

MINUTES
REYNOLDSBURG BOARD OF ZONING
AND BUILDING APPEALS
SEPTEMBER 19, 2013
6:35 P.M.

A. CALL TO ORDER

1. ROLL CALL

Members Present:	Mr. David Stoffel Mr. Patrick Feeney Mr. Anthony Rettke Ms. Bonnie Armintrout
Others Present:	Mr. Justin Robbins, Planning Adm.

2. APPROVAL OF MINUTES OF AUGUST 15, 2015 MINUTES

Mr. Rettke: Are there any changes or revisions to those as presented?
Hearing none, we'll go ahead and approve the minutes.

3. APPROVAL OF AGENDA

Mr. Rettke: Any changes or corrections to the agenda as presented?
Hearing none, we'll move on to swearing in of speakers.

4. SWEARING IN OF SPEAKERS

Mr. Rettke: Anybody wishing to speak tonight on any issue, please stand and we'll issue the oath. (Mr. Rettke administers oath.)

5. PUBLIC COMMENT

Mr. Rettke: Is there any Public Comment? Seeing none, we'll move on to New Business.

1. COMPREHENSIVE SIGN PLAN APPLICATION, 2080 BIRCHVIEW DRIVE NORTH, REYNOLDSBURG, OHIO; PRESENT OWNER, NEW LIFE MULTI-FAMILY MANAGEMENT, LLC; CURRENT BUSINESS NAME, EDEN AT CALEB'S CROSSING; TOTAL NUMBER OF WALL SIGNS – ONE (1); TOTAL SQUARE FOOTAGE OF SIGNS, 22.64 SF. CONTACT: MORRISON SIGN COMPANY (#161991)

Mr. Robbins: The project is located on the east side of Brice Road, approximately half way between East Livingston and the I-70 freeway. The

applicant is proposing the refacing of two existing signs. One is a monument sign that's located at the corner of Eastgreen Blvd. and Brice Road and the other is a wall sign that's located on the exterior façade of the clubhouse. In our code it does require that any building within a subdivision or within a multi-family subdivision that has signage that requires a permit, including refacing, does have to go through comprehensive sign plan. You can see here, the new sign that they're proposing to put up on the side of the building and location, and the new monument sign refacing that they're proposing. I'd like to point out that they also have to go through Design Review. Since this is in an overlay district along Brice Road, this sign and since it is for the other property, they will have to go through Design Review as well.

Staff recommends that the Board approve the comprehensive sign plan as submitted. Staff finds that the proposed signage satisfies the requirements from Section 1181.03(d)(1) as it does not represent a safety concern, it's attractive and coordinates with the structure and adjacent properties. You can see the location of this right here at the corner.

Mr. Rettke: So it's just the face that you're changing? Anybody wishing to speak if you'll come up and before you speak if you'd please give your name and address for the record, please.

Mr. Mike Lyons: My name is Mike Lyons. I am an account manager for Elite Writing Solutions. Our address is 7817 Williamson Lane in Canal Winchester. I actually have copies for each and every one of you for these, if I may. What we're looking to do is just have a simple sign face change. There has been new ownership that came in that's going to help revitalize that area for the better and one of the things they want to do is actually put in new signage to help reflect that under new ownership. The first page is the monument sign that's near the main road and the other one is actually on their leasing center wall. So we're just removing their existing signs and putting in fresh new signs with the new information. I'd love to answer any questions.

Mr. Feeney: It looks like it's just simple changes of the print. You're not going to redo the monument itself, right?

Mr. Lyons: No. That is correct. We actually remove the faces. That's how they're originally built and the new ones just get to be screwed on nice and safe.

Mr. Feeney: I like the green color.

Mr. Rettke: I presume this isn't in that district where we have to have all natural or a percentage of natural?

Mr. Robbins: That's correct. That would just be in the historic. The way the code reads it's 40% natural material for the building along the overlay districts. It doesn't mention signage but the Board has, in the past, basically required brick for all new signs going in along Brice Road in this area. I haven't seen where the Board has required brick bases for an existing sign or refacing of an existing sign.

Mr. Lyons: And the faces are made out of the same existing material that is currently there as well, to ease anybody's fears.

Mr. Rettke: Basically we're not approving the color scheme and everything else, we're just doing the sign replacement.

Mr. Robbins: That's correct. Any other comments or questions? (No response.)

Mr. Stoffel: I'll make a motion then that we approve Comprehensive Sign Plan Application No. 161991.

Mr. Feeney: I'll second.

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

2. VARIANCE APPLICATION, 6150 EAST MAIN STREET, REYNOLDSBURG, OHIO; PRESENT ZONING, CC; OWNER'S NAME, METROPOLITAN REYNOLDSBURG, LLC; REQUESTING A VARIANCE FROM SECTION 1195.11(C) OF THE ZONING CODE TO INCREASE THE MAXIMUM 6' – 0" SIGN HEIGHT TO A REQUESTED 10' – 3-1/2" AND TO INCREASE THE MAXIMUM AREA FROM 50 SF TO A REQUESTED 55 SF. CONTACT: BILL DARGUSCH (#161822)

Mr. Robbins: Again, 6150 E. Main Street, request for a variance, application #161822. The property is located on the north side of East Main Street, approximately half way between McNaughten and Brice Road. The variance request is requesting a variance from Section 1195.11(C) of the zoning code to increase the maximum 6' – 0" sign height to a requested 10' – 3-1/2" and to increase the maximum area from 50 SF to a requested 55 SF. The existing zoning is CS, Community Services and is within our CC Overlay District.

As a bit of background, this is an image of the site as it stands. The applicant is having difficulties or the business is having difficulties with visual access from East Main Street. The claim is that the streetscape walls are basically, as you come up an incline towards the City, the view is blocked from the sign and, with the landscaping, it further increases that visual difficulty. After going up and down East Main, and this isn't necessarily a reason to grant a

variance, but a lot of the signs there, they seem – there's a brick base and it's about the same level as the existing wall and the sign is on top of it and I think this one's set down a bit below the brick wall. This is the sign that's proposed. Now if the variance is granted, they'll still have to go through Design Review.

Mr. Rettke: Do we have a representative here to answer any questions?

Mr. Bill Dargusch: Bill Dargusch, 150 E. Broad Street, Columbus. And in working with staff and our sign professionals, what I'd like to propose is to amend this just a bit. As you can see, we've got Reynoldsburg Commons on top and we would eliminate that 8" which would take us down from 55' to 50.6, very close to what's allowed by code. The reason that we're asking for this is, again, we've had trouble leasing the one spot. The good news is that Domino's, indeed we do have a letter of intent with them subject to this particular hearing tonight. Our tenants have been struggling.

Mr. Robbins: So, as the Board can see, this is the view coming up East Main, the existing brick wall and the signage behind. I would also like to point out, and this hasn't necessarily been approved yet, but there is going to be a Harbor Freight, if approved by the Board and the city, in the property to the east. The Harbor Freight building is going to be built according to the Community Commercial Overlay and that building will be pulled closer to the street than is typical for developments in this area and it's going to be about to this area, this point right here. So their request is to build 30' back from the right-of-way. You can see that view would additionally be blocked, I think, to the existing signage from that building, so one more thing to consider.

Mr. Stoffel: What's the existing height of the existing sign mean? What is the height where the actual lettering begins?

Mr. Dargusch: The frame or the foundation would be 3' here, but I think right now today it might be 6' total. Today at existing conditions?

Mr. Stoffel: No, at the bottom of the Las Margaritas, the bottom of that sign, what's that height at? Do you know?

Mr. Dargusch: I don't know.

Mr. Bruce_____: Bruce _____, 527 W. Rich Street. The existing condition that the base wall's about 14" above grade and that's about 13" below, depending which grade and elevation you look at, below the retaining wall as you approach coming into the city. And the intent is to utilize that foundation, bring the columns up on either side. The representation that's up there now, page 2, you won't see the columns and the pipes. They'll get flashed in and disguised, so that was just for the engineering part of the discussion. It's really inherently-- If you drive up and down through Main Street, even the single use

signs start anywhere from 4 to 4-1/2' off the grade, and then the pizza joints and Wendy's and so forth have a much bigger presence than we're trying to do with 4-5 tenants and our building is greatly set back, so we don't have the curbside appeal for signage to do what it does. We find it a necessity to get this marketing for the curbside values, because we really don't get it with the tenant facades on the building. Then with the added landscape which helps beautify the streetscape, but minimizes the impact of the sign.

Mr. Feeney: So the bottom of the new sign is going to be at the same elevation as the retaining wall, is that what you're saying now?

Mr. _____: Right. The lowest tenant on there, the Springleaf, will be at that same height which is 3'.

Mr. Feeney: I've driven up and down that street many times, of course, and that is one of the worst signs, you know, seeing, because either the landscaping, or it sits so low, or something, I don't know, was not set up originally right I don't believe.

Mr. Rettke: Yeah, for _____ I think it would be just about as bad, let alone four.

Mr. Feeney: Of course the pole's in front of it. I don't know why we ended up not burying those right there at that location.

Ms. Armintrout: You know, I've never noticed this one. I'm sorry, but I have never noticed it.

(Several talking.)

Mr. _____: In those type of conditions and surroundings, it's really – it's an effect of mass and you'll notice it if we're granted the extra height. The sign is actually a little narrower than the one that's there now, so we tried to compensate and work with staff to stay within the guidelines as best we could to what the City wants to see, but getting that extra height and the narrowness will give you some better views and site lines through the landscaping and the trees and it will create that mass which will get people's attention.

