

REYNOLDSBURG BOARD OF ZONING
AND BUILDING APPEALS
November 15, 2007

A. CALL TO ORDER

1. ROLL CALL

Members Present:	Mr. John Brandt Mr. Mr. Duane White Mr. Thomas Kucera Mr. Norman Brusk Mr. Patrick Feeney
Others Present:	Lucas Haire, Planning Administrator

2. APPROVAL OF MINUTES

Mr. Kucera: Are there any changes or deletions to the minutes of the October 18, 2007? (No response.) Hearing none, I'll approve those.

3. APPROVAL OF AGENDA

Mr. Kucera: Are there any changes to the agenda tonight?

Mr. Haire: There are no changes. Items # C6 and C7, the applicants requested for those to be tabled. So when we get to those items, we'll just need to vote to table those until the next meeting.

Mr. Kucera: And they're aware that there's no meeting in December?

Mr. Haire: Yes.

Mr. Kucera: All right.

4. SWEARING IN OF SPEAKERS

Mr. Kucera: All those individuals that are going to speak tonight, if you would stand to be sworn in, please. (Mr. Kucera administered the oath.)

5. PUBLIC COMMENT

Mr. Kucera: Is there any other public comment or any other items that are not on the agenda tonight? (No response.) Hearing none, we'll go to Unfinished Business.

B. UNFINISHED BUSINESS

1. VARIANCE APPLICATION; 1940 BALTIMORE-REYNOLDSBURG RD., REYNOLDSBURG, OHIO; REQUESTING A VARIANCE FROM SECTION 1181.03 (C)1 OF THE REYNOLDSBURG PLANNING AND ZONING CODE TO ALLOW A SIGN ON A WALL NOT PARALLEL TO A STREET. CONTACT: DINA CHERNY (25-ZV).

Mr. Kucera: Is there someone here to speak to this tonight?

Mr. Ken Jones: My name is Ken Jones and I am the owner of Gamerz, which is in that address at 1940 Baltimore-Reynoldsburg Rd. I was here last time and covered a few points and there was significant concern about putting a sign on the north wall. One of those concerns was that it would set a precedent and everybody else would want to put signs on that wall as well. So we asked that I go back and try to get a letter from the owner which would grant me rights to that and no one else and I've done that. Something else that's changed since I was last here is we were given the permission to put our sign on the monument sign, so we are there now. It's already been put up. So I have the letter basically granting me the right to be on that sign as well as exclusive right to the north wall. I have copies if you'd like to have that.

Mr. Kucera: Please.

Mr. Jones: The concerns I raised last time I still have and I'll refresh everybody's memory. There were three. One was the sign that would be on the west facing wall is not a very effective sign. It's hard to read when you're on Rt. 256. Second, was public safety in that if customers are still looking for our building they won't be watching traffic and more likely to cause an accident. And third, was that the wall that is the north wall where we want to put our sign is a blank wall and it begs for something to be put on it. We think our sign is a very aesthetically pleasing sign and it would add to the appearance of the area.

I wanted to add a couple of pieces of information to that set of arguments. One is that with the opening of Culver's and then our business, a new pattern is going to emerge in crossing Rt. 256. Our business caters to children. We expect that over 85% of our clientele will be under the age of 18 and there are a number of apartments right across the street from us where we expect many of our customers will be coming from and they are not likely to go down to the intersection to cross. They are more likely to jay walk. So one concern is they are going to be trying to cross this street in both directions, one to get there and one to go back and not being able to -- the respect of the signage was that with traffic building, I paid a lot of attention to the traffic and kept a pattern. Roughly three hours out of every day it backs up to our building or past it, so that you can't see the monument sign through the traffic if you're traveling south bound on Rt. 256. Also when that traffic is stopped is when kids will try to cross the street, because it's stopped on one side and they'll get half way and try to dart across. So that public safety concern is still there and I think this additional point is that they're more likely to be trying to cross the street illegally there with the opening of Culver's and our business. We also think that the sign on the north wall makes us much easier to know

we're there and therefore we don't have to worry about people not looking at traffic and trying to find us. It's just one less reason for there to be an accident in the area.

The other thing I'd like to suggest is we believe that the west-facing sign, which we're given permission to put up, is not an effective sign. With us now being in the monument, I'm not worried about the traffic coming from the south seeing us anymore because they can see us pretty clearly in that monument, but the traffic coming from the north, at least three hours a day can't. We believe the sign on the north wall would be much more effective than one on the west. I'm willing to trade that if that's possible, take the one that's facing west, instead put it on the north wall.

Mr. Kucera: I don't remember. Is that sign on the north wall, is that self-lit or is that going to be ground lit or—

Mr. Jones: It will be lit from inside the building.

Mr. Brusk: Our biggest concern was whether or not that this would set a precedent. I believed, when you made the presentation last time without you having a monument sign, that that could be differentiated, distinguished from our standards. The problem now is, despite the fact it might look a little better and so on, we have that problem of precedence being set. And, because of that, I'm afraid I'm going to be unlikely to go forward with this on my vote.

Mr. Jones: What precedence are you referring to?

Mr. Brusk: Our sign – what is it called? The sign—

Mr. Haire: Just the sign code—

Mr. Brusk: The sign code. And we've been trying to make sure that it's carried out fairly and consistently. When we can distinguish some reason why we can vary from it and that's a well and good reason, we do. The problem is when there's not a good reason to do it, and it has to be a compelling reason, and I don't see it being compelling anymore with that front sign; despite the fact that I like the look of it and I think it might look good, it goes against the situation where if we have a similar situation come, we would be forced, by precedent, to keep going on that and diluting our code.

Mr. White: To follow-up, I refer you to Section 1147.05. Basically it indicates an economic hardship is not a grounds for variance. And all I hear from you is that you're basically stating that there's some economic need for putting the sign on the side as opposed to keeping the sign on the west and using the monument sign. I also -- a question I have is your reference to the inability to have visual aide for the traffic flowing from the north on 256. Why is that the case?

Mr. Jones: The traffic. Roughly starting at 3:15 in the afternoon every workday, the traffic starts backing up trying to turn onto Livingston from 256. And it backs up, by

about 4:00 it's past our building, it's past Tire Discounters. So the traffic that's heading north blocks the view of the southbound traffic. It's like that for about three hours every day, from roughly about 3:15 until about 6:15 to 6:30. On Saturdays and Sundays the hours are different, but it's still about three hours a day.

Mr. White: So you're basically saying the traffic that's driving, is it south, cannot see your sign because of the traffic driving north?

Mr. Jones: That's correct.

Mr. White: So they couldn't look over the vehicles, you know? That's common, any other place you ride along the street. When you're traveling on the other side of the right lane and looking over the passing traffic, you cannot see your buildings on the other side?

Mr. Jones: You can see the building. Again, our monument sign is centered at 3½' off the ground, so you can't see it through the traffic. And as you're driving, no matter which lane you are in, you still can't see the monument sign.

Mr. White: Again, I have reservations because, again, my concern is that there is a sign on the west side and there's a sign available in the monument sign and, basically, the only grounds that I hear from you is basically an economic grounds as opposed to your inability to use your property.

Mr. Jones: Again, there's the other two: safety and that's a blank wall. It needs something on it.

Mr. White: Well, our ordinance basically says otherwise.

Mr. Jones: Okay. Is the idea of taking the west sign and not putting it up, instead putting up the north sign, not an acceptable option?

Mr. White: I'm not going to make a full decision. It's just not – I don't see it as being in compliance with the ordinance and basically what it says.

Mr. Jones: So that would not be an option? Then again, it would be against the ordinance if I were – we can't do that because of the ordinance?

Mr. White: Well, what I'm saying, my understanding of the ordinance is, is that you have a sign parallel with the street or parking lot, and basically, you can't have a sign that isn't similar other than that. And you're basically putting a sign on a place that's parallel, not with the street but the north, and it's simply not in compliance. That's my view of the ordinance.

Mr. Kucera: I have, again, a similar concern. Again, we turned down a couple of other owners there and they may be owners of their own buildings, so they would

come back and grant themselves exclusive right to their north wall of their buildings and want a sign up. So, again, after thinking about this since our last meeting, I still have a concern about the precedent we would be setting.

Mr. Brusk: Yeah. The fact, again, that you did get the granting of that, I would have felt that that would have alleviated our one concern we did have, but that concern was that there would be a bunch of signs out there. That did eliminate that. But, again, the basic reason that I differentiated the fact that you should have a sign on that side on that wall, the compelling reason by my reckoning, was that you didn't have the visibility necessary for the northbound traffic and you now have that. The fact that there may be some time that you can't see that sign, I can't see that as being compelling.

Mr. Jones: Okay.

Mr. Kucera: Is there any other Board comment? Is there any public comment?
(No response.)

Mr. Brusk: Does staff have any comment on that? (No response.)

Mr. Kucera: Okay. I'll entertain a motion.

Mr. Feeney: I'll make a motion that we vote on Item B1, 25-Z.

Mr. White: I second.

Mr. Kucera: Okay. If you'll call the roll, please.

(Mr. Haire called the roll. Mr. Brandt voted "no." Mr. White voted "no."
Mr. Kucera voted "no." Mr. Brusk voted "no." Mr. Feeney voted "no." Motion denied.)

Mr. Kucera: You do have the option of going before City Council and appealing to them.

Mr. Jones: Thanks. I also asked earlier, Lucas, about putting a crosswalk or something and that's just not an option either. The safety concern is a serious concern. I know my customers are going to jaywalk there. They're going to.

Mr. Haire: Yeah. The crosswalk, when I discussed that, there's a plan to put a traffic light in if it meets ODOT criteria. So whether it meets it at this point, the developers put money in escrow to install the traffic signal at the full intersection between the bank and the Cord Camera and whether that meets the warrants, because once the businesses get filled out basically they want to complete the traffic study, if it meets the numbers at that time it'll be put in. If it doesn't meet the numbers it won't.

Mr. Jones: Okay. Thank you.

C. NEW BUSINESS

1. SPECIAL EXCEPTION APPLICATION: 1756-1762 BRICE ROAD, REYNOLDSBURG, OHIO; PRESENT OWNERS NAME, CENTURY CITY L.P.; PRESENT ZONING, CC – COMMUNITY COMMERCE; EXISTING USE, BILLIARDS FACILITY; PROPOSED USE BILLIARDS FACILITY/DRINKING & EATING ESTABLISHMENT. CONTACT PERSON: MICHAEL MASZON (11-SE).

