



MINUTES

BOARD OF ZONING AND BUILDING APPEALS THURSDAY, NOVEMBER 18, 2021 6:30 PM

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

A. CALL TO ORDER

PRESENT: Rettke, Furst, Bulls, Barnhart
ABSENT: Linder

2. APPROVAL OF MINUTES

1. Board of Zoning and Building Appeals – Regular Meeting – September 16, 2021

Minutes Stand Approved

3. APPROVAL OF AGENDA

Agenda Stands Approved

4. SWEARING IN OF SPEAKERS

Speakers for the evening sworn in by Mr. Zollars.

B. PUBLIC COMMENT

None

C. UNFINISHED BUSINESS

1. Application #2021-5436; Lancaster Avenue; Trivium Reynoldsburg LLC; Residential Zoning Variance

The applicant withdrew the application.

RESULT:	WITHDRAWN
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D. NEW BUSINESS

1. Application #2021-5535; 8555 East Main Street; Applicant Eric Elizondo; Conditional Use (Sheetz)

Mr. Rettke: New business application number 2021-5534. East Main Street. Can we please have the presentation?

Ms. Wheeler: Thank you, Mr. Chair, first application this evening is for the property located at 8555 East Main Street. This is for a conditional use application number 2021-5535. This property is within the Community Commercial Zone pending completion of the redistricting process, so the public hearing before council will actually be this coming Monday, November 22nd. So that will be the final step in the

rezoning process. The applicant is requesting BZBA approval of the conditional use for the construction of a 24/7 Sheetz convenience store on approximately 3.4 acres. The site is currently a mobile home park and this particular use retail convenience with gasoline is listed as a conditional use in the CC zone. And with that, I will pull up our site plan here and the applicant is here with any questions from the board.

Mr. Rettke: Is the applicant here? If you could come forward, state your name and address for the record, please.

Mr. Elizondo: Yes, thank you. Eric Elizondo, I'm with SkilkenGold real estate development and addresses 4270 Morse Road, Columbus, Ohio. I'm the project manager and SVP of operations. And with me is;

Mr. Samuelson: Andrew Samuelson with Manikk Smith Group 1160 Dublin Road. And I'm the civil engineer on the project.

Mr. Rettke: Is there anything you wish to add to the staff's presentation or clarify?

Mr. Elizondo: No, I think it's pretty clear. I appreciate, you know, we've been here several times to the planning commission to get the rezone complete. We will come back with the signage package to BZBA. So, you know, I'll take any questions that you have.

Mr. Rettke: Well, open up to board members, any questions, concerns, comments?

Mr. Furst: I do have a comment. Getting to be a pretty familiar face here, so as you are aware, this is pending approval for the rezoning from City Council. I'm happy having discussion tonight and everything for us to treat it as if it was approved, but I don't think we can really take any steps towards approving it. Would it be acceptable for you if we tabled this until the January meeting, since it will need to be approved by council?

Mr. Elizondo: Yeah, I have no problem with that. If you guys want a table until January and wait till we hear Monday from council. We were told from staff that we could do it this way. So if that's not true or you guys want to wait, we have no issue with that. It's not going to. It's not going to hinder our process at all.

Mr. Furst: OK.

Mr. Elizondo: But I still, you know, if you guys have any questions for me in terms of the project and the client and what's going on here, I would be glad to answer any questions.

Mr. Rettke: Mr. Shook, do you have anything to add?

Mr. Shook: No, I mean, I think it's cleaner if we table it until after we've determined if

council's going to approve it, the zoning application in front of council's on for a public hearing and third read and probable vote on Monday night, it's not going to be passed as an emergency, so it'll be a 30 day waiting period. That's why you'd want to table it till January.

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

Mr. Furst: Well, Mr. Chairman, I'd like to move that we table's application until the January meeting.

Ms. Wheeler: Just a quick question. What about the December meeting?

Mr. Shook: The zoning won't be effective until, if council votes on it on Monday and approves it, it won't be effective until December 22nd.

Ms. Wheeler: OK, so tabling until the effective date, not until council hears the final?

Ms. Wheeler: OK?

Mr. Elizondo: So that meeting in January, could you just let me know, at least let us know what that meeting is, that meeting day?

Ms. Wheeler: January 20th.

Mr. Rettke: Table until January won't affect..... I though.

Mr. Shook: So the BZBA is required within 60 days of the initial hearing to reach a decision as long as the applicant agrees to tabling it until January I think it satisfies as a waiver of that 60 day time period.

Mr. Elizondo: OK, OK, that'll be great. Yeah, that'd be helpful.

Mr. Rettke: I wanted to make sure it didn't expire before you can get back to it again.

Mr. Elizondo: Yeah, I appreciate that.

Ms. Barnhart: Mr. Shook with that 30 day waiting period. What's the purpose of the waiting period? Is that just

Mr. Shook: It's a referendum period.

Ms. Barnhart: So I mean, with the decision from City Council, it wouldn't change. Right? It's just more of a waiting period.

Mr. Shook: Yeah, it's a referendum period. So and you would typically want to

maintain that referendum period with any rezoning. We've seen in other communities where you know, a property gets rezoning for a purpose that's particularly unpopular in the community, and they will try to initiate a referendum to defeat that rezoning. We don't want to take that right away from people. There's no opposition that I've seen really to this project that would necessitate or predict a referendum here, but we always like to preserve that time period for the people.

Ms. Barnhart: OK. All right. Thank you.

Mr. Rettke: We have a motion to table.

Ms. Barnhart: I'll second.

Mr. Rettke: Seconded. Any other discussion? Hearing none, can we please have a roll call?

Ms. Wheeler: As Barnhart. Yes. Ms. Bulls. Yes. Mr. Furst. Yes. Mr. Rettke. Yes.

RESULT:	TABLED [UNANIMOUS]	Next: 1/20/2022 6:30 PM
AYES:	Rettke, Furst, Bulls, Barnhart	
ABSENT:	Linder	

2. Application #2021-5488; 6553 E Livingston Avenue; Applicant Donna Jean Palmer; Similar Use (Play Station Gaming Lounge)

Mr. Rettke: OK, moving on item D2 application, 2021-5486, 6553 East Livingston Avenue could we please have the presentation?

Ms. Wheeler: Thank you, Mr. Chair. Second application, sorry, third application this evening is for the property at 6553 East Livingston Avenue. This is for a similar use application number 2021-5488. This is within the Community Commercial Zone, and the applicant is requesting BZBA approval of a similar/ conditional use to operate a day camp for school aged children. This would be reviewed as a similar use to a child daycare center. This particular use is listed as a conditional use in the CC zone, and I do believe the applicant is here if there are questions about the proposed use.

Mr. Rettke: We please have the applicant come up? If you'd state your name and address for the record, please.

Ms. Palmer Donna Gene Palmer 6553, East Livingston Avenue, Reynoldsburg, Ohio, 43068.

Mr. Richardson: I'm Robert Richardson. Same address.

Mr. Rettke: Is there anything you'd wish to add or clarify for the record?