Mr. Dargusch: We'd be more than happy to leave the Reynoldsburg Commons on top. I'm just talking about things that can help accommodate staff and your preferences. We'd like to identify it.

Mr. Stoffel: That area is called Reynoldsburg Commons, correct?

Mr. Dargusch: Yes and that particular cap on the existing conditions you can see, we would have no objection. It's 8" if you felt compelled that that was in

excess; but, we think if we can do it tastefully, which I think we can, then we'll all be better served. You'll know where it is, customers will know where it is and yet it will still look good.

Mr. Rettke: Again, we're not approving the overall design of the sign. We're just approving the size and the height.

Mr. Robbins: That's correct. It would still have to go through Design Review.

Mr. Rettke: Because I think Design Review would want that similar to what the other ones are without both posts, but that's just me.

Mr. Robbins: You mean the columns?

Mr. Rettke: Yeah, both columns.

Mr. Dargusch: Yeah, we have no objection to that.

Mr. Rettke: I don't know. That's why I was clarifying that.

Mr. Robbins: This is the sign they are proposing, but this isn't the application that's in front of us right now. It's an application to allow a larger sign in the area, but with the understanding that this is what is being proposed through Design Review coming up.

Mr. Rettke: You're using the same base or modifying that slightly?

Mr. Dargusch: We'll use the same materials but, as you can see by the existing conditions, the front pillar is smaller. We'll balance that out. We'll use the same limestone caps, etc. and, again, we'll go through the review for Design but it will, hopefully, fit it just as well as the one does now. Since no one can see it, I guess it doesn't fit in.

Mr. Rettke: Any other questions or concerns? (No response.)

Mr. Robbins: Here's another view of the existing from Google. You can see it's pretty well snuggled into the landscape.

Mr. Rettke: By Dunkin Donuts getting there first, I think they got the premier billing.

Mr. Stoffel: Well, I think if done tastefully, and I don't have any reason to believe it wouldn't be, I think it's just 8" and I think the Reynoldsburg Commons, seeing as that's what it's associated with, it makes sense for me that that would stay, that the 8" wouldn't be as big of a deal.

Mr. Feeney: Well, they've already got it, so why take it away. Eight inches isn't going to make a big difference.

Mr. Dargusch: Then we'd be very satisfied with this as staff reported that particular change. So it would remain the 55 and it would end up, I think, is the 10'3".

Mr. Robbins: As far as the test goes for a variance, the proof of hardship, I think if the Board would consider that the existence of the brick wall, we can say that the applicant has basically looked at a way to do this with the least amount possible in terms of bringing that existing base up to the 3' to match the existing wall and then having signage that's in keeping with the same signs that you would see in the district.

Mr. Feeney: Yeah, well, I agree. I think the property has the poles. All the other properties down Main Street have had the poles removed and you've got several in front of your property. I think the elevation change between the Main Street and where the sign is is different than all the rest of the properties going down Main Street, so there is a definite difference to this property versus, I feel, than the other ones. And that sign is hard to see.

Mr. Rettke: That's my feeling too, plus with four tenants it's-- We don't have that many with four tenants sharing the same sign down through there.

Mr. Stoffel: I'll make a motion that we approve Variance Application 161822.

Mr. Feeney: I'll second.

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

3. VARIANCE APPLICATION, 6294 EAST MAIN STREET, REYNOLDSBURG, OHIO; PRESENT ZONING, CS; OWNER'S NAME, FND TRUST; REQUESTING A VARIANCE FROM SECTION 1195.05(a) OF THE REYNOLDSBURG ZONING CODE TO INCREASE THE DISTANCE OF THE BUILD-TO LINE FROM THE REQUIRED 20' - 0" TO A REQUESTED 30' - 0".
CONTACT: MIKE McCRONE (#161907)

Mr. Robbins: Again, 6294 East Main Street, Application number 161907. The property is located on the north side of East Main Street opposite Idlewild Drive. This is the property that's just adjacent to the east of the previous applicant. The current use is vacant. If the Board recalls, this is something that we've had interest in before. They are requesting a variance from Section 1195.05(a) of the Zoning Code to increase the distance of the build-to line from the required 20' to a requested 30' 0". The property contains a sanitary sewer

easement extending 27' into the property from the right-of-way. The existing property is within the Community Commercial Overlay District which is where the build-to comes from. The property is zoned CS, Community Commercial. The next application will be a major site plan for the same property, contingent upon granting of the variance. Due to the presence of the utility easement within and past the build-to line is it impossible to satisfy both requirements of the easement and the zoning code? The unique conditions on the site force 100% of the front façade of the proposed building to be set back 30' from the right-of-way to remain behind the existing sanitary easement. The applicant has positioned the front façade of the building to the minimum distance from the right-of-way that the unique characteristics of the site allow. The intent of the overlay is to establish a continuous façade setback throughout the district and the applicant has made an effort to follow these guidelines to the best the site conditions will allow. The unique conditions of the site are sufficient grounds for supporting the variance in the finding of staff. Staff believes that allowing 100% of the façade to border the utility easement instead of the build-to line is a function of the unique conditions of the site. The variance request is supported by the findings and conclusions listed in 1147.05. Staff recommends approval of the variance based on the list of considerations provided that it meets all of the requirements of Section 1195.05 and 1175 of the zoning code. One thing I do want to mention is you will see a discrepancy in the plans and from what I am saying between the 27 sanitary easement and the 30' build-to line. The need for footing in the building, what that does is push it back even further from the sanitary easement. They can't build the footing in the sanitary easement, so that gives them 3' to basically put that footer in there before the wall is built up.

Mr. Mike McCrone: I'm Mike McCrone, 17710 Detroit Avenue, Lakewood, Ohio.

Mr. Rettke: And, for the record, can you tell us about this footer that was required to go back an additional 3' as opposed to maybe a foot and a half from the 27' easement line?

Mr. McCrone: The footer hasn't been designed yet. We're just allowing for up to 3' and if we're able to design a footer that's less to enable us to move closer, we will.

Mr. Rettke: So is the intent to put the edge of that footer on the edge of the 27' then?

Mr. McCrone: Correct.

Mr. Stoffel: I noticed on the plan there's a 35' general purpose easement. Is that – what all's that there for? Because right now the proposed building is into it.

Mr. McCrone: It states that it's a city easement, general purpose, but I haven't been able to find any function for it. So we would ask that the city waive that easement in order for us to build per the Community Commercial Overlay requirements.

Mr. Robbins: My guess is that easement was placed obviously before the Overlay district was in place. I can't imagine a situation in which we'd have an overlay that has to get a variance for each one, because there's a general easement by the City that would push all the buildings back 35'.

Mr. Stoffel: I agree. It just jumped out at me.

Mr. Feeney: I know when we had the other proposal, we did grant that variance, but I was thinking it was 22' for some reason.

Mr. Robbins: It was a degree less than what they're granting now. I believe they found an additional easement in the sanitary that the previous applicant had not found on the property. That's the additional distance that we're getting in this variance request.

Mr. McCrone: We've done our due diligence. We have an _____ survey, a geotechnical report. We've done record search and we know that that easement is where it is. The previous applicant may not have done all that due diligence.

Mr. Feeney: Yeah, for some reason it just stuck in my head it was 22'. It seemed like it was just two more feet than what was required, so we didn't have a big problem with it. I'm glad you clarified that.

Mr. Robbins: That is something we went back and checked to make sure to see if they still had to go through the variance if one was already granted for the property, but it was less than what they were asking for, over 30'. I think a sanitary easement is one of those things that you just can't build on.

Mr. Feeney: Well, if the 35' general purpose easement is in place and utilities are using it, you're going to need to move the building back farther. I know you're going to ask for it to be waived, but I see that there's electric there. If there's electric inside that easement-- I don't know if they're using that. They may have to go out and modify their easements too. If it's an electric easement, usually they take an easement on top of an easement.

Mr. McCrone: Do you see electrical in that easement? I wasn't aware that--

Mr. Feeney: Well, you showed electric to the building coming along the front and then there's a square pad there right next to number three and there

are three parking meters there, or parking slots right between the two driveways to the east – west of the building. It shows a great big box with an “E” in it.

Mr. McCrone: I’m not sure that that’s what-- I’ll have to get the survey out. There are designations on that survey that may not be what that means.

Mr. Feeney: There it is. That’s the box.

Mr. McCrone: Oh, that is the transformer and that is not – that is shown on the site plan. It is in front of the three parking spaces.

Mr. Feeney: It also extends into that 8’ easement that you’re talking about, that additional 8’.

Mr. McCrone: But that’s not where the building is being built. The drive into the building is directly across from the street. So the building is not being built in that area.

Mr. Feeney: Yeah, but we don’t know where the wires go from that box.

Mr. McCrone: The electrical is shown on the survey. The survey is done underlying the site plan, so all the survey information’s on that site plan. But what is not on the site plan are the designations that say what that “E” is.

Mr. Feeney: I work for the power company, so I’m sure that’s a switch box, not a transformer, but I know – I wasn’t directly involved in the underground of all this, but I know the project was going on and that general utility easement, again if it – AEP always takes the easement on top of easements. They don’t use general utility easements. So you may want to look at that. And, again, I don’t know where the power goes from and to that box. I think most of the time it just went out to the street and then down the street and then back to one of those boxes again.

Mr. McCrone: If there’s something that has to be altered as far as the underground electrical, we will take care of that. We’re trying to conform with the Community Commercial Overlay requirements as best as we can.

Mr. Feeney: I don’t have a problem with what you’re doing. It’s just that I don’t know that they’ll be able to waive that easement.

