. Peters: The way it's designed on the inside with the coolers each cooler had its own drain, so there's four drains going out the garage. There's one middle drain and then there's four drains going on the other side. The floor's sloped into that and then towards the center.

Ms. Wallace: Justin, can we get Google Maps up there?

Mr. Rettke: I know at one time somebody came in and I thought the garage door was going to be torn out. The garage door is still there, right?

Mr. James III: Yes, sir.

Mr. Rettke: Have you guys ever operated a business like this before or is this a first time venture?

Mr. James III and Mr. Peters: It's a first time venture.

Mr. Rettke: That goes toward like car stacking. What's the time frame on your average client comes in, are they going to want just a wash or a detail?

Mr. James III: Mostly-- It varies. I know that through our studies each wash – what we've studied and what we've watched is that most people who want what we call a full detail wash will take between 15-18 minutes; or if you just wanted to stay in your car and get a wash, that would probably take 5 minutes.

Mr. Donovan: So you can wash and detail a car in less than 20 minutes?

Mr. James III: Oh, yeah.

Mr. Peters: Not a full detail. That's just a mini-detail. You get inside and out for 18 minutes. Now a full detail, that's going to take some time, an hour, hour and a half—

Mr. Rettke: And they would move to the back?

Mr. Peters: Right, or make an appointment, drop it off.

Mr. James III: And that's where we were stating, say for example, Mr. Donovan, if you came and said "I would like to get my car detailed," I would just ask that you leave it with us for an hour and a half and that we would do still on the inside of the facility, but over to the side. So the main washes would take place – like for Ms. Wallace, she would just drive in and come through the regular driveway. The other ones we actually pull to the side to do the more in-depth detail.

Mr. Donovan: Can you get them to do just windows? I can never get my windows.

Mr. James III: Hey, please come by.

Mr. Rettke: You wanted Google Maps, right?

Ms. Wallace: I've lived here my whole life and I couldn't remember how big that end unit was there. It's bigger-- I was thinking it was just one car width for some reason.

Mr. Rettke: Have you guys had a chance to speak with the Fire Marshall?

Mr. James III: Not as yet, just the police department, that's all.

Mr. Rettke: I just didn't know if there was any consideration on the exit of exhaust fumes and-- I mean it was a carryout, so I think some of that would be in place.

Mr. James III: It was a drive-thru, a beer and wine drive-thru.

Ms. Wallace: So you guys are from that white line over, that's you?

Mr. Donovan: So you're going to take over where the liquor store was also?

Mr. Peters: Yes, sir.

Mr. Robbins: So you could potentially pull those in and basically have angled parking going in.

Mr. Rettke: Was there a reason why you chose to have the office in the back as opposed to the front?

Mr. James III: The property owner built it that way, so to cut costs on our design, we decided to just go with it.

Mr. Rettke: Okay, so you're not making many improvements on the inside. That's all existing, the office and waiting room.

Mr. James III: No.

Mr. Peters: We're just going to use exactly the setup that they have and make it our own.

Mr. Rettke: My thoughts, and I'm only one, I don't see much of a problem with it. I don't like the detailing outside, I'll be frank about that. What goes inside the garage doors, I have no problem with. But for somebody to take and wax a car outside, I doubt you'd do it, but-- I don't have that much of a problem with it. Parking-wise, I don't think you're very intrusive on parking. I don't see a stack of cars out there for hours.

Mr. Donovan: They've got that huge parking lot behind them.

Mr. Rettke: Yeah. I understand it's like a retail location, not many retails are going to want a garage door. Did you look at other sites? I mean what was so appealing about this? I mean it's fairly limited because you need a garage door, right?

Mr. Peters: We've actually put a lot into this as far as searching and did a lot of different things. We actually spoke to a lot of people in the community and that's just a really good location. A lot of people who actually live in the community, also the other businesses, there isn't a hand car wash with the type of customer service and everything that we actually want to present with this. It's just something different and a lot of people are excited about it. Like I said, we got a lot of good reviews.

Mr. Robbins: I will say that I like the packet that you guys put together.

Mr. Peters: Thank you, sir.

Ms. Wallace: And your concern about the garage door, it's been there forever. It was a drive-thru, so it's not like it's something new.

Mr. Rettke: No, that wasn't my concern. They're not converting like a strip mall down there on Main Street where Massey's is and they're putting a garage door in the middle of it right now. I mean we did have one at Valvoline Instant Oil right there next to the old Beanie's—

Mr. Donovan: Right on the border of Reynoldsburg.