Ms. Palmer Just clarifying that we're not a gambling, um, arcade. We were asked if that was the case, if we were. What do you call it? Gaming lounge can be also thought of as gambling, but this is strictly just an arcade for children and or adults who want to have a family atmosphere.

Mr. Furst: So maybe you could elaborate a little bit on that because frankly, I was trying to wrap my head around the nature of your business, and it wasn't entirely clear from the application. So, you know, if you could maybe give us a little more narrative on that, I think that would be useful.

Mr. Richardson: You don't mind, I interject. The primary functionality is just after school program for children. We did see if there is a possibility for us to use it secondarily, as an Arcade, also to run out for private parties, private meaning just children's birthday parties specifically.

Mr. Furst: So with that having been said, though, I'm not aware... maybe this is a typo, but the hours... it says the hours of operation are from five a.m. to four p.m. If that's for school-aged children...

Ms. Palmer Sorry, the school age program when you do a before and after school program with as a daycare you you're allowed to have the children step in from five a.m. right before their bus comes. Bus picks them up, they go to school, they'll return back after school with snack and tutoring and then around 5:30, 4:30 when we close. It would then become the arcade that is private pay. So we would be allotted, um, title 20 during those business hours of the day of the after school program, before and after school program and then after that is private pay.

Mr. Furst: So what, what would be going on in your business during the hours in which the children might be at school? Or would you be closed during that time?

Ms. Palmer We would be closed during those hours. We so most schools will open up around 9:00. So 9:30 we'll close until school ends around 3:30 and open back up from 3:30 to 5:30.

Mr. Furst: So I hear "gaming" a lot in your narrative. Maybe I'm getting old, but it's a little difficult for me to reconcile that with educational programs. Are they primarily educational games?

Ms. Palmer No, the arcade portion would not be for the educational purposes. I'm if I'm tutoring during the day, they can use those same computers for their after-school homework. They can use their Chromebooks. That's just for tutoring only in the one room or the several rooms that we do have. We can tutor, they'll finish their homework. Um, the gaming is not allowed during those hours. It is only after hours.

Mr. Richardson: So in the front. It's primarily situated for tutoring. The room that you walk into if you note the pictures that are attached and kind of just gives you the

entire layout. Entertainment is for after, after school and after tutoring purposes, so they're going to be entertaining themselves in between the times that their parents pick them up. And we just kind of laid it out to where they have something to do after the homework is done because it typically doesn't take that long.

Mr. Furst: You know, regarding your layout, it was a little difficult for me to understand. Is it basically a kind of a large room in the center with some other rooms around it? How is it laid out?

Mr. Richardson: It's approximately 1500 square feet. It's kind of narrow. So what we did was we situated the rooms, one behind another.

Ms. Palmer it's more of an L-shaped.

Mr. Richardson: So the first room you walk into is the tutoring area. We have gaming computers, gaming specifically refers to the speed and the graphics processors within the computers. So we use that to appeal to the people who may want to rent the space for a birthday party. So gaming could obviously be confused with gambling and or other types of gaming, but it's specifically referred to gaming in our sense for students and also for private parties.

Mr. Furst: So what proportion of your revenue, then, would you estimate would be derived from the kind of after-school program, the before- and after-school portion of your business, versus the rental-type facility?

Mr. Richardson: Well, the revenue is based on the amount of square feet that the students can hold. So we're typically looking at around 20- 25 students. And then there's no way really to determine the profitability of revenue from birthday parties. We tend to market to our immediate families that we already serve in a tutoring sense. However, they always kind of go and tell, you know, word of mouth and how it spreads. So there's really no determination. I mean, sky's the limit in terms of profitability. We centered our focus on education. However, we have a dual use purpose and is primarily extended to our parents and families that were already involved with.

Ms. Palmer I'll extend even further with Title 20, since we'll accept title 20 and private pay. Most students with title 20 at the school age rate is about 70 dollars a student with 20-25 students and you do that per week. That is what we would be bringing in if we had the twenty five students in the student, which is guaranteed funding. Um, the idea came from I owned a childcare on South High. I had it for seven years. That exact same school aged room is exactly what we're doing now, just in one location versus a school age pre-K infant toddler room. We just kept the school atrium. We had the same gaming equipment, it was more of an incentive after the fact, after homework, things like that. So I just took that idea and brought it to one location.

Mr. Richardson: And also, we were kind of under the assumption with a teenage son of our own that there are a lack of activities for children in this specific age group to do so, we're kind of trying to fill a need here as well.

Mr. Furst: Would you? So you would clearly characterize the rental portion of the business as subordinate to the before- and after=school?

Mr. Richardson: We would like to say that our after care business will come exclusively from our parents. But there's really no way to determine. With social media marketing efforts we've gotten a lot of inquiries from people who have never experienced us. Like she mentioned previously she ran a daycare center for about seven years, and a lot of our parents came from the previous center. We had a kind of closed down because of COVID. It just really was a hard hit, and we just chose to minimize our efforts. Kind of separate out the younger, more vulnerable children and kind of just provide care and value where we can.

Mr. Furst: Yeah, I mean, I would in finance during the day, so I don't fault you for trying to have multiple income streams. It's just that our code does require you to declare a business use; and I realize the purpose of this hearing here is to determine if the use that you propose is similar to those that are currently permitted in the zone. I guess, it's just hearing how you talk about it, it's not entirely clear to me that it would be, if you squint, similar to a daycare or, you know, other type of education use with the secondary use. So I, you know, I was just looking to hear a little bit more about that, you know, how it was similar.

Ms. Palmer Can I present our flier that we brought?

Mr. Furst: Yes, sure.

Mr. Richardson: Our services are offered primarily to the parents, however, they often refer people outside of our immediate service. So I mean, that's how we come across people who want to just rent a facility out for a birthday party. And also, we're just talking about projected numbers here. I mean, we haven't even gotten the chance to really open yet. We've been here in this space for a few months. I mean, we are incurring rent charges. Obviously, E.V. Bishoff doesn't really care about when our business starts or not. So we're just here to just kind of get even with you guys and let you know what's going on, specifically. It is education based, for sure. 100 percent.

Mr. Furst: Forgive my skepticism, given that it is called PlayStation Gaming Lounge, but I appreciate the elaboration.

Mr. Richardson: Just a clever play on words, that's all.

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

Ms. Barnhart: Yes. How do you expect to have employees? And if so, how many what kind of payroll are you expecting to have?

Ms. Palmer Just two to four employees within that time frame, because of the way that the layout is scheduled, we have to have by law with any daycare. You have to have two employees on site, one for emergency, one to teach. The school ages they can have one to 18 or one to 24 students by themselves.

Mr. Richardson: And currently, I'm a CPR certified staff volunteer, so I kind of count as a stand in employee until we find enough revenue to actually pay some people.

Ms. Barnhart: OK. Thank you.

Mr. Shook: Board member Furst, sorry. I just trying to add some clarification to what we're looking at here. It sounds like with the before school and after school that we're talking about. It's a day care. Right, OK. These are all kids who are under 18 and they're in your care and custody during that time period. Correct. All right. And that is a conditional use in CC district. And then after the daycare closes, then what we have, it sounds like to me, is an indoor recreation enterprise.