Mr. Rettke: The easement reference is also incorrect. That comes up as a mortgage if you try and pull it up. So that reference of 2003/08/15 is a mortgage, so I can’t look at it to see what it was.

Mr. McCrone: I’ll have to ask our Civil Engineer to clarify that.

Mr. Rettke: My concern is if we say, okay, we're going to go 30', you can't move it and then you're back in front of us in another month. Does that slow you down?

Mr. McCrone: Yes, it does. We have a tight schedule. We want to have our building permit by mid-December so that we can – there's a real estate issue that makes that a critical path.

Mr. Feeney: If that building had to be moved back to 38' tops, would that cause any grief amongst the staff or – 35' to accommodate and then a 3' additional for that footer?

Mr. Robbins: If it has to be done, these are utilities running through there, so we can't on one hand say they have to do things one way and then we're not going to let them do it the other way.

Mr. Feeney: Does moving that back 8 potential feet affect your site plan significantly?

Mr. McCrone: I think we have enough room to move back and still make our truck turn, so I think we'd be okay with that. And if that was the case and we knew where our building pad was and we're able to start some design work, even though we would have to come back on the technicality, that would be a help to us. So if you were to tell us that's where the building needs to be, that would be a help to us.

Mr. Feeney: I just don't want to slow you down and say well, we'll do 30 tonight, cause I think 30's reasonable. I don't want know that I want to say we'll amend that to 38, but with the general utility easement, I just can't see getting that released very easily.

Mr. Rettke: I was trying to pull it up to read it, but it's a mortgage. I've only got 5% left on my battery, so I can't so a lot of searching to figure out where that easement's at. I don't remember that being disclosed on the other one though.

Mr. Stoffel: No, I don't either.

Mr. Rettke: So that's very surprising then.

Mr. Stoffel: In looking at this being drawn, I've got to believe that they're just missing a callout to say "to be vacated" or something, because they drew it with the leader crossing the building as it's crossing the easement and it had to have been terribly obvious to the technician as they were drawing this and the engineer when they reviewed it, that that can't be. So I have a feeling that that easement really is irrelevant, but we don't know that.

Mr. Rettke: Well, we could through out some architect/engineering jokes, too, while we're at it. No offense, sorry. So are you saying amend it to 35'?

Mr. Feeney: Well, if you do 35, they'll still need space for the footer, so you almost have to go larger than 35. I hate to give them that degree of freedom.

Mr. McCrone: We could make the – instead of doing a spread footer, we could do a trench footer and call that one foot – I would think one foot is plenty of room to do a trench footer and make the build-to line 31'.

Mr. Stoffel: See, I'm looking, too, at that easement and it looks like they coded that. I see an E there with a circle and I think they've coded that to say what they were going to do with that easement, but I can't find on the drawing anywhere an E with a circle that explains that.

Mr. McCrone: Right. That's on the Alta survey where they have a complete description of all the—

Mr. Stoffel: You wouldn't happen to have that with you, would you?

Mr. McCrone: I don't.

Mr. Stoffel: Cause that would tell us everything.

Mr. Robbins: Did you ever send that to me as a pdf?

Mr. McCrone: I believe I did. Your search term would be mcstene possibly, which is the Civil Engineer. I can find it and email it to you right now.

Mr. Robbins: Go ahead and do that right and I'll bring it up on the screen.

Mr. Rettke: I'm sure we have the Main Street plan upstairs someplace, too. While we're waiting on that, how many new builds has Harbor Freight done? Is this one of their first?

Mr. McCrone: We've done two of them that we're currently working on. One in Staten Island, New York and this one.

Mr. Rettke: We've got a partial release on that property to Columbus Southern and that was in 2003 -- partial assignment, not a release, my bad. No, cause it only brings up the first page of the multi-page document. But now that I've got the instrument, I can pull it up on mine.

Mr. Robbins: You can send that directly to my address if you like as well when you get it up on the screen. Mr. Rettke, do you have an instrument number for the one you can only see the first page?

Mr. Rettke: Yeah, it's 200309240305568. Reynoldsburg assigned that easement over to Columbus Southern Power. That may state the original one because that easement probably predated 1997.

Mr. Feeney: My guess is the City took it then gave it to AEP. It's a five page document and I can only see page one.

Mr. Robbins: I've got it here on the screen if you would like.

Mr. McCrone: Did the document I sent to you, Mr. Robbins, have an attachment?

Mr. Robbins: It does not.

Mr. Rettke: It assigned the whole easement over to them and then there's your other reference. So we want Store-All, which is at 815259625, which that's incorrect. 259625, okay. So try that top one. That should tell you what the easement was. 626 – 526 (speaking off mic – inaudible).

Mr. Feeney: Go to page 2, see what that says. Go to 4, I guess. There it is, 4 and 5. That just says general utility, 22' from existing roadway, that's that other one.

Mr. Robbins: So according to this we have a 12' water easement, 10' sanitary off the right-of-way, 22'.

Mr. Rettke: I'm not sure where they're getting the 25 at though.

Mr. McCrone: I sent it again. Did it come through with the attachment?

Mr. Robbins: Yeah, I got it.

Mr. Feeney: That doesn't make sense. 35 seemed a little large, but stranger things have happened. (off mic – inaudible) they're claiming 35, 27, they've got 5' somewhere.

Mr. Rettke: Oh, can you go back to the GIS? There you go?

Mr. Robbins: Is this what you're after?

Mr. Stoffel: What's that? Go over to the coded notes. Is there an "E".

Mr. McCrone: It's on the upper left.

Mr. Stoffel: So all that says it's an electric manhole, it's not a coded note for the easement?

Mr. Feeney: No. I was trying to figure out what SCRE was.

Mr. McCrone: If you go to the area of the easement, there'll be a number with a circle on it. On the upper right you'll see the definition of 15.

Mr. Rettke: 15 says it's 22'.

Mr. Feeney: Yeah, the first deed reference is the one the City has, 526626, that clearly shows 22'. The second one is the assignment where Reynoldsburg assigned it to Columbus Southern and they just referenced the deed of easement itself. So I'm not sure where the 35 comes in.

Mr. McCrone: It's possible that the easement was not changed after that revision. There was a revision done where they clarified that southern rail easement. We had them go back. They had to research and in the field locate the electrical that you see off to the right of the property line. The electrical goes up to U-Store-It. Originally they thought that the electrical came across our property. So as part of the title research, we had to redo that portion of the survey. In that text there, though, it says 35' if you go down on the site plan.

Mr. Rettke: Yes, it says 35. The documents are supporting 22, unless there's something we're missing.

Mr. McCrone: It's possible, too, that the Civil Engineer may have not changed the note.

Mr. Rettke: I know there was, at one time, some easements we weren't showing on the Franklin County Auditor's GIS for Main Street, highway easements, and I can't remember if that was one of those that may change that because it's the right-of-way in 2003 when they acquired it; but if they didn't have the right information, then we drew it in. It could be further back.

Mr. McCrone: It looks possible to me that the drawing is correct and the note that says 35' is incorrect.

Mr. Rettke: Yeah, cause even the 10 and 12 on the other side of the property supports the 22.

Mr. Feeney: I have to believe that when you're laying out your building and over top of that, that was cleared up, it just wasn't taken off the drawing.

Mr. Robbins: That appears correct to me.

Mr. Feeney: You did the whole layout based on that building being inside that easement line.

Mr. Rettke: So my question to you is do we have to quantify the maximum or can we say no more than 3' from—

Mr. Robbins: I think we do have to quantify the maximum just because it's stipulated in the code at 20', so we have to be clear.

Mr. Feeney: So the maximum would be 36, is that right? Cause back to the dotted line is 35 and then you want a foot?

Mr. Rettke: What's the minimum you could get by with?

Mr. McCrone: The minimum of the building is 30'. The minimum of the footer we're saying is 27'. If we change to a trench footer, we could make the building 28'.

Mr. Robbins: So you'd reduce it by a foot basically. You'd have — instead of a spread footing, you'd have a trench footing and then it would be stepped 2' back from whatever easement is there.

Mr. McCrone: I believe the easement — the sanitary easement is — isn't it 25'?

Mr. Feeney: Sanitary would be at 22', which supports the documents we found, and that would agree with the other work.

Mr. Rettke: The sanitary easement — the northern boundary of the sanitary easement is 27', right?

Mr. Robbins: Could it be the case that the general purpose easement was misrecorded as 35 instead of 25?

Mr. Rettke: I don't know. The documents referred to showed 22. Go back to that one document.

Mr. Robbins: Does that include the general purpose, though?

Mr. Rettke: Go back to that one document right there.

Mr. McCrone: What I recall is the sanitary easement is at 27'. That's why we made the footer at 27', cause we're building right on the sanitary easement.

Mr. Feeney: So the general purpose easement says 22 right there.

Mr. Rettke: Yeah, but there might be a sanitary—

Mr. Feeney: Yeah, but they're still doing the same thing here.

Mr. Robbins: So it's basically one all-encompassing 22' easement with two separate electric and sanitary.

Mr. Feeney: You've got a 12 and a 10, but that's on the other store's site. We want the Womac site. Go back to that other document you had.

Mr. Rettke: You're asking for a setback of 20 what?

Mr. McCrone: We're asking for a setback 1' behind the sanitary easement. What I recall the sanitary easement is 27', so we could ask for an easement for 28'.

Mr. Feeney: Then we got sidetracked because it might be a 35 and we wanted to protect them.

Mr. Rettke: So we could grant – you're asking to be granted 28'. And if further research finds that you're inside that easement, then you'll have to come back.

Mr. McCrone: That's acceptable to me.