Mr. Mike Maszon: I'm Mike Maszon with the Spot Family Fun Billiards Club, 1756 and 1762 Brice Road.

Mr. Brusk: Mike, you know this has a lot of controversy. What do you plan to do as far as what additions do you want to have and what restrictions and what controls?

Mr. Maszon: You know, honestly, we're simply looking for the minimum beer requirement and the minimum alcohol which is a D1 beer permit only. We're not even planning on doing it at this time, any draft beer, simply bottled beer. We're wanting to expand the front counter off to the left and add where we can put a microwave and some sandwiches and then a cooler in behind where we have several selections of different types of beverages. Other than that, that's really the main expansion that we're looking for, just to be able to serve a little bit of food and then add the alcohol element so we can bring in the league play and things to that effect.

Mr. White: You indicated on your application that you had an ability to draw the pre-teen and teen crowd to your facility. With the modification, are you planning to have those groups still attend.

Mr. Maszon: From my understanding with the Alcohol Control Board, a D1 you'll find that in a Donato's Pizza or any restaurant you walk into. There's not an age restriction specifically for that. However, there's already curfew laws in place with the City that would definitely be enforced once the beer came in.

Mr. Brusk: Will you card everyone?

Mr. Maszon: My original plans were to just mark the drinkers with a stamp, the actual 21, the people who come up to actually purchase the beverages. I didn't think it was really necessary to go through the process of every single person that comes in the door.

Mr. Brusk: No, I meant for purchase.

Mr. Maszon: Yes, just for purchase, yes, it's a law that you have to.

Mr. Brusk: You will require.

Mr. Maszon: But I want to definitely have -- I'll stamp them as well so that way I can keep track of them easier in the facility.

Mr. Brusk: How much security do you have at your place now?

Mr. Maszon: Right now, at first we went in there and made sure everything was locked down. We've really lightened it up. Right now it's at minimal. We'll implement as we need. We've never really had any problems in the building.

Mr. Brusk: One concern I have is an adult buying beer and then passing it on to a youth. So I expect that you're going to have to have somebody other than the bartender or the person selling the beverages monitoring that, because I can't see somebody walking around that place and doing that and being seen by your cashier or your people there.

Mr. Maszon: Right and especially on weekends when it's going to be busier, we'll have a bouncer for the busier times. Most times we are going to have two employees working at all times any ways. You know, the person that's at the register and as well as another person to help maintain order if need be. In the facility, though, people go up to their individual tables, so it's very easy to monitor and watch what's going on in there. There's not a whole lot of wandering as much as they go to their table, they play and then they leave.

Mr. Haire: You have a surveillance system there as well. I drove by today and there's at least three cameras on the outside of the building. I don't know what you have inside, but you might want to describe that as well just to let them know.

Mr. Maszon: There's cameras throughout the facility; there's 360 degrees around the outside, everything is recorded. We really maintain order. I haven't seen any kind of problems since we opened really.

Mr. Kucera: I have kind of a procedural question here. There is an ordinance that was passed in August 2006 that's attached here that says that the applicant will not serve beer, so on and so forth, and the applicant will not allow food or drink to be brought into the facility.

Mr. Haire: When this is forwarded to Council, they will amend the current ordinance that's in place and they will also pass a new ordinance.

Mr. Haire: If they choose.

Mr. Kucera: Well, by approving this, wouldn't we be violating the ordinance?

Mr. Haire: We don't actually approve anything. So we're just forwarding on to Council the, the ordinance that they have now is for him to operate a billiards facility. A

Special Exception was granted for that. Now we're in the process of over going an eating and drinking establishment.

Mr. Kucera: Well, no, it was more specific than that. It wasn't just the billiards, it was passed with the specific statement that he will not serve beer, wine, so on and so forth.

Mr. Haire: Right and I have discussed that with the Clerk of Council and she said that with a new ordinance they will amend the former ordinance that was passed.

Mr. Kucera: Okay.

Mr. Brandt: So we're merely recommending yea or nay--

Mr. Haire: We're a recommending body, we're not an approval body.

Mr. Brandt: --on this particular part of the process.

Mr. Kucera: Okay. All right.

Mr. Brandt: My question is that I don't see any approval letter from the -- I believe the Special Exception requires that the property owner also send some letter of approval or something for an application. Do you have one? Does he have one?

Mr. Haire: I don't know if that's the case that it's required but—

Mr. Maszon: My landlord is well aware of what's going on.

Mr. Brandt: I know, you telling me that doesn't do us any good, though, if it's required that you have a letter from them.

Mr. Maszon: No one's mentioned that it's required to me. I mean I can—

Mr. Brandt: Well, we'll check it out.

Mr. Maszon: If it is, I can provide proof, not a problem if that's the case.

Mr. White: Have you filed for an application for liquor, the D1 permit?

Mr. Maszon: We just did that last week as we were coming into this whole process, so, yes.

Mr. White: So the owner would have to be involved in that, would he not, to be able to allow that to go forward?

Mr. Maszon: My owner's well aware of what I'm intending. I don't know what's required by the State and how that process works. No one has mentioned it to me at this point.

Mr. Feeney: You mentioned you have a layout of your facility. Where were you going to put the bar?

Mr. Maszon: It's literally just extending the front counter area. We're just extending it along the window line, just out probably 10 feet or whatever it is, just enough to have a little seven-stool area there for someone to sit down and have a sandwich or whatever and keep that separate from the pool, the snacks on one side and the pool on the other.

Mr. Haire: It's required that the owner be listed and that their contact information be in the application, but no permission from them.

Mr. Maszon: If you see that, that's on that map right here.

Male: Yeah, just going north up by your—

Mr. Kucera: Just a question, we had a group come in that wanted to put a bar across the street, as I remember, and there was a concern about the number of establishments in the area that we had laid out last time.

Mr. Haire: Yes.

Mr. Kucera: And that would be a similar concern here I would think.

Mr. Haire: It's a different type of facility but, yes, it is the same. There's actually four bars within a quarter mile of here, and there's a drive-thru, and a state liquor agency.

Mr. Brusk: Right, but this would be more like a restaurant, I would think, because of the fact that it's a Class D permit which is—

Mr. White: It allows them to sell food

Mr. Maszon: D5 is the actual liquor.

Mr. Brusk: --the bar experience.

Mr. Haire: This is beer only establishment where the other one was a full bar and they indicated that they weren't planning on doing any food at all. It was a bar.

Mr. Brusk: Their primary purpose was to sell drinks for people to drink. Your primary purpose is to have a pool hall with, as I understand it, a pool hall with refreshments available.

Mr. Brandt: That's my understanding also that D1 is the entry level. You generally can work up from there once you've got a D1 to get the 3 or 3A or 5. I'm not a liquor lawyer, but having heard that over the years--

Mr. Haire: That can be the restriction that we put on that then if the Board desires.

Mr. Brandt: Because we had this conversation some time back that we were never going to hear anything about beer and now here we are. D1 and the next thing you see coming through is a D5 so -- or whatever their categories are these days.

Mr. Feeney: And I think that was my concern going along with what John was saying. I remember when you came in the first time and there was never going to be any alcohol and this is a family thing, lot of kids in there and all this stuff and now we're back for the D1 and I don't know if you have to come back to us for the D- whatever, but—

Mr. White: I think you might want—

Mr. Maszon: I think we might want to put a restriction any time we want if we wanted to move up in the line to get a higher issued license, I have no problem coming back in front of the Boards. That's not a problem. I can't say -- I've learned from previous experience never to say "I'm never going to do something again." But there may be a time in the future where I come in front of you, or I find that I want that in the business. But right now I'm looking for just an entry-level D1 beer only license, be able to serve a little bit of food as well and satisfy what the consumers have been asking for. You know, make this business something that can last in Reynoldsburg for a while.

Mr. White: All I'm saying is I think there are several D modifications, one, two and three and some of those might be restaurants that allows service of alcohol of various types and if we're going to make that restriction we should be aware of that. If he is conceding that he wants to restrict himself to one D1, I have no problems with that. Another matter I think that was pointed out, the other bar that was before us a couple of months ago I think it was a bar and this is an actual pool facility, gaming and alcohol is served as an aside as a beverage, as opposed to being the main item on the menu, so I think it's a little bit different than what we've had before us.

Mr. Brandt: I disagree with you, respectfully, in that there's a moving truck and tomorrow it's a bar. The pool tables go away and if you've got a D5 liquor license, you're a bar.

Mr. Brusk: If we put a restriction on it, then it's a D1, period.

Mr. Brandt: Yeah, I'd go along with that.

Mr. Maszon: I think Council wanted 12 months, but six months sounds reasonable to me.

Mr. Haire: Six months is reasonable.

Mr. Feeney: I think I'm agreeable to give anything a try.

Mr. Brandt: But D1 and no application for further enhancement other than the State changes the law for, say, two years.

Mr. Haire: The only reason I'd indicated 12 months was just because the length of period it will take them to actually get the liquor license, so I figured if they only had the liquor license for a month or two he would rather have a 12 month review than a six month review.

Mr. Brusk: Okay, that makes sense.

Mr. Kucera: Or review six months after receiving the liquor license.

Mr. Brandt: There you go; I like that.

Mr. White: That sounds good.

Mr. Brandt: And he's not even a lawyer. And no application for anything above a D1 for a period of time?

Mr. Kucera: No. Any other Board comment? (No response.) Is there any public comment? Yes. Did you sign in by the way?

Mr. Ken Wright: Yes, I did.

Mr. Brusk: Okay, great.

Mr. Ken Wright: My name is Ken Wright and I live on Roselawn Avenue in Reynoldsburg here not far from The Spot. I just have a statement to make here about this and first I'd like to congratulate Mr. Kucera on his reappointment, because they mentioned that at the last Council meeting. I'm very happy that so many of the candidates who ran for political office in Reynoldsburg this year pledged themselves to an increase in security for the Brice/Livingston area. Allow me to quote from a paid political ad from Mr. Norm Brusk that appeared in the October 29 issue of Eastside Messenger. "We need greater police presence in this part of the City and I would strongly support a police substation." Those are important words expressed by a BZBA member. I happen to live in the area that Mr. Brusk was referring to in the quote.