Ms. Palmer Right?

Mr. Shook: That's where we get arcade and things of that nature. And that's a permitted use in the CC district. So the real difficult question here is can we approve two different uses in the same unit in a strip mall? That's probably something that maybe staff probably needs to consider a little bit more closely before we can rule on it.

Mr. Furst: And it's not clear to me that the code would allow that.

Ms. Wheeler: Typically, we would have one use per certified property address. Then again, we do have mixed use buildings. I think I just had questions about the actual. You know, because when you said that you were getting it licensed by the state and going through the inspection process, that's kind of what led me to reviewing it as a similar use to a daycare because obviously daycares require the similar inspection process, whereas something like a gaming lounge would not necessarily require that level of oversight. So but they are different uses, so it's something pretty unique, I would say. I don't know, I think we have had instances where we've had, for example, a retail together with a grocery store like a small grocery store. Those are technically two separate uses in the same building. I think I would just have questions more about the licensing process through the state and that inspection.

Ms. Palmer I'm willing to ask questions about licensing.

Mr. Richardson: Yeah, I think the naming has kind of been the real general misconception here. I mean, it's an education based facility with a bunch of

entertainment included. I mean, it appeases to the parents who may often fall late to pick their children up or kids who have nowhere to go in between hours of said and said, I mean, as we stated, once school starts, we're closing the facility down and also.

Ms. Palmer We will be sanitizing things like that. As far as licensing, what is required of me is to basically, of course, get approved by zoning so that to make sure that we have the right capacity, um, we're looking at twenty five students because it's 35 square feet per child. Um, that is going to be the second thing. The third thing that they're going to ask for is make sure they have all the materials, at least enough materials per student, which I do. After that, we don't have any infants or anyone or any liability. We're going to ask about how we feed our children, which everything will be prepackaged through the health department, which I have my food license server through safe one. They're going to ask that we are CPR certified and that I have all my trainings and my degree and which I do. They'll also add that I am star rated within a year. I've been star rated at Explore and Discover Academy, which was my daycare before this. Um, so I'm still in the system as temporarily closed. We're just basically relocating to this building.

Mr. Furst: This board has been fairly rigorous in our evaluation of child care facilities, given that the welfare of children is directly involved with them. I think how this application was presented with the similar use led us to approach it with a little different calculus than we typically would use for a child care facility. Would you be amenable to tabling this application for a month and we could. I think we would probably provide a list of additional information that we'd want to see out of a child care facility. And if you could furnish that in that time, I think we could probably evaluate it as a conditional use at that time. Does that seem to make sense?

Mr. Shook: Yeah, I mean, I think in the meantime, I mean, look, the indoor recreation use is a permitted use. So if they were to submit his request for a zoning certificate for that particular use, I think they're entitled to that. It's the daycare portion that you guys would really need to decide on.

Mr. Furst: So I think something some more information that we'd probably like to see that we typically ask for is maybe a selection of your educational programming materials and to hear some more information about your recreation plans and curriculum. Yeah. Lesson plans, curriculum. Just maybe a sample of that. And then it's been a minute since I looked at the regulations, but are you required to have any outdoor recreational facilities or anything like that?

Ms. Palmer Yes, but we do have a park nearby. We'll be taking field trips since Blacklick Park is nearby it has to be within a (Inaudible) miles or something like that, or it's a walking distance and which is as a field trip for school leaders with the curriculum for school leaders. However, because it is during the school year, we're not required specifically to have actual curriculum, say, a routine and a schedule to make sure homework is being done. Snack is being administer. Basically, that's

really it, and of course, their outdoor time is a lot of it. We do have outdoor space. I'm personally choosing not to use it just yet because we do share it with other facilities. We're not completely blocked off the way I would like to be. So we would use the Blacklick area,

Mr. Richardson: Blacklick Park.

Mr. Furst: Yeah, if do recall it does need to be clearly differentiated if you were to use the adjacent outdoor space that you have. There's also we also, particularly in our code, have regulations regarding recreational facilities being next to anything that might produce noxious odors or fumes or things like that. So typically, recreational facilities that are adjacent to a parking lot are ones that we would not necessarily be approving of. So at least from my standpoint, if you could provide some samples of your curriculum lesson plans, things like that and then how your recreational plan, I guess, complies with the state regulations. I would appreciate that.

Mr. Richardson: In the meantime, is there any hang ups on us just operating as an arcade just to bring in some revenue while we're waiting on this tabling discussion?

Mr. Shook: There's a little bit of an administrative hang up, but we can talk with you about that after.

Mr. Richardson: No problem. Thank you.

Mr. Rettke: Emily, do you recall what this was prior to them? Last use?

Ms. Wheeler: You might know him better than I do, I know there were several daycares.

Mr. Richardson: It the police substation, I believe.

Ms. Palmer Oh, there's a daycare facility next door.

Ms. Wheeler: OK?

Mr. Rettke: Is that one still in operation?

Mr. Richardson: They actually moved right down the street

Ms. Palmer That was another one. We're a school age only.

Mr. Richardson: Tee Tee's Play House, just recently relocated to where Edwards Creative was directly on the corner. I believe that's Belltree and Livingston right there with that big standalone building is. So that was directly next to us. Now they moved, I don't know, maybe like a month or so ago, but they did not close down, they just

relocated.

Mr. Shook: There was a dispute between that tenant and the landlord statement.

Mr. Rettke: and that didn't require special exception use. Because I thought it went with the person and the site, it was a transferable.

Mr. Shook: Well, that would be that special exceptions process would've been under the old code, and I'm not sure how that applies under the current conditional use process, but I don't think it's the same. I maybe ask Emily for clarification on that.

Ms. Wheeler: Well, I'll double check that. I believe it does follow the certified address for the site.

Mr. Rettke: Yes. They'd be in violation.

Mr. Furst: Well, maybe the where the community commercial is on Livingston is a very narrow portion. It's possible that they could have moved out of the CC zone and into where it was permitted.

Mr. Rettke: Now, I know we've had issues with wanting the use of a playground. I can't remember the specifics of that site, but I think we kind of had it alleviated for one of the tenants because the access around the building went around the whole back part and then they stopped it, tilt it, planted the grass seed. I know we have some issues with that because of the dumpsters and the locations, but it's not your intent to use that correct?

Ms. Palmer: No, because of that is actually what I've observed. It did not look like it would be the safest.

Mr. Richardson: And they also, at the time that we moved in, did not have any playground equipment or anything out back at all.

Mr. Rettke: Emily, if they wanted to exercise that right, they'd have to come back before us?

Ms. Wheeler: For the outdoor space?

Mr. Rettke: Yes, the outdoor space.

Ms. Wheeler: I think probably what we would want to see in an updated narrative is just the plan for that

Mr. Rettke: Because if I voted yes on this, I wouldn't want that included that right to just construct something back there.

Mr. Richardson: Now would that include like maybe like a temporary bounce house rental or something of the sort that can get erected and torn down within like two or three hours? Because we don't plan on erecting any permanent playground structures at all, in any manner. And we were just doing temporary parties at certain times, but mostly it just for, like we said, educational purposes before and after school.