Mr. Rettke: Okay. Any problem if you do further research, cause the issues we're seeing, and that's 22, you'll set it at 24?

Mr. McCrone: No, the sanitary easement is at 27.

Mr. Rettke: I'm not convinced that's at 27'. I'm telling you that right now. If that's at 22 like the other plans we had for the last applicant say, it's at 22. I think it needs researched. If it's at 22, can you go to 24 and still maintain that buffer between the end of the utility and-- Cause I don't want you setting it back at 28 if that easement's actually at 22. If it's 27, I've got no problem going 28. I want it as close to that setback as we can maintain. If we give you-- That's why I'm hesitate to say well, let's go – cause 35 is show, we'll say 38. If that's 22, you just put it back 16 extra feet for no reason and that violates the integrity of the Commercial Overlay or the setback requirements.

Mr. McCrone: We want to build the building as close to the right-of-way as possible.

Mr. Rettke: As close to the setback as possible.

Mr. McCrone: Correct.

Mr. Rettke: Like I said, we had 22 on the other set. That easement we saw says 22. If you take the sanitary and the water, that adds up to 22, so I don't know where the 27's coming from. The instrument you cite as the general utility at 35 is a bogus instrument. We found the instrument and it says 22. So we're going from 27 to 35 and everything's pointing to 22. We had another project that said 22. I'm not saying you're wrong, but that's 13' to play with that I don't want to mess with.

Mr. Stoffel: This isn't graphically shown properly on the plan as well. So I think Tony's right. I think when your surveyor researches this, I wouldn't be surprised that you'll see that's a 22' easement and you'll be able to be 24.

Mr. Rettke: 35's way too much for the City to take. They're not going to take 35. When they took 22 from the adjoining property and 22 from what is Dunkin Donuts and them, I just can't see that. Why would you take 35 off that?

Mr. Robbins: So what I'm understanding is if the Board grants a variance for 28' and it turns out, through more due diligence, that the setback is 22, you're asking if the applicable would be amenable to adjusting the site to bring it forward?

Mr. Rettke: Yeah. Hug that line as close as you can. Come off that – whatever the trench is, put the front of your trench at the edge of that easement, not encroaching the easement, and come back whatever it is, put that footer in and set that building on. We'll quantify the 27-28' now. If it's larger, you've got to come back. If it's smaller, we have your word that you're going to put that – push that as close as you can.

Mr. McCrone: Yes, you have my word.

Mr. Rettke: And I'd definitely send that back on the surveyor and say, "Wait a minute. What's going on here?" I'm a surveyor, so I'd have no problem doing that. I'll be looking tomorrow at it too, I think, trying to figure it out cause that's bothering me why one says 22 and one says 35. So he asked for 30' because he thought it was 27. So the application says 30'. So we're fine with the 30' with the understanding if it is 22—

Mr. Feeney: He's good with 28. We can go with 28.

Mr. Rettke: Yeah, but then we have to amend it. What's the difference between the trench cut and the footer? Is that going to be detrimental to integrity?

Mr. McCrone: Not at all. It's just a – I was preparing for worse case scenario and we'll do a trench footer and I have no question that a trench footer 1' from the face of the building will be plenty from a structural design standpoint.

Mr. Rettke: Yeah, cause now that they assign that general utility easement over to AEP, now you've got to deal with not only AEP but Reynoldsburg releasing that, so I don't see that happening, not in a timely manner. So you want to amend it to 28? You have no problem with that, Justin?

Mr. Robbins: None. We still have the ability, through major site plan. I mean this isn't the be all, end all as well.

Mr. Rettke: Yeah, but major site plan's tonight in a few minutes.

Mr. Feeney: I'll make a motion we accept Item B3 with it amended from the 30' to 28', number 161907.

Mr. Stoffel: I'll second.

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

4. MAJOR SITE PLAN REVIEW APPLICATION, 6294 EAST MAIN STREET, REYNOLDSBURG, OHIO; PRESENT ZONING, CS; PRESENT USE, VACANT; PRESENT OWNER, FND TRUST, CONTACT: MIKE McCRONE (#161906)

Mr. Robbins: Yeah, Application 161906, major site plan review for Harbor Freight. The property's located again on the north side of East Main, approximately half way between Brice and McNaughten. Same property and applicant as the previous project. Applicant is requesting a major site plan review for proposed retail development. The proposed business is a Harbor Freight tool company. The existing property is in the Community Commercial Overlay District. It is zoned CS, Community Services.

The review from staff, Applicant has submitted a complete application as outlined in 1143.03(c). Proposed storm drainage is one thing we looked at and that is proposed to be taken care of through underground retention, yet to be designed, I believe, but that's something they'll have to work with our engineering department. Applicant and property owner to the west are currently in the progress of studying the feasibility of a traffic signal at the entrance to the property. The traffic signal would be aligned with Idlewild Drive located to the south. Part of the driver of the layout of this site was to align the main entrance with the Idlewild Drive to the south if, in the future, a traffic signal is warranted. The property owner, application #2 that went through here, would be in support

of that as well, basically allowing better access from their land use onto East Main.

As far as setbacks go, they meet all the setback requirements. Parking, loading design standards in proposed site plan is in conformance with the section. Parking is proposed at 30' behind the right-of-way. No parking's proposed between the building frontage and the front setback. Ingress and egress is proposed at 30'. Curb cut, which is 30' max by code; two curb cuts currently exist on the site and one is proposed to remain and serve as an access point for emergency vehicles, west side. Two new curb cuts are proposed, so the existing curb cut is here and that's an easement that's held by the Truro Township Fire Department to get access into the rear portion of the site. That's the self-storage area. There's another curb cut that exists right about here, I believe. And what they're proposing is an additional curb cut that would be in place of this concrete wall – excuse me, the brick wall. So part of the existing streetscape wall would come down and we could access here. The circulation would be ingress and egress through this main access point. This to the east, the curb cut would be primarily for _____, so it would be exit only, basically trucks only allowed.

As far as the parking goes, they have retail requirements of 1 to 200 per square foot. At 15,000 square feet, they're required 75 and are proposing 80, so they're good on parking, and half of the parking is behind the building. Now this is one thing we've discussed in the Board before is how to interpret that portion of the code that requires 50% of the parking to be behind the building and the question was whether or not the rear face of the building, so if you were to draw a line across, or if it has to be positioned directly behind to be screened from view from the road. This is one of the things that staff would like the Board to consider when considering approval of the site plan.

We have a new Development Director on staff, a gentleman named Dan Havener, who is in the audience right there. We have been in contact with Dan and one of the things that came up as well is the streetscape wall. The Board will see before them a quick sketch that our Development Director had put together on how that wall could be rebuilt. Right now there is a – you can see it on the Google map, there's a Welcome to Reynoldsburg sign here. It might not be a bad idea to have this same thing mirrored on the other side. He had contacted the Truro Township Fire Chief, who would be willing to let go of the easement coming through the property if, in fact, he would be able to get access in some other way and that would be the main access point that Harbor Freight is proposing. So these are some things that I think we should probably work through. Time is a consideration for the applicant, however this is a project that is going to be here in Reynoldsburg for a very long time and it's the view of Staff that it be done correctly the first time and that the streetscape walls be given consideration and the curb cut, if it's not necessary, be eliminated.

This is what I think the Board needs to decide is whether or not they would be comfortable approving something and leaving this up to staff to work out the details of the wall, or if the applicant would be willing to table the application, work through some of these issues and any issues that the Board has following this meeting and then we can pick it up basically two weeks after you guys go through Design Review, which would be the third Thursday in October. And Design Review is the first Thursday of October as well. Assuming that things go well in the meeting and we understand exactly where this easement lies, I think the position of the building is likely not to move following consideration by the Board. So these are things to keep in mind as well. So by tabling it, we're not saying that no design work can be done in the meantime, but hold back on certain things, certain parts of the application.

So I'll open it up to the Board for questions and concerns.

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

Mr. Adam Steele: Adam Steele, 26541 Gore Road, Calibasis, CA. National Director of Construction for Harbor Freight Tools. We're very excited about the possibility of coming to Reynoldsburg. The real estate portion of this project is driving us to where we have to have all of our plans approved and be able to close by the end of this year. So we're trying to accommodate all the facets and requirements of the City of Reynoldsburg and still keep the forward progress moving. We don't want to be in a situation where we end up two weeks from the first of the year and everybody's shutting down for the holiday and the landowner says, "I'm going to take this other deal, this backup offer." And I don't even know what that is at the moment, if it even exists. It may be just posturing. So we're very excited about the possibility of coming, but, at the same time, we want to put out that open hand that if that driveway needs to go away, that's fine. If the wall needs to be landscaped or the sitescape needs to be reworked, that's great, too. We're willing to work, as you can well see. When we first started, we wanted to put the building at the back of the property, then we learned about the overlay district and so we've been fast tracking and putting our hand out and designing the building to the specifications of the City of Reynoldsburg. So I just wanted to throw that out there. I appreciate the last piece we went through and working with us and the diligence of trying to sort out 35, 28, whatever the case may be. But we're a team player. We have 455 stores nationwide and I'm in a lot of meetings. So we want to come here and we want this deal to survive.

Mr. Rettke: Well, I think we want you here, or at least I do. Any questions or comments about the site plan?

Mr. Stoffel: I just had a couple questions and it kind of reverts back to getting parking toward the back. Is that cross access drive to the adjacent property, is that required? The northern most one going west?

Mr. Robbins: It's not required by code.