People in the Brice/Livingston area are being robbed, beaten, stabbed and shot dead. A crime of breaking and entering occurred on my street two weeks ago. This area of our city does need a greater police presence as Mr. Brusk says. But there's something this area does not need. It does not need more places that serve or sell alcohol. We have plenty of them now. It would be a mistake to allow alcohol to be served at The Spot Poolroom on Brice Road. I respectfully ask the Zoning Board to deny this request. Consider the location of The Spot. Immediately south of the place is a carry-out, facing it from across the street is another carry-out, behind it is Smokey's Bar. Next door to The Spot on it's northern side is the notorious Century City Apartments, which has experienced 1400 visits from the police in the past year. There are other bars and nightclubs in the area where killings have occurred. It may be immoral to fiddle while Rome burns, but it is criminal to rush in with a flaming torch to feed the fire. If The Spot is allowed to serve alcohol, it will likely become yet another hot spot for the police. And thanks for letting me make my statement and I certainly hope you will vote against it.

Mr. Kucera: Is there any other public comment? (No response). I'll entertain a motion.

Mr. Feeney: Well, we want to add bunches.

Mr. Brusk: Well all right then, I'll move then. I'll move to accept Item C1 Special Exception Application for 1756 -1762 Brice Road with the following conditions: (1) that the Special Exception be reviewed six months after the granting of a liquor license, and (2) that nothing above serving beer or a D1 permit will be allowed without further review.

Mr. Brusk: And I would like to add that such review cannot occur earlier than two years, so that will limit trying for an advancement for two years.

Mr. Kucera: All right. I'll add to it that the review can't be sooner than two years so that it cannot be upgraded from that in that time period.

Mr. Maszon: I don't foresee that, but I'd much rather see a year. I mean if that's acceptable to the Board, but if that's needed. It just seems like an awful long time. If for some reason I wanted to add a full kitchen, make something much larger, I don't foresee it happening within that amount of time anyways.

Mr. Brusk: It's the D1 permit that we're concerned with.

Mr. Maszon: Right just for the D1.

Mr. Brusk: Yea, to go from D1 to D2, D3, D4 or D5.

Mr. Maszon: Okay, I have no problem at this time.

Mr. Haire: So the condition was no—

Mr. Brusk: No review for a—

Mr. Haire: --additional liquor license?

Mr. Brusk: Yea, for an upgrade or a higher liquor license.

Mr. White: Clarification, when you say no review are you – you’re basically saying upgrade -- he can’t apply for an upgrade of the D1?

Mr. Brusk: For two years.

Mr. White: For two years.

Mr. Maszon: And one other thing, there is a different level like a wine permit. I mean that’s like a D2. I mean I can understand going to the full liquor permit if you want to put a two-year restriction, you know what I mean. D1 and D2 are pretty common.

Mr. Brusk: I appreciate that. I think I’m doing it to make it more palatable to go forward. What we don’t want is creeping inflation.

Mr. Maszon: I just--

Mr. Brusk: And it may look like creeping inflation if we didn’t put that restriction.

Mr. Maszon: Not a problem. Not a problem.

Mr. Kucera: Do I have a second?

Mr. Feeney: I second.

Mr. Kucera: Would you call the roll, please?

(Mr. Haire called the roll. Mr. White voted “yes.” Mr. Kucera voted “no.” Mr. Brusk voted “yes.” Mr. Feeney voted “yes.” Mr. Brandt voted “yes, with the restrictions.” Motion carries.)

2. SPECIAL EXCEPTION APPLICATION: 6300 EAST LIVINGSTON AVE., REYNOLDSBURG, OHIO; PRESENT OWNERS NAME, RED RAIDER CAPITAL, LLC; PRESENT ZONING, CC – COMMUNITY COMMERCIAL; EXISTING USE, VACANT (DEFUNCT BIG BEAR GROCERY STORE); PROPOSED USE, INDOOR STORAGE FACILITY. CONTACT PERSON: GLEN A DUGGER/DAVID L. HODGE (13-SE).

Mr. Glen Dugger: Thank you, Lucas. My name is Glen Dugger. I’m an attorney at 37 West Broad Street. I represent the applicant. The application is as stated by Mr. Haire. As many of you know, this is an application for the former Big Bear site on

Livingston Avenue, east of Brice Road. The property has been the subject of some significant amount of public discussion over the last number of years and we first started working on it late last spring, early summer, through Mr. Brandt to try and bring some activity to it. We're working with the Stavroff Interests, retail developers throughout Central Ohio. They were very interested in purchasing the building, but were quite uncertain about the ability to re-lease a building of that size for 100% retail purposes. So we worked with Mr. Brandt's office. We worked with Mr. Clemens, City Council, and actually through Mr. Brandt's office they re-drafted the Community Commercial zoning classification to permit just exactly what we're doing today. That was through Mr. Clemens, Mr. Brandt, that City Council approved that, I think it was within the last--

Mr. Haire: The last month.

Mr. Dugger: --six weeks or so, yeah. In any event, the application is to permit use of the building for personal storage warehouse purposes. We're going to do that on the inside of that building in a climate controlled environment. We'll be able to basically have an active use of that property. We are going to try like the Dickens, for the next year, to re-lease as much of that building as much as we possibly can for retail purposes and we believe we're pretty optimistic about the possibility of that happening. However, we did provide, pursuant to discussions with the staff and with Council when we were drafting and working on this, that in the event that we weren't able to do so, that after a year we could have a fallback position that would enable this thing to be at least financially viable. So we are happy to answer any questions. I have Jim Adams here who's in charge of the operational side. Kevin McCauley represents the property owners. There was one recommendation out of the staff report that we try and beef up the north boundary of this property. There is a -- Century City Apartments is to the north. We've talked to them. They felt that the screening area was fine. Mr. Haire suggested that we do some additional landscaping, which we're willing to work with. The challenges, and I have a picture here actually that might be a little helpful, if I may. What that picture shows is that the grade of the shopping center is a little bit below the grade of the apartments to the north and, as a means of making that grade change, we have a retaining wall with basically landscape timbers. Those timbers are on our property. The fence and the trees that are behind it, however, are not, so that really doesn't leave us a place for us to put our material. We're more than willing to do some additional landscaping along that north boundary, however we're going to need the permission of that property owner to do that. We'll obviously also need the permission of that property owner to repair some of the damage that's been done over the years to that fence. Again, we're not trying to avoid our obligation to the screening buffer along the north boundary of that; however, the ability to do that is a little bit compromised by virtue of the ownership situation that exists there. I think the Staff report recommends conditional approval, which I'm grateful for, subject to planting some additional plant material along the north boundary. We are willing to plant that plant material, however we do have some -- we would need to make that contingent and conditioned upon the cooperation of the adjoining property owner. To that end, we have obtained a letter from the owners and operators of that apartment complex. They have indicated that they believe that the current landscape condition is, I think in their terms, "fine." And I

think we've provided copies of that to Mr. Haire. You know, it may be fine. It may need to be upgraded. We're perfectly willing to work with staff on that upgrading, again, assuming we have the cooperation of that adjoining property owner. If there any questions operationally about how this is going to work, Mr. Adams, I think, can answer those questions. I'm perfectly happy and capable of talking about how this whole thing came about procedurally. Given the level of attention, I think that we're very optimistic that we're going to get a -- I think we're-- I spoke with the owners just yesterday about what they think about the retail environment and they think it's actually better than they thought it was going to be. So they're optimistic that-- we can't, obviously, make any promises, but they're optimistic that at the end of the day the Big Bear's going to be in significantly better shape than it is now. If there are any questions, we're more than happy to answer.

Mr. Brusk: First question obviously is where's the entry and exit for the storage facility?

Mr. Dugger: Yeah. The entrance would be here and the—for the storage facility. You, literally, the idea is that you could actually drive in the building and then drive out back here by the loading dock. So there'll be a vehicular corridor through the building that will enable us to access the individual unit spaces inside. For the retail space, it would be essentially, Mr. Brusk, in the location that it is now.

Mr. Brusk: Would there be separate entrances for various—

Mr. Dugger: Yes. Oh, no, no. There would be a separate entrance for the retail. There would be a separate entrance for the personal storage. You would not have your own individual door, so that would all be contained within the building.

Mr. Brusk: Okay, so like a corridor or something?

Mr. Dugger: Exactly.

Mr. Brusk: Like a mall?

Mr. Dugger: Exactly.

Mr. Haire: Maybe if you show the elevation it will give them an idea.

Mr. Dugger: Yeah.

Mr. Haire: There's going to be one door on the front of the building.

Mr. Dugger: Right. I mean, it basically looks the way it does today with the exception of this overhead door, pull-up, key card drive-thru. Once you're inside, then you would access your personal storage unit just the same way you would for the outside ones except that now that you're inside where it is climate controlled, where

there's a higher level of security, higher level of climate control, for, you know, there are a lot of things that people, in this day and age, would like to have not necessarily on site, but store it, but they can't put them in-- You know, the typical warehouse personal storage facility is not heated. There isn't any climate control on it. So that's the idea of it here. They've been very successful throughout the country. I think there's only one other one here in Central Ohio.

Mr. Brusk: How's it doing?

Mr. Dugger: I think it's doing very well. This is really where that industry is going. If you follow their trade journals -- we get one every so often. But where the personal storage industry is really going is towards these types of facilities that have climate controlled environments.

Mr. Brusk: Is there any plans for outbuildings?

Mr. Dugger: Yeah. Well, currently, as you know, the Big Bear had their garden store and our preference is -- it's currently zoned CC and our preference is that it be redeveloped and used in compliance with that existing zoning.

Mr. Brusk: But they're not planning on putting outbuildings along Livingston?

Mr. Dugger: We have one here.

Mr. Brusk: Oh, I'm sorry, I couldn't see that.

Mr. Dugger: What happens here in terms of the overall development, the warehouse obviously has extraordinarily low parking demand. So what we have is significantly more parking than we need. The idea here is that we would have the opportunity for some sort of an out lot here that would use up some of that large expanse of asphalt that's there. We don't anticipate that we're going to be able to release the entire building for retail, so some portion of the building is going to be warehouse, some portion of it's going to be retail. That would enable us to have more retail out on Livingston Avenue. Yes, sir.