Mr. Rettke: Good question. I forget.

Mr. Furst: I think we would probably have to see if you were planning to have some kind of temporary structures of that nature exactly where on the property you'd be using those from. So maybe that's something you could provide.

Mr. Richardson: We'll provide a full use plan and all of our future intentions here shortly following this meeting.

Mr. Rettke: Yeah, because I think I would like the conditional that to what was just a matter not.

Mr. Furst: Well, so my thought was that we just table it till the next meeting and then they can provide additional information during that time that might help us evaluate its use as a child care facility.

Mr. Rettke: Yeah, but what I'm saying is I don't want to come in a month and say, Well, we might do this, we might do that because I don't want might's. This is what it is and anything outside that we need to protect.

Mr. Richardson: Everything will be set in stone when we come back. We'll have a finite plan that clearly indicates our vision.

Mr. Rettke: Yeah, because when you walk out, is this a longer portion of that building? I can't get the exact unit.

Mr. Richardson: Longer portion?

Mr. Rettke: Yeah.

Mr. Richardson: I would say so. I mean, it's kind of like an L-shaped building. That what you meant in terms of like the layout?

Mr. Rettke: Yeah, we don't have it up on the screen do we? Is it like this?

Ms. Bulls: I guess we're trying to understand when we're all looking on our phones at that the location, but what is the?

Mr. Richardson: Nieces is the carry out, right? We're like, you've got nieces here.

Ms. Palmer Are you guys talking about the inside of the building?

Ms. Bulls: No. So we're kind of looking at Google Maps and we're kind of. Yeah. So we're the way I'm looking at it I could see

Mr. Richardson: Were two doors from Loving Hut. So Loving Hut, the vegan. We're like one two three four doors down. So Alley Nail Salon is on Baldwin Road side. We're actually facing Livingston.

Ms. Bulls: So you said it was the Reynoldsburg police substation?

Mr. Richardson: Yes. That's the specific location where we are.

Mr. Rettke: So when you go out your back door, you're...

Mr. Richardson: Facing apartments.

Mr. Rettke: Facing the apartment and it's paved in?

Mr. Richardson: It's paved, there's a paved area where it looks like they attempt it at some point to do some type of playground structure at the daycare next door. So there is a small paved area, but it could have also been used for trash can receptacles at some point in time. So we're not 100 percent positive. But is this grass behind us.

Mr. Rettke: I think we had one try to do something back there and they got in trouble over it and then came to us.

Mr. Richardson: we're more focused on the indoor aspect.

Mr. Rettke: Yeah.

Mr. Richardson: Honestly.

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

Ms. Bulls: I just had some questions, so how long has the business been operating under this model? So I know you said you were a child care center that closed down. How long have you been operating under this model with that particular flyer?

Ms. Palmer I haven't started any child care at this facility.

Ms. Bulls: OK, so this is just kind of promotional?

Ms. Palmer Correct, it's just been an arcade since.

Ms. Bulls: OK, perfect. And then the other question is in there indicates that you're serving foods and you did. So that's prepackaged. But in your document of the area, there's no. Is that what that lounges? That's supposed to be where your kitchenette or?

Ms. Palmer There will be no kitchen because parents will either provide their food for their children, bring their breakfast or they're going to school or eat, of course.

Ms. Bulls: So the prepackaged food that you mentioned, that's that the parents bringing it in, so they're not keeping it, you're not keeping anything cold or.

Mr. Richardson: No.

Ms. Bulls: OK. And then there's no restrooms indicated on here, either.

Mr. Richardson: There is actually.

Ms. Palmer It's set in the very, very back of the L-shaped off the console room. My drawing is terrible.

Ms. Bulls: OK, got it. And then you indicated that you were closing down when these children are in school so that spring breaks, winter, summer?

Ms. Palmer No, just in between the time that they're in school. So from five to nine, we'll be open closed down from nine to 3:30, 3:30 to 5:30. Open again.

Ms. Bulls: OK. So when the children aren't in regular school, so different breaks are you operate, then would you operate that throughout the entire day?

Ms. Palmer Yes.

Ms. Bulls: And then you'd also operate it that way during the summer as well?

Ms. Palmer Correct.

Ms. Bulls: And then in the evenings it would turn into?

Ms. Palmer Yes, I used the word wrong. I said day camp and day camp is strictly for summer and or time off. I didn't mean that actually meant child care.

Ms. Bulls: OK.

Ms. Palmer I got the specifics after I did the application.

Ms. Bulls: Understood. Thank you.

Mr. Rettke: Any other questions, concerns, comment.

Ms. Barnhart: Now I'd like to make a motion that we table this application 2021-5488 until next month.

Mr. Furst: I second.

Mr. Rettke: Any other discussion comments? Is the applicant kind of clear on what direction we'd like to see when we come back in December?

Ms. Palmer: Yes, just more concrete information.

Mr. Rettke: Yep. And of course, I think if you had additional questions, you could probably reach out to Emily. Emily, is that correct?

Ms. Wheeler: Yes.

Mr. Rettke: OK. Moved and seconded. Can we please have the roll call?

Ms. Wheeler: Ms. Barnhart. Yes. Ms. Bulls. Yes. Mr. Furst. Yes. Mr. Rettke. Yes.

Ms. Wheeler: December 16th will be the date of that hearing.

RESULT:	TABLED [UNANIMOUS]	Next: 12/16/2021 6:30 PM
AYES:	Rettke, Furst, Bulls, Barnhart	
ABSENT:	Linder	

3. Application #2021-5486; 8271 East Broad Street; Blair Image; Variance (Sheetz Signage)

Ms. Wheeler: Ok, moving on, Item D-3 application 2021-5486, 8271 East Broad Street. Can we please have the presentation?

Ms. Wheeler: Thank you, Mr. Chair. This application is for the property located at 8271 East Broad Street. This is for nonresidential zoning variance application number 2021-5486. This the site is within the Community Commercial Zone. The lot is currently vacant. We should pull that site up here. This site has been approved for a new Sheetz location, and the applicant is requesting BZBA approval for a nonresidential zoning variance to construct an approximately nine and a half foot tall monument sign. Uh, this would be on fronting Broad Street. The CC Zone allows for a monument sign for one monument sign up to a max of six feet tall with a max sign area of twenty four square feet. Obviously, the proposal here is a little bit taller than that, hence the request for a variance. And I believe the applicant is here and I do have a presentation up here.