Mr. Rettke: Yeah, the guy did that-- He was only doing car lots though. Car lots would bring them in. He had an exclusive contract with Paydays or somebody. He did that.

Ms. Armintrout: Wasn't there a business like this right on Baldwin?

Mr. James III: Yeah, we looked at that facility too and spoke to the guy that actually ran the car wash over there. He just simply stated what hurt him was the location and the space.

Ms. Armintrout: You're absolutely correct. For something like this, I think this would be a better location, cause you're right – I mean people go by and they can see. But where they were, they were tucked into that very back there.

Mr. Donovan: You could also get customers that go to the Big Lots store, drop their car off while they go shopping.

Mr. Robbins: If the Board does take a vote on this, there's a couple items I think staff would like to see addressed. The first would be to make sure that there's no detailing going on outside of the building. The second would be to make sure that no cars are parked running – all cars that are basically waiting for the garage door to open be manned. What my concern is that somebody pulls up, stops in front of the garage, blocks the drive aisle, exits the car, goes inside and then you guys come pick it up. There could be an issue with people coming through, fire access, things like that. So that's my primary concern. Stacking cars, if somebody's in them I think that's one thing. If a car's basically sitting there idling and somebody walks inside—

Mr. Donovan: I'm sure they're hoping the business is that busy that they have that problem.

Mr. James III: We're going to do exactly as everyone – someone's going to be standing out front to make sure that that flow still does not stop the regular flow of traffic. That was something that we made sure we addressed as well.

Mr. Rettke: Any other discussion, comments? Hours of operation, what are we talking?

Mr. James III: We have – obviously it's going to vary. Initially our thought process as we put it together—

Mr. Peters: The maximum hours of operation will be 8-7 Monday through Wednesday and Thursday, Friday, Saturday 9-9 and on Sundays 12-6.

Mr. Rettke: Yeah, cause it appears you'll have a church down the way from you. So your recommendation, Justin, was a, b and c of 1147.09. After the presentation, are you as concerned with those?

Mr. Robbins: If the Board finds that it's in meeting the character, I think you should vote that way.

Ms. Wallace: Did we need them to check on the draining of the soap or whatever? Was that one of the things that we wanted to put in there?

Mr. Robbins: I'm trying to look that up right now.

Mr. Enfinger: I'm sure there'd be stipulations through the building permit. They're going to have to get a building permit.

Mr. James III: Yeah, we already have found out about that. We just had to go through the proper steps.

Mr. Robbins: So just looking at the internet right now, I'm not sure to be quite honest. My guess is it's going to be up to whoever the water service is, excuse me, the sanitary.

Mr. Rettke: So your sanitary department would look at that and make sure—

Mr. Robbins: I believe so. As far as the EPA is concerned, from what I can gather from looking at this for three minutes, is that if you do run a car wash, you can't let it dump directly into the storm. It has to be a treated water, sanitary. Now as far as specifics in terms of what quality it has to be when it actually reaches the sanitary, I can't say for certain. I don't know if it's going to require a grease interceptor or—

Mr. James III: Yeah, that's what I was speaking on. It's actually like a separator.

Mr. Rettke: So you guys are already versed in that and make sure you're in compliance. Just because we say you can do it, doesn't mean the EPA's going to like it. Don't come back and say, "Chairman Rettke said we could do it."

Mr. James III: We actually found all that out.

Mr. Rettke: Well, based on our discussion, I'll move that we approve Item C6, Special Exception Use Permit for 1800 Brice Road, #167415 with the following conditions: That there will be no detailing, washing, scrubbing, cleaning of any cars outside the premises or the structure, and that there will be no stacking of cars unattended other than designated parking areas.

Ms. Wallace: Second.

(Mr. Robbins called the roll. Ms. Wallace voted "yes." Mr. Donovan voted "yes." Mr. Enfinger voted "yes." Mr. Rettke voted "yes." Ms. Armintrout voted "yes.")

Mr. Robbins: I had mentioned before the process, this is exactly the same. This has to go recorded, go through Council; again, if any member of Council has an issue with it, they can bring it in as an item on their agenda and, at that point, it could be a lengthier experience. If there are any exterior changes that you would like to do, it all has to go through Design Review, so signage for instance, which I would highly recommend.

Mr. Peters: I met with them today.

Mr. Robbins: Okay. So that has to go through Design Review. Again, get your applications in for that. That occurs on the first Thursday of every month. Additionally, you will be required to submit a zoning certificate if you haven't done so already and I would very highly recommend contacting the Building Department to make sure everything that you need is done through them.

Mr. Rettke: What was this going to be called?

Mr. James III: Auto Spa and Detail.