Mr. Brusk: Is there any thought of office space availability too?

Mr. Dugger: You know, the interesting thing about this whole endeavor is that it somewhat stands things on its head a little bit. We would love to have retail more so than the warehouse, because the retail obviously pays more. We would love to have office for the same reason. So if we get office or retail users, we'd love to accommodate them in this scenario. In fact, some of what we're working on is some office type of component to this. The market incentivizes us to do the retail, to do the office. We're going through this process so that we basically have, Mr. Brusk, a floor where we don't fall into the basement and have a building that sitting there empty now. We need to establish that the building has some basic viable economic use. The rent

differential between the warehouse, retail, office, all of those things strongly incentivize our client to redevelop the property with those uses that you suggest. Yes, sir.

Mr. Brandt: And this is for the Board's edification. One of the issues that came up on this sometime back, and the Stavroff Group has done an excellent job, in that that previous owner and what caused part of the difficulty, shall we say, was their lack of interest in adapting any new concepts, ideas, or thoughts. They merely wanted to sell the building. They didn't want to subdivide. They didn't want to divide it up. As you can see on your detail, they've got some estimate of usage, the out parcel, et cetera. The previous people were in a situation where they, in life, where they just didn't want to get into the world of development. While they've had a lot of experience in it over the years, the trust didn't feel that it was the right time in their life to get into it. As of today, I think the one in Gahanna is still vacant. The one in Hilliard is still vacant. The one in Pick Town is still vacant and there's six, I was told yesterday, in Central Ohio that are still vacant. So, while this cry came extensively that our Big Bear was empty, it wasn't the only one. This project will, hopefully, will take that off the discussion table and turn it into a viable use. Now, I've seen Royer's sign down there. I don't know of anybody in the industry in Central Ohio that does a better job than that organization on commercial property, so I would think that this is a win-win for everybody and that they fully understand the mathematics of the business and they're going to try to get the highest and best out of it because they've got a lot of money. I was told the other day they recently completed a new roof on the building. I'm sure we've all put a roof on our house probably over the years. A roof on there would just frighten me to death.

Mr. Dugger: Yeah. I had, oddly enough, just coincidentally had breakfast with Mr. Royer yesterday and talked to him about this knowing that we had this hearing tonight. He said that – his term was he is significantly more optimistic, I think was the expression about releasing a portion of this or maybe most of this building for retail space than he was when he first started on this project six or eight months ago. I think that, hopefully, we've got some momentum behind this project, that the market's responding appropriately and all we're really-- the best thing, quite frankly, to happen is, as Mr. Brusk points out, if we have some type of office or retail that would take most or all the space. That would be great. We just need to provide this owner some flexibility in the event that isn't the case.

Mr. Brandt: And one of the uses previously, and one of his former clients and a good developer, Nelson and I looked at that when it closed up. One of the uses used to be, a number of years ago, is to punch a hole in the ceiling, put an atrium in the middle and make it a call center. And then all of a sudden the law hit on call centers and everybody woke up and the next phone call you got was from a foreign country. So the use of those for that use went out the door.

Mr. Dugger: There's one over there off of East Broad Street, I believe, that's a former K-Mart that's now a call center. Yeah, I mean, unfortunately, I think a lot of that call center business, as you point out, is in Bangalore now, not—

Mr. Brandt: That's exactly what he said. He says, "Well, the use—" because I took him down there. I said, "Bob, what do you think?" And he said, "Well, the normal use would be punch a hole in the ceiling, put a nice big atrium in there, throw 300 desks in there, and make it a big call center," but, he said, "That day's gone."

Mr. Brusk: Well, I guess we're fortunate because the outside was recently redone. And it is a much nicer looking building than most of the Big Bears in the other communities.

Mr. Brandt: When they filed those plans for that, I asked the Building Department to expedite them in the event they—

Mr. Dugger: A number of us who were following obviously what was happening with Big Bear at the time were quite surprised given their financial condition that they, now, that they chose to reinvest what they did here because it was fairly significant. I've heard, although I can't verify it, that it was well into the millions of dollars. I do know that what we have here, or at the time, this was a fairly successful Big Bear store and so our efforts have been to try and bring that fact to the marketplace so that some of those retailers could understand that it really was doing pretty well.

Mr. Brusk: And another possibility I would hope would be looked at -- I'm sure it is -- would be a small grocery operation.

Mr. Dugger: Yes, sir.

Mr. Brusk: Maybe a specialty—

Mr. Dugger: We are currently in discussions with a number of small groceries.

Mr. Kucera: I've got a couple questions. How is what's going to be stored in this building going to be controlled?

Mr. Dugger: Sure. Mr. Kucera, I am not the expert on the operation of personal storage. Jim Adams is. I'd like to ask him to answer that question. He's not feeling well. If he gets sick when doing so, don't hold that against him. I'm not going to stand close to him when he does either.

Mr. Jim Adams: Evening. Thank you. My name is Jim Adams. I'm president of Secure Hold Storage and the Stavroff's are great partners to have. So we've been discussing this building for quite awhile. We have a significant amount of experience in self storage. We have multiple facilities ourselves. We develop multi-story, the standard drive-up self storage, conversion products as well. So it's a fairly malleable product that can fit in and around other uses. And this is a tremendous use because obviously you've got, hopefully as he stated, all retail. That's the easiest and the highest best use for us, but the draw and the traffic and all those things generate a significant return for us. So more to your question, how do we secure items or what's

the process? Essentially we have an office, probably 500 to 800 square feet with a manager. The office hours are 9:00 a.m. to 6:00 p.m. The gate hours, if you will, are 6:00 a.m. to 10:00 p.m. We don't have 24-hour access. In special cases we do for commercial tenants. So we'll have route salesmen, newspaper folks, other commercial tenants that require 24-hour access. For that, they provide us with additional rent, so it's a service charge to provide that. A tenant walks in, whether commercial or residential, household commercial, they provide us a license, we get an actual picture of that person, they sign our lease which is a month-to-month rental agreement, we show them the space, and then they have access to that space. It's a fairly straightforward simple business in that way. We provide fairly elaborate security. We have, on a facility like this, I would guess – I haven't seen my quote come back, but well over 45 cameras will be throughout this facility and those are recorded on a DVR for 30 days, so we can maintain control of that property. Of course it's alarmed generally with ADT. We have door alarms and a well-lit, well-accessed area.

Mr. Kucera: Well, I appreciate that and some of that's in your write-up here. I guess my question was more to fire safety, explosion, that type of thing since it's an enclosed facility. A painting company comes in and decides to rent one of your units to store 9,000 gallons of paint, or somebody decides that they'd like to store some other flammable or explosive materials. What I'm wondering is it's inside a building. How is that controlled?

Mr. Adams: Clearly it is, well, you wouldn't know, but it's forbidden in the lease to store anything that's flammable, anything that's hazardous.

Mr. Kucera: Okay. That is in the—

Mr. Adams: --stolen. All those items are—

Mr. Kucera: --in the lease?

Mr. Adams: Clearly boldly laid out that that's illegal with us.

Mr. Kucera: Okay.

Mr. Adams: The second issue is our management perspective on these. Your manager does a walk-through two to three times a day and typically they pick up patterns and they understand very quickly what's happening within their facility. They know most of the tenants by name, even though you've got well over 500 units. Especially a commercial type tenant like you would propose, they would immediately know what was happening at that facility.

Mr. Kucera: All right. Will the signage for this building involve any variances in the future?

Mr. Dugger: Mr. Chairman, we haven't applied, as a part of this application, for any sign variances. I wouldn't sit here today and say that if we did get a retail tenant, they wouldn't be back for some other signage types of things. That's obviously a corporate decision for them to make. It wouldn't be prudent for me to say at this time that there won't be. I can just tell you that with the warehouse personal storage piece of this, there are no anticipated variances.

Mr. Kucera: All right.

Mr. Haire: I have spoken with the Stavroffs, the building owners, and they have indicated that they may want to replace the monument sign in the front and, if they do that, then they'll likely want a variance on height, just because of the size of the facility and potentially the number of tenants that might be in the facility.

Mr. Dugger: Right.

Mr. Kucera: Again, I know it isn't -- this type of facility won't generate much parking. Is there any intention of lighting for the parking lot, or upgrading, or changing lighting for that or the building?

Mr. Dugger: I believe the lighting is shown on the plan.

Mr. Kucera: I'm wondering is that just the existing lighting or—

Mr. Dugger: I believe it is, yeah.

Mr. Kucera: Okay. And then I know, I see on your plan here, and that's kind of a future plan. I kind of see it here on our detail, a number of trees being added in the parking lot?

Mr. Dugger: Yes, sir.

Mr. Kucera: Okay. And that is correct?

Mr. Dugger: Yeah. This is the plan to which we are committed. Yes, sir.

Mr. Kucera: Okay.

Mr. Dugger: And if you wish to attach to your motion that this is the site plan, yes—I mean we're not going to show you something and do something else.

Mr. Kucera: Well you had quite a bit of discussion of the landscaping across the back of the unit and I was just wondering about the—you know, right now it's a sea of asphalt and—

Mr. Dugger: Right. Part of that obviously has to do with making it a little bit better environment.

Mr. Kucera: Right.

Mr. Dugger: And something other than just the warehouse users, so we do have a landscape budget and it is that shown here.

Mr. Kucera: You're going to put in--

Mr. Dugger: Mr. Brandt actually—

Mr. Kucera: If you're going to put in those trees, that'd be great.

Mr. Dugger: --brought that to our attention that that was something we needed to do as a part of this application. We agreed to do that and if you wish to -- if that's not clear in the application that it needs to be landscaped and it's in accordance with what's shown here--

Mr. Brandt: And there was some discussion as to the potential for what the ultimate need might be should they secure a tenant for an out parcel or out parcel one or two, so we looked at it from that perspective and they're willing to go with this. But if they come back and say, "Well, we've got a guy that wants to build a bank on that left corner down there, but he needs to rotate it this way and that changes this, then there may be something—

Mr. Dugger: Yeah. To a certain extent this isn't the total final form—

Mr. Kucera: Right.

Mr. Dugger: But we understand that we've got to do a little bit of extra cooking on this.