Mr. Stoffel: So, to me, we're worried about parking, getting it back. I wouldn't see any reason why we couldn't remove that, take what parking that's toward the front and continue that parking that's head-in toward the west, extending that north and taking some more of that parking that's up toward the front. I know you don't want to lose right in front of the storefront, but I was thinking more of that-- For instance, if the three spaces that are down there that's headed in. I know you're good on parking and you don't want to park more than what you need to. I understand that. But I wouldn't be against that parking – whatever you can move north without affecting your frontage, I guess, is what I'm saying.

Mr. Robbins: One thing to consider as well is – if you see the sketch that Mr. Havener had drawn up, if that curb cut is eliminated, then—

Mr. Rettke: Are you familiar with the recent sketch?

Mr. Steele: Yes. I want to comment that there are 40 parking spaces already behind the back of the building. So we're already in compliance. We aren't searching for a way to be in compliance. The plan that you see there has compliance with the spaces behind the building wall.

Mr. Rettke: I think we're trying to address the need – I can see the need for access to the parcel to the west.

Mr. Steele: Is the concern – I'm looking up here – the parking closest to the road near the access point coming in right there? Those five?

Mr. Feeney: Yeah, Dave doesn't like head-in parking.

Mr. Rettke: Normally as a Board we try to avoid head-in parking. That was the whole point with the access in the back.

Mr. Steele: Since we're five spaces over what we need, we can eliminate that.

Mr. Rettke: So that was one issue he was talking about.

Mr. Steele: Our model threshold is 60, the bare minimum. But, with that being said, we want all the parking we can get. But to compromise to get those three spots, I don't have a problem with that.

Mr. Stoffel: Yeah, I guess that was my point, that I don't like the head-in toward a public street and you've got – if you could add it up there.

Mr. Feeney: Well, with the headlights, if it's at night time and you're shooting the headlights out over the street and the people are across at that other access road.

Mr. Steele: That's fine, we can get rid of those three spaces. We will still have more spaces than are required by the code and that's a better ratio now since we have 40 spaces behind the building, our ratio's above 50%.

Mr. Rettke: Yeah, it's a win/win. Then if you get the light, presumably you're going to allow Dunkin Donuts to cross to get to the light.

Mr. Steele: Oh, yeah, we discussed that.

Mr. Rettke: I'd push for the light.

Mr. Stoffel: I would, too.

Mr. Rettke: It's a tough sale. Have you seen the Development Director's—

Mr. Steele: We did discuss the sketch with the Development Director and Mr. Robbins before the meeting.

Mr. Rettke: Is that something you're amicable to?

Mr. Steele: We're willing to do whatever is in the best interests of the city and we're willing to work towards that sketch. Our goal though is to make sure the building is in the location that we want it so that we can start some design work and not – and the fact that if we get tabled today, that doesn't stop us from doing some design work and then redesign the elements that you request to be redesigned.

Mr. Robbins: This will give the Board the opportunity to vote on a completed solid plan that basically works out the streetscape and some of the issues that have been coming up. In my opinion, it wouldn't necessarily stop you from starting on the design work. I mean we're talking about an extension of two weeks after you go through Design Review which would be the original schedule that you had for the month going through zoning, an additional two weeks in which you can start on some of that work. So the hope is it doesn't push you back too far or cause you any kind of headaches in that respect.

Mr. Rettke: Well, depending on when it is, we could maybe do a special too. If it's going to mess with it too much, I'd be willing to come in on an off night and hash it out. As far as the site goes, I'm really please with most aspects of it from the first version that we had been presented, what was it, 12 variances? That just doesn't work. So I'm glad we found a suitable person for the size of the

lot. Everything looks pretty decent. I mean they did raise some concerns with removing that access drive and I always thought that was a possibility under the other plan. If you're paving it, the fire department – you're not ever going to lock that down where the fire department couldn't get through. It would just take a little negotiation and they should be able to accommodate it. If you can get a semi in there, they can get their fire most likely. It would look a little funny with three.

Mr. Feeney: And the only way you could really keep that fire lane, you'd have to have knockdown bollards for the fire department or you'd have public coming through there.

Mr. Robbins: People could drive by and think you're closed.

Mr. Rettke: With that overlay with parking restrictions in the rear, that's not exactly desirable to most, because you want your parking as close to the front door. So I think this balances some of the issues that we had with the other design a lot better and by utilizing the full lot, I think that helps. Your water – your runoff is going to be underground?

Mr. Steele: Yes, underground retention.

Mr. Rettke: And where's that going to be located?

Mr. Steele: We haven't designed that yet. We won't cut the Civil Engineer loose until we're confident the building's not going to move. But once we do start design, we don't expect it to take long and we can give you a better answer on that.

Mr. Rettke: Yeah, cause there was a swale in the back that I think the other applicant had proposed to use and there were some issues with that I think we had. I'm trying to jog my memory on that one.

Mr. Stoffel: Well, I think one of the biggest issues was that they were going to use it for detention and the elevation, the depth, just didn't warrant that that was even possible. So with this layout you'd have to be looking at underground storage.

Mr. Rettke: Is there anything else he needs to consider if we were to move forward, or table, or condition it? What's your feeling, Pat?

Mr. Feeney: Well, I was looking at the sketch and seeing – it looks like you're putting a monument sign by the main entrance then, is that what the proposal was?

Mr. Steele: Our proposal was to have the monument sign to the west.

Mr. Feeney: I think it showed it all the way to the west.

Mr. Steele: Right. The reason being when you're coming down East Main Street from the east, you will see the building and you'll see the building sign. If you're coming down from the west, that's where we want the ground sign so that people coming into the area, a lot of backup, a lot of traffic, that will give people an opportunity to see the ground sign and make it beneficial for exposure. There are trees that have some blocking affect on our signage, but we're find with that. We think the west is the best location for the monument sign.

Mr. Feeney: I noticed this sketch showed a monument sign right by the entrance.

Mr. Robbins: I think our Development Director had ahold of a previous version of it.

Mr. Rettke: So we're only talking one.

Ms. Armintrout: I've never heard of your business. Could you tell me what you guys – what you will be doing?

Mr. Steele: Sure. We're a tool store, so hand tools, power tools; we sell a lot of stuff. Typically the male gender love to hang out in our stores, so it's more the people that work with their hands, the people that work for themselves, landscapers, maintenance folks. Those are mainly our type of client. The service clientele.

Ms. Armintrout: So is 10-9 or something like that the hours?

Mr. Steele: Yeah, 9-8.

Mr. Robbins: Do you guys sell tarps?

Mr. Steele: Yes, so many.

Mr. Stoffel: I think if we were talking about moving the brick wall a little farther west to line up with the Welcome to Reynoldsburg, if there's a way to incorporate their monument signage into that in the right way, I think that's something they ought to look at. I think that could be done really nicely, cause that is coming into Reynoldsburg, and that's the first business coming in. So I'd like to do it right.

Mr. Steele: I agree to incorporate the monument sign into the screening wall we discussed earlier.

Mr. Rettke: Anything else as far as the trees in the island? I think I saw one with the tree in the island, some of them don't. As far as staff, what's staff's concerns?

Mr. Robbins: The biggest was how we interpret how the parking is organized. Right now it's the walls and the curb cuts and I think everybody's willing to address that in a good manner. You know, we've been working with them for the past few months trying to get this as close as possible to meeting the code and the intent of the code. I think the layout of the parking lot, I think it works. I think the presence of the building on the street will be nice. You know, going through looking at the notes that I have on the site plan and they meet all the square footage for islands, landscaping and things of that nature.

Mr. Rettke: So landscaping all conforms. The issue is whether we extend the side of the building back and count it that way, or just behind the east/west line.

Mr. Robbins: Yeah. The issue is do we take the building face – the rear building face, extend it across and say that's behind the building? I can get where the code actually reads. Bear with me for a second.

Mr. Rettke: I know we struggled with this on numerous occasions as to what that actually means.

Mr. Robbins: Okay, it states at 1195.10, Parking and Circulation – this is part of the overlay code. It says, "Parking shall be located at the rear of the principal building, however up to half the number of parking spaces provided may be located at the side of the building." So I guess the question is "at the rear" and does the parking on the western portion-- I mean we're talking right now about 10 spaces that are not directly behind the building, but are to the west, but they are behind the building face. I think, you know, we talked about this before with the last application for this property. I think meeting the intent is trying to get parking off of Main Street as much as possible, try to move the building up as much as possible. It is the position of staff that this really does meet the intent. We think they've made a good attempt at meeting the intent of the code and I would be – it would make sense to me that if the Board interpreted it in that way that it's the rear face of the building.

Mr. Rettke: On this last minute proposal, did we lose parking off this or are we still about the same? Do you recall?

Mr. Steele: We actually gained some. I guess it all depends on how the final plan's derived and by losing that row of parking that faces Main Street, that may put it back closer to where it was before. (Speaking off mic - inaudible.)

Mr. Stoffel: Yeah, it's going to be close. I mean depending on if you put the trash enclosure back where you had it before you pick up another three spaces. If you – there where that access drive goes into the property to the west, you could stack a couple more parking spaces there and you can get your number. I think if we go half way across the north/south and go from there, I think they've got it. I think you move the trash enclosure back to where you had it, you pick that up, add a few there just south of that drive going to the west and I think that's pretty good.

Mr. Robbins: Even then we're talking about the ratio between front-to-back. If they eliminated parking spaces up front, they would be just fine. They're five over right now what's required, so they could take up to five away in the front and it wouldn't be problematic.

Mr. Rettke: I do like your cooperation with the adjoiner to the east in tying those together. I normally don't like that, but theirs is so hard to get in and out of. If you had that cross agreement, I think that would really, really help, cause they're one in and one out. It's tough to get in and out of that. You're on an incline, it's narrow.