Ms. Green: Good evening. How are you doing? She is very excited about its new location at East Broad, and my name is Rebecca Green. I'm with zoning resources. I'm here working with Sheetz and SkilkenGold for asking for this variance for a monument sign. My address is 74 Glen Worthington, Ohio 43085. I have sent a presentation to Emily and it's a number of photos and some other things, so I just wanted to go through those things with you. Specifically, we're looking for a variance for approximately three feet in the height of this sign. Also, an area the area we're looking for is about 36 square feet. And then again, the LED fuel price area, we are hoping to expand from 33 percent to 52 percent. And then to the extent that and I'll explain this later to extend to existing multitenant panels sign, which is just a little bit on our parcel, is considered a second monument sign. We are asking for a variance for a second monument sign because there's one existing on our parcel. So those are the four variances we're looking for today. And if we could go ahead and just go through that, if that's OK Emily, thanks so much. So this is the sign itself. As you can see, it's showing the price of two kinds of gases and also the logo itself, the Sheetz logo. Its brick, which is going to complement the elevations of the building because the elevations it's a brick building. If you could just go ahead. This is the more typical Sheetz sign that we've used in the past many locations. In this instance, because, you know, Reynoldsburg has specific code regarding signage we're not using this 20 foot sign. We designed this one specifically for this Reynoldsburg location. If we can move forward. Harder to see, but this is the vacant lot that the Sheetz development will be located at. You can see that there is an existing multitenant sign there that we were hoping to be able to put a sign on but are unable to. As you can see, it is a big vacant space and it exists along East Broad Street. It is a busy location. I'm sure you're very aware of that. It's a 50 mile per hour corridor there along East Broad Street. It has four lane with a turn lane and I was there Tuesday at 10:30 a.m. thinking it would not be busy, but it's still very, very busy, even in those off hours. If you could go forward. Here's just the overhead look. You can see Cedar Cliff Drive is on the right going vertical and the horizontal east Broad Street is there. So in front of us are to the north of Broad Street is a very large busy retail development shopping center and to our south is also the Shoppes at East Broad and it is also busy. Lowe's is directly behind us, or directly south of us. We could just go forward. Here's the proposed site plan you may have seen this before. You can see again, Cedar Cliff is right there going north to south, and then the proposed store sits back at least 75 feet along with the canopy, which is a long, thin triangle or grade in rectangle there that is the fuel pump canopy that will have the various fuel pumps under it. The monument sign itself. I think Emily's trying to help me out and pointed it out. It is, there it is. That is the location of the monument sign that we are proposing. You will see to the right. If you can show where the exist. Yes. So that is the existing multitenant sign. And you can see just a foothold of that is on our property. I'm not exactly clear why, but it is. And that's where I bring up to the extent that this would be considered a second monument sign. I'm asking for a variance for that. That sign is existing. So if we could go forward. Here's that sign that's existing. You can see that there's a space that we were hoping to be able to put our name on it so that the people zipping by could plan their lane changes to get to our location. But unfortunately, the owner of that sign has promised that to someone else, we are

unable to get on there. So if we could just move forward. This is just some signage that is directly in our area. This is right across the street. Just to the north of us is the Huntington Bank building, and they have a very large sign, a very tall sign. That's kind of. It says it says Huntington in sort of a vertical way, certainly is larger than six feet, also across the street, just to the north and to the west of us as Target. Obviously, this is a little taller than six feet also. And because of the difficulty gas stations have, because they not only are putting their name out there, but generally putting prices out there as well. I thought we'd take a look specifically at other gas station signs in the area. Here's United Dairy Farmers. There's their sign at that location just to the west of us. And then here's their second sign that they have. And then Speedway is also located just to the west of us, and there's their sign and BP. And then this sign here Meijer has is a, you know, it probably is six feet tall, but it's on in very large mound that's way up in the air. So it is getting quite a bit of height. This is our sign. It is intended to match the elevation of our building. It is sized so that it can be a wayfinding marker along that busy, busy road there on the East Broad Street corridor. It is, you know, reflecting the prices and an attractive way. It is reflecting our name, in an attractive way. We're hoping that it provides good wayfinding and avoids traffic problems with people unexpectedly changing lanes on East Broad street corridor. And like I said, we're excited to be part of this community. I'm happy to take questions.

Mr. Furst: I have a number here. Are you aware that the majority of the signs that you were comparing yours to are not in the city of Reynoldsburg?

Ms. Green: I know that they are, some in Columbus and some in Reynoldsburg.

Mr. Furst: There was only one that was in the city of Reynoldsburg: the UDF. So unfortunately we would not be able to use those in any sort of comparison.

Ms. Palmer That's fine.

Mr. Furst: That having been said, the UDF is in the city of Reynoldsburg, as is the Circle K that exists to the east. Those signs are in compliance with our code; do not require any variances. We are required here to evaluate your application against code section 1109.13D. I'm going to refer to sections of those here. You did submit a narrative, I believe, addressing some of those. So given that the Circle K and the UDF are in compliance, how would this not confer a special privilege to you if we were to grant this variance here?

Ms. Green: This particular, in this case, we're looking to, we were unable to get on to the multitenant sign and we needed to put some kind of monument sign up. We look at this as a hardship that is based on the fact that we were unable to get on the monument sign and that it is necessary because of that busy, busy corridor that our name be a little taller than the six foot and also that the street lining that there's trees along the street and other screening that needs to be considered. We believe that

this is an attractive sign, that it doesn't really confer any special interest on us whatsoever or special privilege on us whatsoever. It doesn't detract from any of the other businesses in the area. We think it's a good sign.

Mr. Furst: Frankly, I feel that all those conditions that you mentioned also existed at both the Circle K and the UDF. Talk to me a little bit more about the hardship, because that is, I think, the main consideration that we typically weigh variances against, you know, and exactly how is this a hardship? How would you also, you know... you claim here that this would deprive you of the beneficial use of the land. I mean, would it really if we just ask you to have a little smaller sign?

Ms. Green: This particular sign is, I mean, this is a unique sign in that it provides a good way. I mean, you have a very, very busy corridor there with the 50 miles per hour and the screening and the trees. The hardship here you're asking me at the hardship based on these other two locations and our location, we have a light, which is very helpful, but it also requires cars to be able to move from one lane to another lane very, very quickly. And we think that good way finding just that little bit that three feet in height is important so that we don't have that unexpected lane change and that we are able to ensure the safety of our customers and other people using this corridor. We believe it's very important.

Mr. Furst: Are you asserting that there might be an increase in traffic collisions if you didn't have the increased signage?

Ms. Green: What I'm asserting is that the traffic moves better when they can see where they're going to turn in advance. And I believe that this little bit of height is exactly what is required to avoid that kind of situation.

Mr. Rettke: And we're absolutely sure UDF is in compliance because that sign looks huge.

Mr. Furst: I don't recall granting a variance for it. It's possible that I could be mistaken.

Ms. Wheeler: I don't think we did a variance for it. Under our previous code, we had a provision for a comprehensive sign plan review. In other words, we would review signage comprehensively for a site, particularly one like this, where you have a new development opening and planning commission have the ability to grant a 25 percent increase in sign area to an applicant. So I believe that is what the UTF was approved under.

Ms. Green: And they do have two signs.

Mr. Rettke: Yeah. Both look significantly larger, almost to the size you're requesting, in my opinion.

Ms. Green: I think they're actually a little shorter. This one that we're requesting is a little shorter than the UDF sign.

Mr. Rettke: I'm looking at the Circle K now trying to figure out. They've got two one on each direction. One along Taylor and one along Broad.

Mr. Furst: So another one of the conditions here is subsection three, that there exists special circumstances or conditions which do not generally apply to other properties in the area. So tell me a little bit more about that. How is your property specifically special and exceptional in the way that we would need to grant a variance?