Mr. Kucera: And I think, correct me if I'm wrong, but if you do something with an out lot there, something like that, that then generates some other issues in the code about additional Green Space which we've encountered on some other spots.

Mr. Dugger: Right. And that parcel would obviously, to a certain extent, have to stand alone and otherwise we're back before you.

Mr. Kucera: Okay.

Mr. Haire: I would just quickly want to address the rear lot line and my recommendations on that. That area, some of the landscape timbers that they have there are falling down, there's trash all over. I mean, it looks pretty bad and with the increase in traffic that's going to be there because of the exit from the storage facility,

that's why I've chose to address that in the Staff report and I'd like to see something done there. So that's something I feel that is important, that we make conditional that at least something happens there whether it's on their property, the adjoining property, how they work that out. But, if anything, if the landscape timbers are on their property just to get those back in shape where they're at least not falling apart.

Mr. Dugger: I don't have a problem with that. We noticed that, Mr. Haire, that we had some of those timbers that need to be replaced. We'll replace them.

Mr. Haire: Then the fence, I don't know if you've been able to look at the fence. The fence is a chain link fence with the slats pulled through and a number of those are missing and all that. I understand that that's the adjoining property owner's fence, so.

Mr. White: I have a couple questions. This, in turn, will – in building storage, how do you accommodate the various bulk items that come in? Is there some ways one can bring in huge, I don't know, item that needs to be stored, is there some access? Normally, when you have outside facilities you drive up to them and, you know, store them.

Mr. Dugger: Mr. White, can I bring Mr. Adams back up and answer, because that's really sort of an operational question?

Mr. White: Okay.

Mr. Adams: Obviously there would be some size limit to what we can store. Typically these have roughly 9' eaves with an individual door and the door itself would be 9' wide, so 9 by 9, so it's a fairly substantial door on an individual unit. To actually access the building, one, there's a center drive-in that you can physically drive into the facility, get out of the elements and unload your items. The actual corridors themselves are 5½' wide and then items are carried. We have dollies and carts that are used by the tenants.

Mr. White: Okay. The other question I had, you've indicated that, and this may be not an operational, more a strategic, but you indicated that there's a desire in the future to have retail operations in there. Is that a single retail operation or is it – do you have an envision as to what kind of retail operation you plan to see in that area?

Mr. Dugger: Yeah. Our preference would obviously be to re-lease as much of the building as we can for retail or office uses and our expectation would be that those retail uses would be essentially similar to what's been there historically.

Mr. White: A grocery store, department store?

Mr. Dugger: A grocery, yeah. We're talking to some groceries right now. Whether we get them or not, you know, we don't know.

Mr. White: Along that line, the other question I have is that you've indicated obviously that retail is more financially rewarding than the storage and what if the retail actually succeeded and then started to become very lucrative?

Mr. Dugger: Well, that's what we hope happens.

Mr. White: What will you do to figure out the storage area?

Mr. Dugger: The storage area would – hopefully, over time the storage area would get smaller or be eliminated all together. As you would probably suspect, what we can rent the space for for retail space versus what we can rent the space for the personal storage, you know, the retail is obviously a bigger number. Our preference, and I think the City's preference, is that this becomes as much as retail as it possibly can.

Mr. White: Not familiar with the – the ordinance that was passed for this particular facility, is that allowable to actually reduce without actually coming back to the Board?

Mr. Dugger: Yeah. The property, as I understand it, is currently zoned CC, which permits the retail use which we're all talking about. What the ordinance did was allow the inside personal storage warehouse to go into retail under certain sets of circumstances.

Mr. Brusk: Right. We did have an ordinance that covered that.

Mr. White: That issue wasn't covered in the ordinance.

Mr. Brusk: Right. We had to modify the ordinance to allow—

Mr. White: I'm saying to modify. I'm questioning the modifications that allow him to reduce the size of storage and increase the size of retail.

Mr. Brusk: All it does is allow the fact that they can have inside storage, whether it be 2 square feet or the whole building.

Mr. White: When, again, my question. We have a larger facility, large portion of it dedicated to storage. If, in fact, retail becomes lucrative, you wish to increase the size of retail and if you do do that then you have to reduce the size of the storage—

Mr. Dugger: That's correct.

Mr. White: --would you have to come back to the storage, is my question?

Mr. Dugger: No, sir.

Mr. White: Okay.

(SIDE B)

Mr. Dugger: In my opinion, and I defer it to Staff a little bit is that the property is currently zoned for retail and the extent to which we want to use some or all of the building, we have that opportunity and right to do so.

Mr. Haire: The only representation they're making on the application is that they will try to market 20% of the site as retail until January 1, 2009, at which point, if there's no retail users in the space, they'll have the option to expand the storage.

Mr. Dugger: Correct.

Mr. Haire: But if they want to expand the retail the other way, then there's no application, because underlying use is still Community Commerce. So anything within the Community Commerce zoning would still be permitted on the site, so there would be no further application to reduce storage; only if they wanted to increase within the next one-year period, I guess, over and above that 20% that's dedicated for retail.

Mr. Brusk: I have one other question. Because that's a controlled climate for the storage and you're bringing vehicles in, is there any consideration for the potential for the buildup of toxic gases from the automobiles?

Mr. Dugger: That's a good question, Mr. Brusk, so we're going to continue to ham-and-egg it here and we'll ask Mr. Adams that question, if that's okay.

Mr. Adams: Typically on these facilities you have an exhaust which is—

Mr. Brusk: Well, you're talking about controlled climate which means that you want to not use, obviously, use as little exhaust as possible because it costs you a fortune to keep the control. So the concern I have, and I'm doing that as a professional in a different area, is that you could have a buildup of carbon monoxide. I'd like you to make sure that provisions are made to monitor for the carbon monoxide on a periodic or continuous basis, so that you don't have that kind of a problem. And, if there is a buildup, that you have some means of controlling it to reduce that to levels below that which could be problematic.

Mr. Adams: Absolutely. Every facility that's like this has a carbon monoxide monitor which then triggers a fan. That's—

Mr. Brandt: And they've found clients dying on the premises is bad for business.

Mr. Brusk: It is. It's not good.

Mr. Haire: And this will undergo the Building Review and we'll have to be able to—

Mr. Brusk: Right. I just brought that up sort of as an aside.

Mr. Feeney: About the entrance, is it going to be big enough for like a semi truck to come in. Are you expecting trucks that big or is this just cars or is this—

Mr. Adams: Typically it's a moving truck and semi-trucks, I believe there's a loading dock component on the back side of this building where the previous loading docks were.

Mr. Feeney: So they won't be pulling in—

Mr. Adams: No. They wouldn't have access—

Mr. Feeney: --won't have trucks lined up trying to come in and deliver stuff?

Mr. Adams: No. Traffic counts on self storage facility, just so you know, typically the breakout is about 15 to 25% commercial users and the remaining household users who are storing excess items in between homes, that sort of thing. The traffic pattern for a facility, if this was completely built out, the entire 100,000 square feet, you would look at roughly 40 cars a day, and those studies have been backed up before. So the traffic is fairly low impact.

Mr. Feeney: Is it one way in and one way out?

Mr. Dugger: Yes. I believe you may have a slide, Mr. Haire, of the actual loading dock.

Mr. Haire: I don't, no.

Mr. Dugger: You don't? I think, Mr. Kucera, on that picture that I provided you there's a picture of that dock as well. There is a loading dock in the back in the event that you would have-- we do need to keep some access for loading because the hope is that we would get a grocery retailer which would need the loading dock so the—

Mr. Haire: There's multiple loading docks, aren't there?

Mr. Dugger: Right.

Mr. Haire: I think there's multiple. There's three, I believe.

Mr. Dugger: Two or three back there. I don't believe, Mr. Feeney, that the driveway garage door would accommodate a semi to pull through. In part, because of just the turn inside the building to get out.

Mr. Kucera: There any other Board comment? (No response.) Is there any public comment? (No response.)

Mr. Ken Wright: Again, for the record, my name is Ken Wright and I live on Roselawn. I was pretty heavily involved in the fight to try keep that facility commercial, so what I'm thinking of is, again, the security. I didn't really – it didn't really sound like there was a lot of security. Apparently, you're going to have a lot of cameras, but what about actual boots on the ground, you might say, as far as protection of the people who use the facility? Because once it gets established, I'm sure there's going to be certain people who could be predators and trying to take advantage of people who are – I mean, trying to get at them when they're using this facility in various ways and I'm just wondering if there'll be actual people there to protect or watch out for it, and how many hours would the be there and so forth?

Mr. Dugger: Yeah. We talked about the hours of operation earlier. It's not a 24-hour facility, number one. And, number two, the difference here is that the activity occurs inside the building. We're very concerned and actually one of the things that we did when we took a look at this was had to satisfy ourselves that it met a minimum level of security. We do have, as the neighbor gentleman points out, we do have boots on the ground. There are people there managing and operating this. Now, I don't know that they're armed, because I'm not so sure that that's the kind of boots on the ground we're talking about, but we do have people there with security cameras and the activity does occur inside the building as opposed to outside. So, short of some form of carjacking type of situation where people are yanked out of their automobiles, the activity is basically occurring within the building.

Mr. Haire: You would only have one entrance point and one exit point on the building, is that correct? One door in, one door out?

Mr. Adams: One door in, one door out, yeah.

Mr. Haire: Then you probably have an office door, as well, so there'll be controlled access to get into the building.

Mr. Adams: That's correct.

Mr. Wright: So it's just one person time then that uses the facility. They go in and then the door locks behind them, they're safe, they deal with their things and then they move on and the next person comes along and uses the key card or whatever and goes in and then out.

Mr. Dugger:: Theoretically there could be more than one person in the facility at a time, you know, come in, but your access is via the key card. So you would be only accessing the building if you are a person that was authorized to be there.

Mr. Brandt: And I think based on his numbers earlier, I mean, you spread that out over, what, 12 hours or so, that doesn't leave a big crowd at any given time. Obviously, as in any other situation you may have three show up at 9:00 and nobody show up till 11:30.

Mr. Dugger: Yeah. My experience with these facilities is, and Jim's might be obviously is more extensive than mine, but my experience is that there's a bit of a rush on the Saturday mornings when people are going to and from, but that's really about the only time that's there isn't a rush for them is having more than just a couple of people in the facility at a time.