Ms. Armintrout: Where did you say the sign should go?

Mr. Rettke: Well, I don't think you can see it on this. It would be right here someplace.

Mr. Steele: The sign would be out of the view of that rendering. It would be in the foreground of that rendering.

Ms. Armintrout: Is this it?

Mr. Rettke: Yeah. You're going to incorporate it with the stone wall. If you could work out a deal with the township fire, that would, I think, make it look even nicer.

Mr. Steele: I agree.

Mr. Rettke: Any other comments that they could take with them to narrow this down maybe for the next one or do you want to approve it? I hate to approve it with this many variables to be honest with you.

Mr. Steele: We have shown throughout the process that we will comply and basically do whatever is requested by the Board.

Mr. Rettke: We like to have a final plan to approve. There's so many things like working with the Welcome to Reynoldsburg sign, things like that, we'd kind of like to see all that incorporated. Again, I would be willing to come back in

in the middle of the week or something like that to have a special meeting. We've offered that before on right timeframes. When does Design Review meet?

Mr. Robbins: It'll be the first Thursday of the month, October 3rd.

Mr. Rettke: Piggyback with that possibly?

Mr. Robbins: I have no issues with it. I have to see how many items we have on the agenda.

Mr. Rettke: That way you're only here once.

Mr. Steele: That would be great.

Mr. Rettke: And that wouldn't mess with your timetable exactly. We've identified where you could put the building. All you'd need to do is play around with that parking lot a little bit. We're fine with the landscaping, position of the building. We didn't really see anything on lighting, but—

Mr. Steele: What day is Design Review?

Mr. Rettke: Thursday, October 3rd.

Mr. Robbins: And we would need three members to have a quorum for the Board.

Mr. Stoffel: I can be here.

Mr. Rettke: There may be little kids in the audience. Is that a problem?

Ms. Armintrout: When did you say?

Mr. Robbins: The first Thursday, excuse me, I said third. I meant the first Thursday, which is October 3rd.

Mr. Steele: Who needs to take the lead with the fire department and that whole thing? Is that you guys are assisting us?

Mr. Robbins: I think myself, Mr. McClure and Mr. Havener. I think we should get together and figure out the best way to go about this. To some extent this is new territory for us as well just because it's an existing wall and we're basically rebuilding something that the city built for some reason in an empty lot. We want this to be as best as possible in that area.

Mr. Steele: We'll follow your lead. I appreciate that.

Mr. Rettke: Yeah, it's not like our fire department's part of the city. It is a separate organization. Anything else they need to consider if we table this? That way they can come back with a 100%. I really like the layout. I mean by then you're going to research the easement issue. Like I said, I've been happy with this. I've heard nothing but good reviews from the staff about how willing you are to work and conform it. Everything looks like I think the city imagined when they passed that standard on that area. I just think there's too much to say yes tonight. But, like I said, we've extended that after Design Review maybe we can meet.

Mr. Stoffel: And by extending it to that date, it doesn't inhibit your design. I mean you're going to do what we talked about and I have no doubt that when we come back it's going to be a slam dunk. I don't get the feeling at all that this inhibits your design or progress at all really, so I think we'll all feel better about it.

Mr. Rettke: So if it's fine by you, we'll go ahead and table it.

Mr. Steele: I agree.

Mr. Rettke: I make a motion to table Item B4, major site plan review application.

Mr. Feeney: I'll second.

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

Mr. Rettke: Again, I appreciate it, gentlemen and I'm sorry for not nailing that down today.

Mr. Steele: Thanks for your comments and consideration. We're tabling it with the intent of that date.

Mr. Robbins: This is unorthodox, but would anybody mind a three minute recess?

Mr. Rettke: I move that we table the meeting for approximately five minutes.

(Recess taken)

B5. SPECIAL EXCEPTION USE PERMIT, 1355 BRIARCLIFF ROAD, REYNOLDSBURG, OHIO; PRESENT ZONING CC; PROPOSED USE, EATING AND DRINKING ESTABLISHMENT. CONTACT: TRENT COWGILL (#161988)

Mr. Robbins: The property is located on the southwest corner of East Main Street and Briarcliff Road. So this is the existing-- Just a bit of a background. This was operated as a bar for the past, I believe, 20-25 years.

Mr. Trent Cowgill: Trent Cowgill, 155 Brandymill Drive, Pataskala, Ohio. It's been a bar since 1978.

Mr. Robbins: Okay. We did check our paperwork. We don't have a Special Exception on file for that existing bar, so it could be that it was in business before Special Exceptions were around or before that part of the code had been changed. So it's not technically a transfer. It's a new Special Exception, but with the understanding that it has been operating as a bar for the past several years. The properties to the north and east are zoned CC, Community Commercial. The property to the west is zoned CS, Community Services, and the property to the south is zoned AR-2, Multi-family Residential and, again, the property has been under operation as a bar. Mr. Cowgill is proposing to change, I believe, the layout of the building on the inside. The site design is going to remain the same. There's really no exterior improvements. It's just going to have, I believe, more seating and possibly billiard tables.

Mr. Cowgill: The layout on the inside is primarily the same. Same about of billiard tables. We changed the tables, as far as what they were before. Other than that, it's primarily the exact same, just a new coat of paint and cleaned up a lot.

Mr. Robbins: You can see an overhead view of the area. The building itself, the property itself has, I believe 12 spaces existing. The applicant has stated that he has an agreement with the Arby's to the north and the building to the northwest—

Mr. Cowgill: The Key Bank right there.

Mr. Robbins: The operation hours of the Special Exception Use are proposed between Monday and Saturday, 7 a.m. to 2:20 a.m., Sunday from 11 a.m. to 2 a.m. The area of the space is 2800 square feet. Parking requirements at 1 space per 100 square feet would be 29 spaces. The total spaces provided on site are 16.

The only things staff had concern with are the existing patio located to the rear of the building and the dance floor that was proposed. I don't know if that's existing or not. The primary concern is the location of this adjacent to the multi-family. We want to make sure that noise isn't an issue. If there's loud music until two in the morning with apartments right next door, if there's people out on the patio carrying on, speakers, things like that, staff believes this could be problematic. Staff recommends that the Board consider the impact of the presence of the bar on the neighborhood and consider if its presence will impact

the health, safety, morals, and welfare of the community as a whole. I think any questions that you might have can be answered by Mr. Cowgill.

Mr. Stoffel: Will there be outside music?

Mr. Cowgill: No. There are no outside speakers or anything. Basically what's outside is a patio and there's going to be some small seating out there, and it's just a place for people to go out and smoke and come back in. We're not going to have any TVs, lights. There might be like one little rope light, but there's a light for the parking lot at Arby's right next door and it illuminates the whole area very safety, so there's plenty of lighting already. Like I said, no speakers, no TVs out there, literally just some seating so that people can go out and smoke, come back in.

Mr. Rettke: And the dance floor was existing?

Mr. Cowgill: The dance floor was existing along with the small stage that's inside. Actually I sent some pictures of the inside, Justin, if you have them.

Mr. Rettke: How long ago was that last operated?

Mr. Cowgill: It'd be about a year and a half now.

Mr. Rettke: Was there any research done to see if there was any complaints under the old system with the AR to the south?

Mr. Robbins: To our knowledge – I mean we didn't contact the cops to ask. That might have been something we could have done.

Mr. Cowgill: I did the contact the building manager for the apartment complex back there, Mary Beth. They're well aware of everything that goes on over there. They expect some noise on Friday and Saturday nights. They ask that throughout the week, you know, keep it down, and we expect to be in full compliance with that. We don't intend to have any weekly bands, possible maybe karaoke on Wednesdays. That's mainly it. The place is really too small for a large band. We fully intend to have like a one man band with the acoustic, or maybe an open mike for one person to come in, but it's definitely not the venue that we choose to have a 3-5 man group in there playing real loud. That's definitely not the avenue we're going with.

Mr. Rettke: There's pretty much no window on that, just the door and—

Mr. Cowgill: The whole side of the building is windows actually up at the top. I believe they're 9' by 3'. There's four in the front and one on the east side of the building – or on the other side facing Main Street there.

Mr. Robbins: Some clear story lighting up there?

Mr. Cowgill: Yeah.

Mr. Stoffel: Justin, can you drop the gold guy down on Briarcliff there?

Mr. Cowgill: The whole upper part of the building is windows up there.

Mr. Rettke: Nothing along the south side where—

Mr. Cowgill: The one side to the right hand side there, there's one window that's – I think it's 8' x 3' up there. Then we have a small glass window in the back area.

Mr. Robbins: Those apartments do look pretty well screened by a fair amount of vegetation.

Mr. Rettke: My question to Justin is I know when we did Scotty's down at Livingston and Brice, there was an issue with the amount of pool table, I thought. Remember they came to us for a vending/gaming license or something. Has that been addressed with them? Or is that something in code or was that a special district?

Mr. Robbins: The City has an ordinance on the books that makes it so anybody operating a pool table for profit, or within a profitable business, has to get a permit or a license from the police. It's \$10. They do a background check to make sure that no convictions for racketeering, prostitution, or gambling have been levied against the person getting the permit.

Mr. Rettke: But there's a limit on the amount of pool tables that can be put in an establishment, correct? If I remember right, that was a question with Scotty's.

Mr. Stoffel: Yes, it was.

Mr. Cowgill: Scotty's has six tables also.

Mr. Rettke: Darts were unregulated, but I thought the pool tables were. I couldn't remember the exact specifics on that.

Mr. Robbins: Yeah, I think there was something about arcades in there, over so many machines is considered an arcade.