Ms. Green: The property itself once again just sits along this busy corridor, and we're very concerned about the safety of our customers and of the area in general, that is our primary concern. The signage that we would if we did not have an appropriate monument sign, the closest sign that we would have indicating our location would be a wall sign, which would be more than 70 feet from the right of way along East Broad Street.

Mr. Furst: I don't think there would be any objection to you having a monument sign that complies with the code. You know, if you were to just build the size of a monument sign that does comply with our code, I think I mean, obviously, no one would object to that. It's because there's a variance, you're here tonight.

Ms. Green: That's right. I'm here for a variance of the code and what I'm concerned about is once again just making sure that we have the wayfinding that is appropriate for this particular site. We would have loved to have been able to get that way finding using the multitenant sign that is kind of on our side. Unfortunately, we were unable to do that and we're not asking for anything taller than that particular, you know, pylons are that at that multitenant sign, we're asking for something that is consistent with the elevations. Consistent with the design of our building and not that much taller than anything else along East Broad street.

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

Ms. Bulls: And just looking at the location, there's no trees that are blocking any of the area that you're indicating the sheets would be. So I'm still not there in terms of why you would need a larger one as compared to what the code says. I understand the safety concern, but that's, you know, that hasn't been proven. So that's kind of just your theory. So I'm just not there.

Ms. Green: Right. So there are other factors such as the Aldis, they have a screen of shrubs that they have right along Cedar Cliff and that does block our site. If you were coming from the East to the West that it does make it a challenge to see where our site is. And I know you're not, as I know that the site itself does not have a lot of trees on it at this time, but there are trees all along, as you can see here all along

East Broad Street, that would block the vision as you approached our site. It would block the ability to see our site clearly, especially since our building is sitting fairly far back and you would not be able to see our wall signage that well,

Ms. Bulls: I mean, I understand that, but looking Aldis, they're sitting back. They have a smaller sign that science sits back. The shrubs are there. It is still not. I'm not connecting the dots.

Ms. Green: This particular sign that we have proposed is one that we believe is appropriate for this particular site, considering the speed that is used by vehicles on the on East Broad and it's appropriate for our elevations, it's appropriate for the location. We believe that the taller sign is required because it is a challenge to see it and we need that safe way finding.

Ms. Barnhart: I'm going to say my struggle with this is the fact that it's basically 50 percent larger than what we have in the code? You know, going from six foot to nine foot. And 24 to 36 square feet, so I mean, it's truly a 50 percent larger sign, which I feel is pretty significant. I know that Emily had just made the comment that under the old code and I know that we're not in the old code, but the Planning Commission was able to approve up to 25 percent larger. And that's, you know, the 50 percent is really what's getting me on this. It's that the ask is so much larger than what is in the code.

Ms. Green: I understand, but it is, it isn't still is not a very large sign. A nine foot sign is not a substantial sign. And again, what we're looking for here is just something that is sized appropriately to the to our building and our site and also would be an appropriate marker along East Broad Street to safely get our customers to our site.

Mr. Furst: And tell us about how most of these circumstances, which you cite did not exist prior to the purchase of this property. I mean, I think they all preexisted your purchase of the property, so it was not part of the purchase calculus.

Ms. Green: I can't speak to.

Mr. Furst: That you would have to comply with the code.

Ms. Green: I can't speak exactly into what the factors were when they purchased this property, but one of the things that was considered is that we would be able to use the multitenant sign and that did not work out.

Mr. Furst: I'm still not seeing the hardship. Forgive me for hammering that point. Maybe you'd like to take one last crack at explaining how there is a very clear hardship.

Ms. Green: Well, the property itself is, as we've seen, a vacant lot, and what we're hoping to do is safely get people to this location. We've chosen a sign that it is

appropriate for that and that is what we visit. And we know that unlike other businesses, fuel stations have more information to communicate other than just a name. If it was Wendy's that would just say Wendy's. If it was no Target, it would just say Target. But we have additional information to convey. So we have to put more information. We need a larger sign so that we can convey that information, our name and at least to two prices to fuel prices. And that's a lot of what we need. I mean, even under the code that you have, I did read some language indicating that the city understands that fuel stations or gas stations have special needs when it comes to signage. And that's what we're asking for here is to have the appropriately sized signage so that we can safely get our customers to the property. Obviously, if we had been able to get on the multitenant sign, we would not be asking for this because then we would have that height to see it. We could get that wayfinding. We could get that marker that customers would see as they come down Broad Street and then we would have had a smaller sign that would have been in line with code. But because we don't have that. We are asking for this variance. I view that as the hardship here, that we had hoped to have that and we did not get it

Mr. Furst: Because you put the cart before the horse, you're asking for a variance now?

Ms. Green: Are there additional questions, can I answer?

Mr. Rettke: I'm just scrolling down a road, finding different signs. I would contend it's no different than UDF.

Ms. Bulls: But the difference with USF would be that that was prior to this code being enforced. So I understand what you're saying. But do we set a precedent?

Mr. Furst: No nonconforming use can be considered as calculus for this.

Mr. Rettke: I don't think its right for one gas station to be considered differently than the other, necessarily along the same stretch of highway.

Mr. Furst: I would contend.

Mr. Rettke: They've got two big signs.

Mr. Furst: Oh, I would contend then that's the part of the code that needs changed if you feel that way, but we are constrained by the code, as stated now.

Mr. Rettke: There's factors you can weigh into it, too.

Mr. Shook: If the board prefers and we've discussed this before. You could close out the hearing and table it to the next meeting for further deliberation as an adjudicative board, you can deliberate outside of an open meeting and we can prepare findings of fact and conclusions for the next meeting that you could choose

to adopt at that meeting.

Ms. Green: Pardon me, I have someone else here from SkilkenGold who was hoping to speak as well. And I had not realized he was here earlier. So if it's OK, could he?

Ms. Bulls: Thank you.

Mr. Karim: I am Karim, I'm the project manager on this site with SkilkenGold, our addresses 4270 Morse Road, Columbus, Ohio. Thank you, Rebecca, for your excellent justification. Just a couple of key points we'd like to add. The reason Sheetz typically ask for higher signage, especially on sites like this. One, is for westbound traffic users to be able to see their name and their prices over the cars that are, I guess, closer to the sign. So in order for them to have that line of vision, they do ask for it to be higher. Another key point is in comparison to, let's say, their competitors UDF and the Meijer's. They try to add more brick to provide a more esthetically pleasing sign, and that is more in line with the proportion of the elevations as well. You know, I'm no designer in science, but I think I'd venture to say the reason Sheetz is looking for justification here is because that brick sign would provide a more visually pleasing component to the area as opposed to conventional sort of gas station signs. So those are just a couple of key justifications we'd like to include there. Sheetz really likes to be proud of the esthetic that they bring as opposed to your conventional product you see there. So if you guys have any other questions in regards to the technical of the site. We're happy to answer those as well.

Mr. Shook: If the chairman would allow can I ask a question or two?

Mr. Rettke: Yes.

Mr. Shook: Thank you. If this variance is not approved, are you still going to construct a Sheetz gas station at the site?