Mr. Kucera: Is there any additional comment? (No response.) I'll entertain a motion.

Mr. Brusk: I move that we accept Special Exception Application – is that we approve or we—

Mr. Haire: Approve.

Mr. Brusk: We approve Special Exception Application Number C2 13-SE.

Mr. Brandt: Second.

Mr. White: Should there be a condition that the trees in the rear of the facility be maintained?

Mr. Brusk: Yes. I will make that addition to the motion that we—

Mr. Dugger: It's two things, Mr. Brusk. It's one, that we work with the adjoining property owner on providing any additional landscaping and repair to that fence. And number two, that for the landscape timber retaining wall, that we replace those that are broken and need to be repaired.

Mr. Brusk: That you clean up your side of the fence.

Mr. Dugger: Yes, sir.

Mr. Brusk: Using the wording of Mr. Dugger, which is much better than mine, I can move it.

Mr. Brusk: Do we have a second?

Mr. Brandt: I did.

Mr. Brusk: John seconded it? All right. Call the roll, please.

(Mr. Haire called the roll. Mr. Kucera voted “yes,” Mr. Brusk voted “yes.” Mr. Feeney voted “yes.” Mr. Brandt voted “yes.” Mr. White voted “yes.” Motion carries.)

Mr. Dugger: Thank you very much. Mr. Chair, I’d like to thank the Development Department staff. They really worked with us quite closely and did a really good job on getting this to the point where these owners could really undertake this redevelopment effort and feel good about it. Thanks very much.

Mr. Kucera: All right. Thank you.

3. VARIANCE APPLICATION; 7770 EAST MAIN STREET, REYNOLDSBURG, OHIO; REQUESTING A VARIANCE FROM SECTION 1179.04 (B) 4 OF THE REYNOLDSBURG PLANNING AND ZONING CODE TO ALLOW PARKING WITHIN THE REQUIRED FORTY FEET (40’) FRONT SETBACK ON A MAJOR ARTERIAL THOROUGHFARE. CONTACT: DOUG KING (26-ZV).

4. VARIANCE APPLICATION; 7770 EAST MAIN STREET, REYNOLDSBURG, OHIO; REQUESTING A VARIANCE FROM SECTION 1175.05 OF THE REYNOLDSBURG PLANNING AND ZONING CODE TO ALLOW THE CONSTRUCTION OF A COMMERCIAL BUILDING WITHIN THE REQUIRED THIRTY FEET (30’) REAR SETBACK IN A COMMUNITY COMMERCE DISTRICT. CONTACT: DOUG KING (27-ZV).

5. MAJOR SITE PLAN REVIEW APPLICATION; 7770 EAST MAIN STREET, REYNOLDSBURG, OHIO; PRESENT USE, VACANT; PROPOSED USE OF LAND STRUCTURE, NEW FAMILY DOLLAR RETAIL STORE; PRESENT ZONING, CC – COMMERCIAL. CONTACT NAME: DOUG KING (13-MS).

Mr. Kucera: All right. And then actually Agenda Items 3, 4 and 5 are all related so—

Mr. Haire: Want me to just read them all?

Mr. Kucera: Why don’t we go ahead and discuss all of them? We have to vote on them individually but—

Mr. Haire: Sure.

Mr. Kucera: Discuss the whole works all at once. Yes, sir, if you’d state your name, please.

Mr. Doug King: Good evening. I’m Doug King. I represent Excel Reynoldsburg, LLC. We’re a developer for Family Dollar stores. As you can see by the application before you, we’ve asked for variances on front setback for parking, the rear yard setback in order to best utilize this piece of property at 7770 Main Street. I’d be

happy to answer any questions or provide any more information that isn't already in the package.

Mr. Haire: If you all are not familiar with where this site is, it's right in front of the Reynoldsburg Estates, I believe it's called?

Mr. King: Um-um.

Mr. Haire: Which is Estates Lane. This is kind of kitty-cornered to where a new Super America gas station was built. Adjacent to this there's trailer sales and adjacent to that is a parcel that they've done U-Haul rental out of for a number of years that's not in the City of Reynoldsburg. So that kind of gives you an idea. This parcel has been vacant for a number of years. What they're proposing is to take a little less than half of the vacant parcel that's in front of there.

Mr. King: I'm sorry, if I needed to offer some more information. Basically, as Lucas said, it's the corner of Estates Lane, which is that drive going back to the mobile home park and Main Street. It would be the southwest corner of the vacant land east of Estates Lane, if that helps. The necessity for the variance comes from—of course, it's zoned CC and there was a granting of extended right-of-way at some point in that past that reduced the property by about a third. And when you overlay the setback restrictions for the parking and the rear yard requirement, it leaves a piece of property to be developed that's less than half the original size, which I would hope wasn't the ordinance's intention.

Mr. Brandt: That was an unusual situation.

Mr. King: I understand, yeah. I think it benefited—

Mr. Brandt: Did you get worked out your access to the sewer line?

Mr. King: Yes, sir. I've spoken with the sanitary and storm and water people and there are, and I brought a copy if anyone would like to see them I could leave them.

Mr. Brandt: I mean not from our people but from – do you have to get an easement from these folks to get—

Mr. King: They were all recorded in the past, are all drawn and agreed to in the past.

Mr. Brandt: Okay.

Mr. King: There's an easement – there's access easements for Estates Lane which may or may not be public at this point. I would—

Mr. Haire: Still private.

Mr. King: Still private? As well as three sanitary easements along the rear through that 35' strip and then storm and water easements along Estates Lane.

Mr. Brandt: Yeah. Because there was somebody going to develop down there at one time and the other property owners wouldn't give them access to get to—

Mr. Haire: I think that was prior to the transfer of the—

Mr. Brandt: The strip?

Mr. Haire: --the strip. That was done in 2001, I believe, so a lot of changes have changed since then. I guess it was 2004 it actually transferred, so it was probably prior to that. With the variance request, as Mr. King stated, there was an additional right-of-way granted along the front. In the Staff Report I had indicated that there's approximately 40' from the edge of the pavement to the right-of-way line and they're proposing the parking be an additional 15' from the right-of-way line, so actually the parking on this will be 55' from the edge of pavement. But it still doesn't meet our setback requirement which is 40' from the edge of the right-of-way.

Mr. Brusk: Because of the right-of-way.

Mr. Haire: Because the right-of-way is so wide. So really this is unique in that aspect is that it'll be 55' from the edge of the pavement, but it still doesn't meet the setback requirements. And with the rear variance, that 35' strip that was deeded over, I guess you can see it on there as the small strip of land with the number of garden sheds on it. So the actual back of the building, I think, was – no, it's about 47', I guess, from the actual rear property line of where the mobile homes are located.

Mr. King: So that 35' strip sort of benefits us in that it helps create the buffer.

Mr. Feeney: What is that strip?

Mr. Haire: It's 35' wide. It was transferred to the owners of the manufactured home, I guess, the park there. It was transferred to them just because they had so many encroachment issues and when they worked out a deal and sold this, they transferred that 35' to the mobile home park owners so that they wouldn't have those encroachment issues.

Mr. White: What are those buildings in there, that strip right there?

Mr. Haire: They're garden sheds.

Mr. King: For the trailer park.

Mr. Haire: Right.

Mr. Brandt: They claimed it through adverse possession over so many years.

Mr. King: Did they?

Mr. Brandt: --15 years? I remember when the fight went on. It went on so long that – because everybody was always screaming, “Why don’t they build something there?” That was part of—

Mr. Haire: And a number of issues.

Mr. Brandt: Yeah. Why can’t people just get along?

Mr. Haire: See, our rear setback, our rear yard requirement is 30’, so with that 35’ and, I think, that they had 12, I want to say.

Mr. King: They’re 12 or 13, I believe, right?

Mr. Haire: 12 on the rear so you’re really talking 47’ from the rear property line of the actual trailers. That property where the garden sheds are located is zoned CC which is Community Commerce. So we don’t have any-- typically there’s a requirement that any parking be at least 25’ from the property lines when it’s located adjacent to residential property. That property is not zoned residential so none of those variances would apply.

Mr. Brusk: Because of the 35’—

Mr. Haire: The 35’ is zoned commercial.

Mr. Brusk: Now, what if the trailer park sold? Would we have a problem then?

Mr. Haire: If they sold the entire park or just a strip?

Mr. Brusk: The whole entire -- including the strip.

Mr. Haire: Not unless they came back.

Mr. Brandt: And rezoned the strip. The zoning runs the land, not the owner.

Mr. Brusk: That’s true.

Mr. Haire: Right. And then, at that point, it would be grandfathered in because it’d already be there. And plus this, with the proposal they’re doing, there’s adequate screening throughout and around the parking areas. It meets all the current requirements we have for screening and landscaping around the parking they’re doing.

It's quite a bit of landscaping. There's a separate landscape plan that was attached that was brought later on, so they'll meet all those requirements.

Mr. Brusk: Since we're talking on the whole ball right now, what's the building itself going to look like? Is it going to look a lot better than the one on Livingston Avenue?

Mr. King: I have to apologize I'm not even familiar with the one on Livingston Avenue. I wasn't even aware that there was one in Reynoldsburg, so I can't really comment in comparison. I understand I have to go to the Architectural Review Board. I've looked through some of the minutes of the Review Board. I've read some of their comments and conversations. I'm sure it will be an interesting evening, but we've been lucky enough in this instance that the tenant wants to be in this location. They've worked with us to create a rent that I think we can accommodate the needs of the Architectural Review Board and create a nice looking building.

Mr. Haire: So what they've given us is, I guess, a store from another location in Colorado that they've done, which shows a stone front and stucco.

Mr. King: Stucco panels. I showed you that one because I wanted to get your opinion as opposed to all brick. I'm not a big fan of big walls of brick no matter how they are articulated. I like the mix of some different materials a little better and that one I really like so--

Mr. Haire: So that's what I've indicated that if he'd replace the stone on this drawing with brick it might go over a little better with the Design Review Board.

Mr. Brusk: The other question I have, and I don't know if we can put the restriction, but the Dollar Store on Livingston, the infamous Dollar Store on Livingston—

Mr. King: I'm going to have to go look at it, aren't I?

Mr. Brandt: Those signs in the windows, huge signs "sales" whatever, makes it look just terrible. Could we restrict that?

Mr. Haire: We currently have restrictions in our code for that.