Ms. Armintrout: Are you having two?

Mr. Cowgill: Yes, ma'am, just two. And also the permit, as far as the Sheriff's department goes, the vending company is, to my understanding. They have it because I don't own the tables. They put them in themselves. The same with the people that handle the jukebox, the dartboards and pool tables.

Mr. Rettke: I don't think it was much that we had to consider, but I just want to make him aware of it just in case he wasn't.

Mr. Justin: I'll just read the definition straight from the code and we can talk about that. "Amusement Arcade. A place of amusement that has more than five mechanical or electrically operated amusement devices as defined in Section 781.021(d) of the General Offenses Code, or which derives in excess of 50% of its gross receipts from the operation of such devices. However, in the case of any person operating a carnival and who operates an amusement arcade as part hereof, the 50% gross receipts referred to above shall apply only to the gross receipts of the amusement arcade and not to the gross receipts of the operations of the carnival company."

Mr. Cowgill: All right, we'll be under five coin-op amusements. We'll have a jukebox, two pool tables and one dartboard, so we'll only have four.

Mr. Rettke: That's not the way I remember Scotty's going.

Mr. Feeney: They did a whole addition for six tables.

Mr. Rettke: Yeah, cause it was when they did the addition there was a concern over adding the additional pool tables and they said that they weren't. I can't remember why it became such an issue. Norm was really upset over it if I remember correctly, but it wasn't anything to do with that.

Mr. Robbins: I can pull up the Code of Ordinances. There is a portion of it that does directly talk about billiards. I can read from that.

Mr. Rettke: It just reminded me when I saw the tables in there, there's something we had with Scotty's.

Mr. Stoffel: I thought Scotty's, if I'm not mistaken, didn't they have some other kind of electronic gaming devices as well?

Mr. Rettke: Well, they had darts, but the darts weren't electronic. They were the old corkboards.

Mr. Cowgill: They have darts, countertop video games, and I think they have the rolling skill games as well. They have quite a few in there.

Mr. Rettke: Maybe that's what it was, the total took them over what they were. But that only deals with revenue and you're not going to make a tremendous amount of money off a pool table.

Mr. Robbins: All right, here we go. (Scrolling through text on screen.)

Mr. Rettke: Stop. Go back up. It says "No person shall—" I know we talked about it for 5-10 minutes. Maybe it was the total number.

Mr. Stoffel: I think it was total number.

Mr. Feeney: I know they were going to have a bunch.

Mr. Robbins: Here we go, specifications and regulations. (Scrolling through on screen.)

Mr. Stoffel: That just struck me right there, 711.13, 9-2. You have your hours Monday through Saturday 7-2:20.

Mr. Rettke: That's what it was. I should have pulled that before I came, I guess, but that's what it was. Cause they sold alcohol, they were limited to one.

Mr. Robbins: "711.12, Billiard Room Specifications and Regulations, letter G. The sale or consumption of alcoholic beverages on the premises of a poolroom containing more than one pool table is hereby prohibited."

Mr. Rettke: That's something you want to look at. It's not going to affect us overall, I don't think, but it's something you need to be aware of.

Mr. Robbins: Yeah, I don't think there's anything in the zoning code that would prohibit anything under six, but this is a different permit that is needed to be approved by the police department. So it could be their policy that they would only approve one.

Mr. Cowgill: I actually contacted the Franklin County Police Department today, talked to them and they said since our vending company, they register the tables for the location since they own them, didn't say how many was in there, as far as them issuing me a permaform, I have not seen that yet. I'm definitely all over it, just called about it today.

Mr. Robbins: It would be the Reynoldsburg Police Department that would be involved in that.

Mr. Rettke: Since you're in the city limits, you deal with Reynoldsburg.

Mr. Cowgill: That's not a problem. I'll call them tomorrow. Worse case scenario, I'll take one out.

Mr. Rettke: Dave brought up a good thing, the hours of operation of 2:20, is that a typical for the industry, or is that—

Mr. Cowgill: My liquor license permit until 2:30.

Mr. Rettke: Cause the code also says 2 a.m. on that, too, so you'd have to shut down.

Mr. Cowgill: We're also not a pool hall.

Mr. Rettke: Yeah, but you'd have to register as a pool hall for the one you're allowed by that code. So you'd have to be closed by 2.

Mr. Cowgill: Okay, well, we'll take a table out.

Mr. Rettke: That was easy. So the course of business isn't much different than what was there the last 25 years?

Mr. Cowgill: No, not at all.

Ms. Armintrout: How many people can you accommodate?

Mr. Cowgill: The last Certificate of Occupancy was 187 people. Currently there's seating for 119 in there.

Mr. Rettke: Well, that really affects your parking spaces then, doesn't it? Or, no, it doesn't cause that's based on square footage, so you're still at 29.

Mr. Robbins: I think from a building standpoint, I think that occupancy might come down a little bit.

Mr. Cowgill: The old occupant -- that Certificate of Occupancy was carried over when they did the bar remodel with the last owner and he did a bar probably six times the size of what the existing one was, so there's no possible way to get that many people in there now.

Mr. Robbins: When you go through to get your Certificate of Occupancy from the Building Department, that'll be a calculation that you either have to provide them or they'd do to basically establish the maximum occupants permitted, which would, I believe, a 1 or a 2 and there's certain criteria that start falling into place when you get into that type of building, which is assembly, and you need to have sprinklers and fire suppression devices and things like that, so

that will be something that the Building Department will take a look at and that'll be the ultimate cap on how many people are allowed in the bar at the same time.

Mr. Rettke: And you're going to be the manager/operator/owner?

Mr. Cowgill: Yes, sir.

Mr. Rettke: (Inaudible)

Mr. Cowgill: Yes. We're actually working on it right now. I actually have a walk-thru with the fire department tomorrow to see what we can finagle back in the kitchen area. We're talking about putting in a hood, doing a full kitchen. If that turns out to be too costly, we're going to be doing a small pizza shop and do hand-tossed pizzas in the back.

Mr. Rettke: No delivery?

Mr. Cowgill: No delivery.

Mr. Rettke: That was an issue with one of them too recently. We raised the question because he wasn't going to do delivery, just pickup only. Is this your first endeavor as a bar owner?

Mr. Cowgill: It is, sir, absolutely.

Mr. Rettke: Any other questions or discussion? (No response.) Just so you know, if we vote yes, it still could be taken up by Council, correct?

Mr. Robbins: Yes. That was going to be my closing statement after the vote.

Mr. Rettke: So you're only possibly halfway there. We're fine with the patio, the operating hours are sufficient, parking is not a problem, right?

Mr. Robbins: If there was an agreement made with the two property owners, it's not problematic.

Mr. Cowgill: There should be a copy of a paper in there that has their manager's names and phone numbers listed. Feel free to call them at any time to verify that.

Mr. Rettke: Oh, I didn't see that. Usually I like to see some verification from them, cause if they revoke that and cordon off the spots, then you're kind of in a world of hurt.

Mr. Cowgill: Yeah, our big thing is just making sure the lots are picked up, cleaned up and there's no issues out there and that will be an everyday thing for us to go out there and make sure it's taken care of.

Mr. Robbins: I think this had previously operated as kind of a neighborhood bar, so who knows how many people are walking to and from.

Mr. Cowgill: That's kind of our goal. We have a lot of people that'll come off the bus line right there at the apartment complex, a lot of people from the apartment complex just walk over all the time. Our goal is to be a nice little neighborhood pub, watch the game on Sunday, hang out, nothing too crazy.

Mr. Rettke: Any other issues or concerns? (No response.) There being none, I move that we approve Item B5, Special Exception Use Permit, 1355 Briarcliff Road, No. 161988.

Mr. Stoffel: I'll second.

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

Mr. Rettke: Good luck with your endeavor and, as we previously stated, it may be subject to Council.

Mr. Robbins: Here's going to be my statement for you and the next applicant as well. The BZBA approves Special Exceptions, Council has the final say. So what's going to happen is the minutes that are recorded from this meeting will be turned into a transcript. That transcript is given to Council and Council has some time to review those minutes. If any of the Council members feel an issue or problem with that Special Exception, they have the ability to introduce it into Council. Once it gets introduced into Council, then it's pretty much not the realm of the BZBA anymore. Council could have their own concerns and questions, so just something to keep in mind if you're trying to adhere to a strict timeframe.

Mr. Cowgill: Any idea when Council reviews it, how long they have for it?

Mr. Robbins: When I send the minutes away tomorrow, they'll come back usually around midweek. Those get forwarded on to Council. It should be the meeting after that, so it would be not this Monday, but the following Monday. If they don't introduce it, it stands approved and we can issue a zoning certificate.

B6. SPECIAL EXCEPTION USE PERMIT, 1800 A & B BRICE ROAD, REYNOLDSBURG, OHIO; PRESENT ZONING CC, PROPOSED USE, EATING AND DRINKING ESTABLISHMENT. CONTACT: DAVE MULLEN (#162128)

Mr. Robbins: Again, 1800 Brice Road, Application #162128, Special Exception Use Permit. Property is located a block to the north of East Livingston Avenue at the intersection of Brice Road and Radekin. So it's actually across the street from Radekin. This is the Century City Shopping Complex that had Raphael's. The business that used to occupy this space was a drive-thru beer and liquor, I believe. Applicant is requesting the use permit to operate an eating and drinking establishment within the Community Commercial Overlay District. Proposed restaurant is to serve Jamaican food. No alcohol is proposed to be sold or consumed on the premises. The property to the north is zoned AR3, which is the Century City Apartments. All other adjacent properties are zoned CC, Community Commercial. A 99-cents store currently exists to the north. Again, tenant space was originally a beer and wine drive-thru. Hours of operation of the restaurant are proposed to be Monday through Saturday 9am to 9pm, Sunday from 12 to 7. Operating hours of a juice bar are proposed to be Monday through Saturday 10am to 9pm, Sunday from 12 pm to 7pm.