Mr. Karim: I would certainly like to think so we've gone quite far along on this. If the monument sign isn't approved, I actually can't say on behalf of them, but I would.

Mr. Shook: Is there any reason you could imagine that they would choose to back out of this project without design variance?

Mr. Karim: You know, some of the key things that we've seen that they back out on are access and invisibility. So those are very imperative to them. I can't confidently say here that they would back out because of it. Again, we're very far along in the process.

Mr. Shook: Could we get a Sheetz representative to come in and give a statement about, you know, the importance of this sign variance to their particular project and

whether it's a truly a hardship or just a matter of convenience and marketing?

Mr. Karim: Sure, we absolutely can, and having the benefit of working with them so much. And you'll see again with some of the competitors up here, their signs are very tall. They need to be seen by traffic coming on the opposite side of the street as well. I mean, just looking at the Speedway, although I know that is not, you stated that is not in Reynoldsburg. Those signs do need to be higher, as you can see here, so they can be above the cars visually. So the key justification there for the height. But we'd be happy to bring in a representative who can attest to the importance of that as well.

Mr. Shook: That makes sense.

Ms. Bulls: I have another question. Did you do the signing for the Sheetz that's on Brice?

Mr. Karim: I did not personally, no, I was not the project manager for that one.

Ms. Bulls: I think that we should table it, as Tony discussed. I would like to know what the sign measurements are for the one on Brice. And also their information about UDF.

Ms. Wheeler: I was able to look up some information on the UDF signage that was initially proposed, initially that came to us with a 20 foot sign to the top portion was 10 feet and then the bottom, the actual base of the sign was 10 feet. The planning commission asked that they change it to a brick base, which is how they ended up with the current signage. But because they have frontage on both two frontages, they were on this corner lot. They were able to have two monument signs, but that top portion of the sign is 10 feet. So you're looking at least, I would say, a 14 to 15 foot sign right there.

Mr. Shook: On that motion, is that also a motion to keep the public hearing open?

Mr. Furst: I'm sorry, I wasn't entirely clear on the motion that you're moving to the table until the next meeting?

Mr. Shook: You can move to table it keeping the hearing open, or you can move to close the hearing in table if her decision and deliberation. If they're going to be bringing a representative in, it would make sense to table it and keep the hearing open until the next meeting.

Mr. Karim: I guess that being said about the UDF sign. Is there anything specific that you know you'd like to hear from the Sheetz representative? You know, in comparison to that sign.

Mr. Furst: I think given that your parcel is on a straight piece of property in

comparison to the roadway and theirs is on a the corner; addressing how that affects the need to have signage in addition to what is allowed under our code would probably be useful in that case.

Mr. Karim: OK.

Ms. Barnhart: And I will add, I do appreciate the explanation where the numbers do need to be further up above so that they can be read on both sides of the street. I do think that with a six foot height maximum that we have right now, that's definitely something that could be a challenge. When you're you know, just the way the gas station signs are, where you do have the two prices.

Mr. Karim: Certainly. And that's the justification that Sheetz certainly emphasizes to us. And in terms of just the size, they would like again to make the proportions right with the building. So that's where you get that as well.

Ms. Barnhart: Yeah, thank you.

Mr. Shook: We saw a motion on the floor, do we have a second?

Mr. Rettke: Yes, we have a motion, can you restate it though? So we make sure it's correct. Make sure we're clear on what we're agreeing to.

Mr. Furst: Ms. Bulls, if you want to withdraw, and maybe I can.

Ms. Bulls: Thank you.

Mr. Furst: I move that we table this application until the next meeting, leaving the public hearing open to continue at that time.

Ms. Barnhart: I'll second the motion.

Mr. Rettke: Moved in seconded. Any other discussion. Are the applicants clear on what they're asking for?

Mr. Karim: For the most part, yes.

Mr. Rettke: OK. Moved and seconded, can we have the roll call, please?

Ms. Barnhart. Yes. Ms. Bulls. Yes. Mr. Furst. Yes. And Mr. Rettke. Yes.

RESULT:	TABLED [UNANIMOUS]	Next: 12/16/2021 6:30 PM
AYES:	Rettke, Furst, Bulls, Barnhart	
ABSENT:	Linder	

4. Application #2021-5507; Summit Road SW (PID 125-026616-00.001, 125-026616-00.00); Applicant D.R. Horton - Indiana, LLC; Conditional Use (Maplewood)

Mr. Rettke: OK, moving on Item D for application 2021-5527 for Summit Road South. May we please have the presentation?

Ms. Wheeler: All right, this final application is for two parcels off of Summit Road, Southwest Parcel I.D. Numbers 125-026616 and 125-026616-00.001. This is within the suburban residential zone. And this application is for conditional use. No. 2021 - 5507. The applicant is requesting BZBA approval of a conditional use for the construction of a new residential development consisting of 81 detached single family homes and 72 attached single family homes. The site is currently vacant. Development is slated for the December 2nd Planning Commission Meeting for Major Site Plan and Preliminary Plan Review. The proposed use is listed as a conditional use in SR zone. This would be a dwelling attached single family, so this case tonight is specifically reviewing the attached single family component of the project, and I believe the applicant is here if there are any questions from the board.

Mr. Rettke: Yeah, thank you. Please come forward, state your name and address for the record.

Mr. Dugger: Thank you, Mr. Chair. My name is Glen Dugger. I'm an attorney, 37 West Broad Street. I represent the underlying property SRJ Properties of Ohio, Maplewood Farms also represent the applicant. D.R. Horton. D.R. Horton is in contract purchased property from the underlying property owners. This property, oh I'm here with Joe Luby from EMH&T is actually the ones doing the heavy lifting on this project by providing engineering, architecture, land planning and landscape architecture. So as the staff report is before you, we have we support, I believe, the staff report. I don't believe there's anything that we have any objection to. There are a whole bunch of things that we could elaborate on in terms of the articulation of the staff report, basically what we're asking is for the units on the immediate west side of Summit Road to be attached, single family uses as single family. They would be townhouse units where you own your front yard on your backyard. You would own an individual lot, just like you would a standard single family house. However, there would be no side yard because these buildings would be smashed together. This plan that you see here is part of a larger package that is pending before the planning commission that would go to a planning commission in December. So we needed to make pulmonary stop here to get your approval on this use as a conditional use. I think the staff report does a good job of laying out why this meets the conditions of the conditional use, as set forth in your new zoning code. I think this proper project was contemplated and has been contemplated for a very long time, going back to when some of the underlying property owners actually sold the property. This on the