Mr. Brandt: That's a code violation.

Mr. Brusk: Then why don't we do something on it?

Mr. Haire: We work on a complaint basis.

Mr. Brandt: That area down there is leased, they just lease that off of Casto.

Mr. Haire: I think our restriction is 25%. You can't cover more than 25% of the window.

Mr. Kucera: And I guess that's some of my questions, the Family Dollar sign out here in front, or is there going to be a necessity for a variance for that?

Mr. Haire: No. What they've indicated and what I've told them is that they need to meet the Main Street standards which is a 6' monument sign, 50 square feet. so I think that's what they're working within those confines.

Mr. Kucera: The 50 square foot being on the building?

Mr. Haire: The building sign what they're permitted is one square foot for each linear foot, which is the building is 102 feet in length, so they would be permitted 102 square foot of signage on the front, which I think what they've proposed is just the one channel letter Family Dollar. And then the monument sign will be a 6' monument sign with the brick base that will match up with mostly what's on Main Street.

Mr. Brusk: Yes, that will look a lot better.

Mr. Brandt: I think we should put a restriction that they can't raise the price over a dollar, do you think? Quite frankly, I think it's a blessing.

Mr. Haire: It will improve the view of the gravel lot significantly, just the landscaping that's going to go in.

Mr. Brandt: It will help bring us toward the next century, covering up the trailer park.

Mr. King: I agree, thank you.

Mr. Kucera: And, again, I don't know that this drawing that we have in our packet, is that the drawing for this store or is that just an example drawing?

Mr. King: I don't have that.

Mr. Haire: That was the example that they gave us from a store that they did in Colorado. He said it would be something similar to that, with likely the stone being replaced with brick.

Mr. Kucera: Okay. Well, and for instance, I notice on here on the rear elevation that there is a horn and I wonder what the horn does.

Mr. King: It's a security device and if you would like a restriction on that, please add it in. I doubt in Reynoldsburg, contrary to the other gentleman's prior statement, I doubt in Reynoldsburg though that they will have some of the security issues that we've

had in other places. But in some locations they've been having a lot of trouble with copper thieves and I don't know if you have experienced that here in Reynoldsburg. Unfortunatley, I guess you have. It's everywhere. But anyway they've actually taken the condensing units apart in the rear of the store. It wasn't in daylight, but in a totally visible. If you were going to the Walgreen's 24-hour pharmacy next door you parked and looked at these HVAC units were in a fenced in enclosure with bushes this high. Now I don't know how anybody could not see someone in there at night taking apart these air conditioning units, but they have. So they've really gotten strict on these security systems and basically what they have is an exterior motion detector that will go off and set the strobes and the horn off. And the horn is obnoxious and nine out of ten times within the first 90 days, we, the landlord, have to send an electrician back there to disconnect the horn because the neighbors are complaining because dogs set it off or kids are bouncing balls off the building at night, or whatever it happens to be and they're setting the thing off. They should be tied into, the exterior stuff should be tied into their monitored alarm system and it should be Nutech and ADT or whoever they uses responsibility.

Mr. Kucera: And that's my concern is that we're being asked-- The variances, I don't have a problem with, but it's also a major site plan review and those are the types of issues that we—

Mr. King: I fully understand that.

Mr. Kucera: --address on those and I don't know as we can address those right now because we don't have a true indication of what's going on here.

Mr. King: I'm sorry? From what perspective—

Mr. Kucera: We can't address the major site plan review because of things like lighting, you know--

Mr. Haire: Lighting's not required in the Major Site Plan application.

Mr. Kucera: Major Site Plan review.

Mr. Haire: It's not required. It's required for the Design Review Board submittal, but it's not required for major site plan application.

Mr. Kucera: It lists about 15 items that are required and lighting's one of them.

Mr. Haire: It's not on the checklist, no.

Mr. Kucera: Is that right?

Mr. Haire: But there is lighting basically – there's zoning requirements for lighting. What concerns me is there's a 400 watt metal _____ light on the back of this building.

Mr. King: Two of them. Two on each side.

Mr. Haire: Which that concerns me just because that would cross the property lines, I guess.

Mr. King: Yes. They can use smaller – again, these things are prototypically designed. It's got to change, because it's got to go to the Design Review Board. But those security lights can be changed to 200 watts or 150 watts. I mean I've done whatever zoning boards have required in the past. They design the prototype and you tell them what you'll take. So if you want to make that Staff decision and let Lucas research it and make sure it doesn't -- nine times out of 10 most zoning codes just say you can't shine off the property line.

Mr. Haire: Right. And that's what I'm concerned about here.

Mr. King: Or it's a minimum foot candle at the property line, something like that?

Mr. Haire: I'd rather just see the lights on at least the rear of the building just done away with.

Mr. Kucera: Yes. Or ones at the back of the property shining at the building as opposed to at the residence, because that's-- What we've done in the past where we've had a rear setback problem was to put in land – you're allowed, under the Code, to reduce the setback if you put in landscaping or mounding at the back of the property.

Mr. Haire: Yeah. That's typically the requirements for parking if you do that.

Mr. Brandt: I think we ought to ask him, or suggest something to reduce it. I don't know if elimination is a good idea. Then you're creating a black area in the back of the building.

Mr. Kucera: I think we approve it with the condition that it meet the zoning requirements for light pollution and that a lighting study be provided. I'd like to see a lighting study provided as opposed to just – instead of a—

Mr. Haire: And that's—

Mr. Kucera: --instead of a 4000 watt light we're going to do a 2000 watt light.

Mr. Haire: And that's part of the Design Review Board packet that's required is a lighting study, so that will be submitted. And so we can do that conditionally that it meet the zoning requirements, that it doesn't -- that no light shall go off the property.

Mr. Kucera: Right.

Mr. Haire: And then I can review that at the Design Review Board level and make sure that that condition is met.

Mr. Kucera: All right.

Mr. King: Sounds good.

Mr. Kucera: Are there any other Board questions at this point?

Mr. Feeney: The variance of instead of the 40' requirement, we're going to grant a 15'? Is that what they're—

Mr. Haire: On the front 40' is required from the right-of-way line, yeah, and what they're proposing is 15.

Mr. Kucera: Again, that's really just for surface parking. There's no real structure there.

Mr. Haire: Correct. It's the parking setback.

Mr. Brusk: Yeah. The reading of C3 doesn't mention the 15'. Does that need to be put in there?

Mr. Haire: It doesn't need to be because they're just varying from that 40' requirement and whether it's 15' or 20' it doesn't—

Mr. Brusk: What if it's zero feet?

Mr. Haire: That's part of the application. It doesn't need to be worded in the variance itself.

Mr. Brusk: All right. Oh, I see what you're saying.

Mr. King: I would offer up one other point. I heard you mention a sea of asphalt earlier. I mentioned this to Lucas in passing and I'll throw it out. In reality the code, I think we have 45 parking places shown as required?

Mr. Haire: I think so.

Mr. King: And the reality is these stores enjoy a neighborhood customer base and they are not a sort of an impulse -- I mean, there will be the customer who says, "Oh, I need a pack of gum" and they stop for a pack of gum. But, for the most part, their average sales run \$12 to \$15 per visit, so they're not a convenience store with people in

and out all the time. People come in and buy their big things of paper towels and diapers and whatever it is and do their shopping and they're on their way. I can understand the needs of the codes is a blanket computation for parking spaces for this type of retail zoning, but the reality is we probably need 28 to 32 parking places. That would be more than sufficient. I don't know what your thought are. I've been before Boards like this before where somebody said, "Why is all that asphalt over there?" And then we explained it was the code and she said, "Well, can we take it off?" I'm just throwing it out.

Mr. Kucera: Well, I'm-- that would be a way of—

Mr. Brusk: Adding some green space.

Mr. Kucera: --moving the parking back out of the right-of-way which is the variance that we're granting tonight.

Mr. King: I would suggest that it would be a way to move the dumpsters up closer to the front as opposed to moving the parking away from the front.

Mr. Kucera: It would require a variance. Okay? Which—

Mr. King: As opposed to just you telling me?

Mr. Kucera: Right.

Mr. Haire: Right, and required to be advertised as well.

Mr. Kucera: But it would be something I wouldn't mind seeing happen.

Mr. Brusk: Yeah. We've often said as long as you have some of the green space that you've left, maintain for that purpose in the event you need more. In other words, that it's on reserve.

Mr. King: I'll bring it up to them. If they endorse it, I may come back. I've got awhile before I can do anything.

Mr. Kucera: Little less cost of construction.

Mr. Brusk: And a little nicer look for the City.

Mr. King: Okay.

Mr. Brusk: If you can show that that would not be a problem, we would probably be amenable to doing that.

Mr. King: I'll look into it, yeah. Thank you.

Mr. Haire: Actually, I think we can reduce it if that's required.

Mr. Brusk: Without advertising?

Mr. Brandt: Because the Site Plan Review, I was always told—

Mr. Haire: It's Section 1179.06. It says, "The Board of Zoning and Building Appeals may approve upon request of the applicant and review of the Site Plan construction of fewer parking spaces are required by Table 1179, which is the parking requirements for the proposed use in Site Development. In making such determination, the Board shall, nevertheless, require that additional area needed to accommodate the required number of parking spaces be reserved as landscaped open areas on the lot. The layout and design of the parking spaces, aisles and drives, as such reserved parking shall be indicated on the approved Site Plan and shall comply with the provisions of this code."

Mr. Kucera: Okay.

Mr. Brandt: It's a diminimus change, is what the lawyer boys like to call it.

(Discussion off mike)

Mr. Brusk: Do we want to do that?

Mr. Kucera: I don't know exactly how we phrase that. I mean—

Mr. Haire: You can set a certain perimeter for that. Whether that be you reduce eight spaces on the rear, move the dumpsters forward and reduce eight spaces, we can set – I know the dimensions of the parking spaces, so we can set the distance. The parking spaces are 9 by 18. They're 9' wide. So if we came up four spaces or three spaces.

Mr. Brusk: What if we say, leave it more open than that and say that up to eight spaces can be reduced from—

Mr. Haire: I think we need to show it on the Site Plan, what's being reduced. So we need to make that part of the approval of the Site Plan.

Mr. Brusk: Okay. So you can't do it as a contingency?

Mr. King: How about up to eight of the western spaces facing Estates Lane?

Mr. Brusk: Okay.

Mr. King: Would that make sense?

Mr. Haire: So you just—

Mr. King: Or on the west side of the building, because you might have to reduce a couple of ones, move a—

Mr. Haire: So you just eliminate those eight spaces that are pointing towards Estates Lane along there and keep the dumpsters in the same location? Is that what you're talking about?

Mr. King: No. I would move the dumpsters—

Mr. Haire: Move the dumpsters forward four spaces?

Mr. King: Yeah, probably. I'd have to have my engineer look at it again, but it might be 3 on one side and 2 on the other side or something like that in order—

Mr. Haire: Yeah. I think that would be maybe about six spaces if you reduce the four that face that would be head-in parking to Estates Lane and then two because you'd move your loading zone up. So you'd lose two spaces there with moving the loading zone.

Mr. King: I would still have to get to the—

Mr. Kucera: So you'd lose five on the west and two on the east?

Mr. Haire: Correct.

Mr. Kucera: Okay.

Mr. King: So you would propose that we'd be allowed to if—

Mr. Haire: To come up to five spaces on the west side.

Mr. Kucera: Right.

Mr. Feeney: And talking about the plan, I was just looking at this. If you move the building west closer to Estate Lane, then we wouldn't have a 15' setback. We'd be closer to a 25' setback and that would give green space over – I don't know if you're starting to move things around. If the building lies straight to the west, then the parking is not – we can eliminate some of this parking that's 15' away from the right-of-way line.

Mr. King: Somewhere in here there is a consideration for the truck to be able to turn around.

Mr. Kucera: Right.

Mr. King: I'm trying to think how that – I think that they proposed to come in the common drive to the east and go across and then back into the loading zone, I think. It seems to be the way it works the most.

Mr. Haire: I imagine your loading zone is pretty set also because of the delivery door that's there.

Mr. Kucera: Right.

Mr. King: Well, the door can move a little bit. It's, well, let's see. Yeah, that door can move north and south on the west wall. If we had the reduction of seven or eight spaces as an allowable, then without a whole bunch of resubmission, et cetera, review it with Lucas or whatever, I would take it back to my engineer and say, "Let's play with this again. See about, if you move the building to the west, does it still allow the trucks to get in and the traffic to flow properly, and does it give us a little more setback from the – on the parking from the right-of-way?"

Mr. Feeney: Yeah. We have green space up front.

Mr. King: Right.

Mr. Haire: That's gets into more authority than we're given by that 1179.06. I think -- we're approving a Site Plan here with the deletion of a few parking spaces, but we still have a set design of what we're looking for and that's the reduction of five spaces on the one side and up to three on the other.

Mr. Feeney: Yeah. He mentioned he was going to take it back to his engineers and—

Mr. Brusk: But then he'd have to resubmit it.

Mr. Feeney: --at that point, do you want to-- you may end up with a better looking facility, property. Move it back and you get more green space up front for instance. And we could -- I guess at that point it's your decision whether you want to take a look at this again and bring it back or if you want to just—

Mr. King: I think I'd like to ask you for a vote tonight is what I need.

Mr. Feeney: I figured that.

Mr. King: There are timing and due diligence issues at hand that I don't have control over, so—

Mr. Kucera: Um-um.

Mr. Brandt: So we just want to go for the five on the west and three on the east side, eliminate those parking spaces?

Mr. Feeney: I don't have a problem with the parking spaces except for I just have a problem with the 15' setback. They can have as many parking spaces there. I don't have a problem with that much space there. He has quite a bit of green space except for the fact that they're really getting closer to Main Street, realizing that the property lines moved back, but somebody comes along and wants to put a turn lane in, then we've got a small green space there.

Mr. Brusk: Is there a turn lane already there?

Mr. Haire: So everything else will remain the same as far as the landscaping that's proposed? The parking will be reserved area, that if it's needed will be converted back to parking, the landscaping will remain? It will remain as green area basically.

Mr. King: Certainly.

Mr. Feeney: And you are putting a sidewalk in, right? It says replace one. I didn't know if there's one out there.

Mr. King: Actually there is one. I missed it the first time I was there, too.

Mr. Haire: There is. You can kind of see it behind the trees in this photo, but I think there must have been a house there. I don't know what was there prior to that. It kind of looks like there's a little bit of a foundation there as well.

Mr. King: A little bit of foundation. Remember you had said you thought the trailer guy had been there at one time? Is that it?

Mr. Haire: It may have been.

Mr. Feeney: Is that tree staying? Did I see that tree staying?

Mr. King: We said on the landscape plan that if it meets – there's a requirement in the code that says that certain trees of certain types should try to be saved. Well, I didn't have a clue what that was, so I told my guy to put it on there and if it meets the City's requirements, we'll try and save it.

Mr. Haire: Yeah. I think we'd like to keep that there as well, the City would.

Mr. Feeney: I can see it's growing up inside the power lines so it's going to—

Mr. King: Yeah. It needs to be trimmed.

Mr. Brandt: If they trim it, it's gone. You know how those power guys are.

Mr. Feeney: Well, that's what I-- you know, dwarf trees underneath power lines are a lot safer for the whole community, so you don't have the outages that those cause.

Mr. King: Actually I think that line that's in is the telephone cable.

Mr. Haire: Have you considered burying the utilities?

Mr. King: I guess I could. We'll talk about it. I don't like to do it.

Mr. Haire: That's part of the Main Street requirements, but I don't have that -- that's something the Design Review Board will discuss as well.

Mr. Kucera: All right. Is there any other Board discussion? (No response.) Is there any public comment? (No response.) I'll entertain a motion.

Mr. Brusk: We liked your motion.

Mr. Brandt: Yeah, you did a good job.

Mr. Kucera: I would move to accept-- We have to take these individually. I will move to accept Agenda Item C3, variance applications for the property of 7770 East Main Street, Item 26-ZV.

Mr. Brandt: I'll second.

Mr. Kucera: Would you call the roll, please?

(Mr. Haire called the roll. Mr. Brusk voted "yes." Mr. Feeney voted "no." Mr. Brandt voted "yes." Mr. White voted "no." Mr. Kucera voted "yes." Motion carries.)

Mr. Kucera: Would you read Agenda Item C4.

4. VARIANCE APPLICATION; 7770 EAST MAIN STREET, REYNOLDSBURG, OHIO; REQUESTING A VARIANCE FROM SECTION 1175.05 OF THE REYNOLDSBURG PLANNING AND ZONING CODE TO ALLOW THE CONSTRUCTION OF A COMMERCIAL BUILDING WITHIN THE REQUIRED THIRTY FEET (30') REAR SETBACK IN A COMMUNITY COMMERCE DISTRICT. CONTACT: DOUG KING (27-ZV).

Mr. Brusk: I move that we accept Item C4, variance application, 27-ZV.

Mr. Brandt: I'll second.

Mr. Kucera: Call the roll, please.

(Mr. Haire called the roll. Mr. Feeney voted "yes." Mr. Brandt voted "yes." Mr. White voted "yes." Mr. Kucera voted "yes." Mr. Brusk voted "yes." Motion carries.)

Mr. Kucera: All right. If you would read Agenda Item C5, please.

5. MAJOR SITE PLAN REVIEW APPLICATION; 7770 EAST MAIN STREET, REYNOLDSBURG, OHIO; PRESENT USE, VACANT; PROPOSED USE OF LAND STRUCURE, NEW FAMILY DOLLAR RETAIL STORE; PRESENT ZONING, CC – COMMERCIAL. CONTACT NAME: DOUG KING (13-MS).

Mr. Kucera: And I will move to accept the Major Site Plan review, Agenda Item C5, Item 13-MS with the following conditions: 1) that a lighting study prove that the lighting will be in conformance with the code and, 2) that the applicant be given the option, the ability to reduce the parking spaces shown on the west side of the building and there are two sets of parking areas. One is immediately west of the building and there are six spaces shown. That can be reduced to three spaces. On the other side of that same parking lot there are eight spaces shown and those eight spaces on the west side of the parking lot could be reduced by five spaces to three.

Mr. Brandt: Can I add one more thing?

Mr. Kucera: You certainly may, Mr. Brandt.

Mr. Brandt: I noticed the dumpsters. That's a concern. I don't know if we want to put this in this motion, but the emptying of the dumpsters, given the residential nature in the back, is within, shall we say, daylight hours.

Mr. King: Daytime business hours?

Mr. Brandt: Daytime business hours, not 11:30 at night.

Mr. King: Yeah. That's fine by me.

Mr. Brandt: Okay.

Mr. Kucera: I will amend my motion to include that.

Mr. Brandt: Thank you.

Mr. Kucera: Do I have a second?

Mr. Brandt: I'll second.

Mr. Kucera: Would you call the roll, please?

(Mr. Haire called the roll. Mr. Brandt voted “yes.” Mr. White voted “yes.” Mr. Kucera voted “yes.” Mr. Brusk voted “yes.” Mr. Feeney voted “yes.” Motion carries.)

Mr. King: Gentlemen, thank you very much.

Mr. Brandt: Thank you, sir. And go down and look at that one on Livingston, so when they beat you, you’ll know what it’s all about.

Mr. King: I will.

Mr. Haire: Do we have any other business this evening?

Mr. Kucera: We need to – I think we need to entertain a-- the applicant has requested tabling? Do we need to do anything?

Mr. Haire: Yes.

Mr. Kucera: I will move to table Agenda Items C6 and C7, Items 28-ZV and 14-MS until the January meeting.

Mr. White: I second.

Mr. Kucera: Will you call the roll, please?

(Mr. Haire called the roll. Mr. Brandt voted “yes.” Mr. White voted “yes.” Mr. Kucera voted “no.” Mr. Brusk asked “Why did they not—” Voting interrupted.)

Mr. Haire: They’re required to get approval from the The Limited. They have not received this approval yet to request the variance or to with the design and location of their building. They didn’t want to move forward until they had final approval from The Limited.

(Voting continues. Mr. Brusk voted “yes.” Mr. Kucera voted “yes.” Mr. Feeney voted “yes.” Motion carries.)

E. ADJOURNMENT

The meeting was adjourned at 8:30 p.m.

Thomas Kucera, Chair

Lucas Haire, Planning Administrator