east side for the construction of what I call the new high school, although I guess the new high school is now 16 or 16 years old, so it's no longer the new high school, but I think of as the new high school. So I'm happy to get into the bloody, gory history of this. If anybody finds it that's relevant or important, I think that there's a couple of things that I would point out is that this property owner cooperated with the city, Licking County and a number of other jurisdictions to help construct or eliminate the double 90 degree curve that used to be for Summit Road. Summit Road for those of, you may remember, extended straight to the north, it ran in a refugee and then it moved 70 hundred feet west, and then it continued on to its way, a condition which would have been rather inappropriate, quite frankly, for the main drive into the new high school. And so the properties owners that time worked with, that's what the schools, with city, actually, the project was led by the city engineer at that time. So this use was a part of sort of the expectation of the design for Summit Road when that was redone and I think in the two thousand four, five, six range. So there are a couple of things that evolved on this plan that you might find relevant to your deliberation as we work through it. Staff wanted to make sure that we weren't looking at the backsides of buildings from Summit Road. So we've submitted architecture that actually the units that actually front on the Summit Road, that is a front, not a back. So the front of the buildings are facing east and the back are the garage units to the back off that service drive each again. Each of these property owners will own their own front yard backyard. They just will not have a side yard. We believe that this conditional use is contemplated in the new SR zoning. It meets the intentions of the zoning. I think the staff report does a pretty good job of articulating that in that SR is not just single family detached, but also includes detached single family dwellings as well, which is exactly what we're proposing here. So without getting too deep in the weeds, this property was not zoned at the time. The property owner sold the property on the east to the high school. We entered into an agreement at that time with the schools for the sale of that property. One of the sort of adjunct exhibits to that agreement was that the schools would support the zoning of this property, and the schools actually preferred that there be and there be an attached use of that. However, at that time I said, wait a minute, we have 37 different immediately adjacent single family owners. That might be a little too optimistic. And so there was some planning that was done at that time that actually shows very similar to this single family backing up to the existing single family, a transitional attached form. And then the high school on the east side of Summit Road. I'm happy to have to answer any questions you have. You have an overwhelmingly complete package that Joe and his staff put together. That's probably far in excess of what you would typically get for an application of this type. But again, this was prepared in conjunction with the major site plan review, which is concurrently going to be going on before planning commission next month. If there are any questions, I'm happy to answer. I'm just a lawyer, right? So if you have anything that's really more important, staff has asked us about a pedestrian issue on the west side. If you'd go back to that prior plan, please. I should have brought my laser pointer, but I don't have it. Beginning on the south, there are south southernmost point and extending up to where the double S curve begins, there is an existing sidewalk. Staff has asked us to continue north along the curve up to tollgate. I'm sorry, Firstgate. We're happy to do

that. I think we're a little concerned about a sidewalk stepping into a multi-use path. We would probably prefer to just continue the sidewalk if you want us to make to do the if you want us to do the multi-use path we can. But because we're agnostic, it's roughly about the same cost. We're just thinking that we should just continue the sidewalk up to the north, north to Firstgate. So I think to my knowledge, that's the only loose open ended issue that we have with staff. The only open an issue that I'm aware of. And we, you know again, we're happy to build the multi-use path, but at least for 60 percent of our frontage, we already have an existing sidewalk, which I guess prefer to continue. Again, your call, that ours. We will do which either one is, is the consensus of this or the planning commission. Any questions?

Mr. Furst: Well, frankly, I'm happy to defer to staff's preference, Ms. Wheeler or Mr. Shook, even as there is a preference there, I mean, it does make sense to me that they would continue what exists on their side of the road. But that's just my opinion.

Ms. Wheeler: The piece in front of The Inn at Summit Trail. Is that a multi-use? That looks wider than a sidewalk.

Mr. Dugger: That's on the opposite side of us.

Ms. Wheeler: Correct.

Mr. Rettke: So you got a multi-use on one side sidewalk on the other.

Ms. Wheeler: Typically we would not see a multi-use on both sides of the street.

Mr. Shook: I think the intent here.

Mr. Dugger: Yes, you see where it stops right at that break.

Mr. Shook: The intention for the city in future plans for Summit Road as we continue to see more and more residential development coming on there. And there's going to be a need, probably at some point to widen that road all the way down to Main Street. The intent was to have a multi-use path that connects all the way from where Firstgate and Refugee meet all the way down on both sides of the street to Main Street to continue to promote walkability in the community in that family atmosphere. In addition, multi-use paths are simply easier to maintain than sidewalks. Where sidewalks will get uneven over time and they're just hard for maintenance purposes.

Mr. Dugger: The only issue that I would like to put before this board is that we do have another hearing in three weeks before city planning commission. I guess I don't want this board to say sidewalks and that board to say something else. If you all can get on the same page, we just we just want to be caught between. That's all.

Mr. Rettke: I don't think we have to say do it.

Mr. Shook: So actually the BZBA on a conditional use application has a lot more discretion than the Planning Commission does on major site review. So if one board were going to require it, it would actually be this board. Not that board.

Mr. Dugger: That's fine with me. I just want to make sure I didn't run into it at the next level with somebody who was on off on something that with which this board disagreed. So that's perfectly fine. If what that means is that this resolves it and that's OK, too. Yeah.

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

Mr. Furst: I do appreciate that you were able to accommodate staff's recommendation to have the garage's rear facing there, that has been something that's been brought to the city's attention when there has been, you know, attached single family constructed is that there are some renderings in the code that show exactly what you're proposing here, but none of it was getting built. So it's nice that that's finally happening.

Mr. Dugger: Actually, that came out of I'm a big fan of meeting with staff early and often. And when we first sat down with Mr. Bowsher and I'm not hopefully invoking his name in vain, but and talked about this use on this piece of property. That was like the second thing out of his mouth was we need to make sure that the fronts are opposite the high school that we don't have, you know, a back to front type of relationship, which he's 100 percent right. And so from the basically the get go on this use, that was something, quite frankly, that staff really brought to our attention. It's the right thing to do. You know, it would look stupid anyway otherwise.

Mr. Furst: I mean, I'm not sure as far as what the rest of the board thinks, but just to express my opinion, I mean, I think clearly your's here is consistent with the factors that are outlined in our code; specifically the ones that are outlined in single family residential, excuse me, suburban residential. But, if it's all the same to you, whether it's a sidewalk or a multi-use path, if the city does have plans to make it a multi-use path, you'd be comfortable with us, if we were to approve this tonight, making it conditional?

Mr. Dugger: Absolutely.

Mr. Furst: OK.

Mr. Dugger: And for the record, I, as the representative of the property owners and the developer consent to a condition which says that we would extend the sidewalk with a multi-use path from its current terminus opposite the north entrance of the high school up to where our property ends at Firstgate as a condition of your approval tonight, how's that?

Mr. Furst: Your profession is clearly noted.

Mr. Rettke: Any other questions concerns at all?

Mr. Furst: Well, certainly if there aren't any further questions or concerns. I move that having considered the factors outlined in code section 1109.15D that we move to accept this application with the conditions that the applicant has outlined.

Ms. Barnhart: I'll second.

Mr. Rettke: Moved in second in the other discussion, comments, and concerns? Please have a roll call.

Ms. Wheeler: Ms. Barnhart. Yes. Ms. Bulls. Yes. Mr. Furst. Yes. Mr. Rettke. Yes.

RESULT:	APPROVED [UNANIMOUS]
AYES:	Rettke, Furst, Bulls, Barnhart
ABSENT:	Linder

E. OTHER BUSINESS

None

F. ADJOURNMENT

Chairman

Planning and Zoning Administrator