Just a bit of clarification for the Board. What the applicant is proposing is to use two different spaces within the tenant space, so it's A and B. The one to the south will be a Jamaican restaurant, the one to the north will be a vitamin store with a juice bar. So they're also requesting with this application the operation of a juice bar. There's a menu that's been included and you can see on your screen the juice bar has smoothies, natural juices, carrot juice and cleansers. I'll put the menu back up on the screen for you. As far as parking is concerned, the Jamaican restaurant at 2600 square feet, parked at 1 to 100 is 26 spaces; the vitamin store at 2600 square feet is 1 to 200, at 13 spaces; and the juice bar at 150 square feet parked at 1 to 100 would be 2 spaces with a total of 41 spaces. The existing uses, we have a Dollar Store, which is going to require 15 spaces, Raphael's Soul Food at 13 spaces and the gift shop at Raphael's is a total of 35, for a grand total of 76 spaces. The total parking in the area is 90, so it definitely parks.

It is the recommendation of staff that the Special Exception Permit be granted as requested. The applicant has met all conditions outlined in Section 1145.09 of the Zoning Code. The proposed restaurant is in keeping with the character of the surrounding businesses and properties and will not negatively affect the operation of adjacent businesses or properties. The proposed use will not adversely affect health, morals, safety, or welfare of the community as a whole. It is the judgment of staff that the operation of the Fyahside Restaurant within this district is in keeping with the desired character set forth in the zoning code and does not represent a burden to nearby property owners or the community as a whole. I think any questions that the Board has can be answered by the applicant, Mr. Mullen, who is the architect/engineer, and the actual business owner is-- I see he left.

Mr. Mullen: He had to pick up someone that was coming in from out of town. He wanted to know how much longer and I said I couldn't tell him.

Mr. Rettke: I apologize for the length of the meeting. Normally they're no more than half an hour. We kind of exceeded that. So is it three purposes or two? Jamaican restaurant—

Mr. Mullen: (Speaking off mike, inaudible.) The Jamaican restaurant will have a bakery component. That's why the kitchen is so large, and you can see the bakery display area. So obviously you can have a nice dessert to finish off your evening, too, and/or come in and get yourself a nice bakery treat.

Mr. Robbins: The products that are proposed to be sold in Unit A, it's labeled as "Vitamin Store". Do you have any more description on what he's proposing to do, or is it straight forward, just natural vitamins and—

Mr. Mullen: It'll be straight forward. You know, obviously there's been an explosion in the use of vitamin supplements, so being in keeping – obviously besides the juice bar, you know, then you would have your vitamin supplements. That's really what the proposed use is for that store.

Mr. Rettke: Like a GMC with a smoothie shop in the back.

Mr. Mullen: Yeah.

Mr. Rettke: So we're not looking at major structural—

Mr. Mullen: Actually there is a wall already in place, so I'm not really splitting it. It's already there. It had been split previously. The wall's just got 5/8" gypsum on both sides. Because the restaurant is assembly use, I will have to put another layer of gyp on both sides to make it a two-hour separation between these two stores.

Mr. Robbins: I'm unfamiliar. Is the wall currently blocked up in the front where it was a drive-thru?

Mr. Mullen: Yes. It's just been blocked in. There is storefront for the vitamin store. It's in place. I have to believe that there was a storefront there originally. When they made it a drive-thru, they took the storefront out. So we propose to put the storefront back in where the drive-thru door was at the front and, in the rear, we're just going to block that in. That was the exit point.

Mr. Rettke: Oh, so the front's been blocked but the rear hasn't?

Mr. Mullen: No, neither. They're just built out, you know, just kind of built in to secure it, but neither side's been blocked in. So we're going to put a storefront in the front which is 13', which matches the exact size of the other one.

So, like I said, I have a pretty good inkling it was a storefront before. In the rear we'll just block that in.

Mr. Robbins: I just want to clarify as well that when you guys do go to do that, this is in an overlay, so any kind of exterior modifications to that will have to go through Design Review.

Mr. Mullen: So I'll need elevations of the storefront?

Mr. Robbins: Yeah. That's not this meeting. It can be an upcoming meeting, you know, when the applicant goes through for signage as well, that can all be done in the same meeting. So it would be all the signage in addition to any kind of exterior improvements that are planning to be done. Just so it's one meeting versus multiple.

Mr. Rettke: We're just basically here to say, "Yeah, you can go with the vitamin store and a restaurant."

Mr. Mullen: It would just be nice to get something in the center instead of it sitting there open like it is.

Ms. Armintrout: Did you say a bakery as well?

Mr. Mullen: In the restaurant. If you're saying, "That's an awfully large kitchen," well, that's because the owner desired to have a bakery component. So he is intending to offer baked breads and such. You're going to get a pretty authentic Jamaican cuisine here. He wants to control a lot of the elements.

Mr. Robbins: To your knowledge, does he have any other restaurants?

Mr. Mullen: I think he had operated a restaurant prior, because he knew quite a bit. One of my hardest jobs is to get somebody to give me enough information of what they want so I can put it on a piece of paper and this has been fun to say the least. But, you know, you just keep drawing lines and eventually something comes, right? I've actually been designing restaurants for over 30 years, so I've seen a few come and go.

Mr. Rettke: And, of course, he's going to have to go through all the fire and bring that up, too, cause I imagine that doesn't have much.

Mr. Mullen: The occupancy will be under 100. If we go over 100, he has to have a sprinkler system. That's happened in the code that I think's been a good thing. Restaurants were pretty good size before and without any real fire suppression system and it's bringing it into a point that you get over this square footage, we've got too many people inside, we have to have more protection than just alarms going off. But this is a very small operation.

Mr. Robbins: I can switch views if anybody needs to see something different.

Mr. Mullen: That's the relationship where it's located in the center. The other thing that's nice is all the loading's in the back. It's not going to tie up any front parking spaces, cause the back is big. There's plenty of room to pull up out back, unload your products. So there's no reason to block any of the parking or any of the drive. And it has a nice drive to go down the side to get to it, too.

Mr. Stoffel: Yeah, it's a good location.

Mr. Robbins: On the menu, on lunch and dinner, there's one item that says "Chunks."

Mr. Mullen: I don't know what "Chunks" are.

Mr. Robbins: Okay, I was just curious. There's one Jamaican restaurant in Linden and it's actually pretty good. It's spicy food. That one's pretty legitimate. It's pretty hot. We had a girl in our office just came back from Jamaica and she took a look at the menu and she said, "I had that, I had that, I had that, I had that," so she definitely recognized everything that was on there.

Mr. Rettke: That's not a bar adjacent to the restaurant, correct?

Mr. Mullen: That's for counter seating. Obviously it serves a good purpose, too. It allows for some dish cleaning right there, access for all the servers to provide beverages, but it's more for counter seating. No, he's been very explicit with me, there'll be no alcohol sales here.

Mr. Rettke: That was a concern with Raphael's, I think, with Council.

Mr. Mullen: There are a couple of things I do not do. I do a lot of things. I don't pick colors, cause I'm colorblind and, number two, I don't pick names for establishments. I think that should be the entrepreneur's choice.

Mr. Rettke: And staff was fine with the two separate businesses in two separate locations?

Mr. Robbins: Well, you know, this was something that was dealt with before with Raphael's and that's how that Special Exception went through as well. She was operating one side as a restaurant and the other side as a retail store that sold alcohol. It was eventually-- Council, staff, and the city has concerns with consumption of alcohol. This is a semi-troubled area at some points, a fair amount of crime, that kind of thing. That originally resolved because there's nothing in the code, there's nothing about not able to sell alcohol as a

retail establishment. So what Council said is you can sell alcohol, you can't drink it on premises. So the one portion of her store was allowed to sell alcohol in the container, the other portion operates as a restaurant, but they don't allow the consumption of beverages onsite. So this is – it's two areas. I mean part of bringing this through with the retail in there is the fact that there's a juice bar and, if we're really to follow the letter of the code, then it's an eating and drinking establishment and I want to make sure that the juice bar is allowable as well, that we can just pass it all if the Board deems appropriate.

Mr. Rettke: I was just wondering that if, in the future, it might make it easier for us to approve one and say no to another rather than lumping them both together and saying no to both, cause there are two separate things, sort of like Raphael's.

Mr. Robbins: With the exception of the juice bar, the 1800A is a permitted use by right. I mean they're allowed to operate a retail establishment there as a right from the code. So the BZBA doesn't have, necessarily, the power to stop them doing that. The exception would be the juice bar, since it is technically an eating or drinking, but I understand what you're saying. If they were to serve alcohol instead of juice, then we could say, "You can't do that at all," and then the whole thing would be thrown out, but they could come back and just operate as a retail establishment with no issue.

Mr. Rettke: Any other questions, concerns, comments? (No response.) I'm anxious to see it when it's done. I think it sounds great for the area. The design layout, I think, is pretty thoughtful. I mean we've seen a lot of attempts to use this kind of space in that strip mall from a church, couple other – day cares and the layout on this is actually pretty slick, I think.

Mr. Robbins: I would also like to say, just from a staff standpoint, it's nice to get a professional set of drawings for a Special Exception that has parking shown, has the rest of the building shown. I appreciate it.

Mr. Rettke: From our standpoint, we're glad to see it. You can visualize things a lot better and you're right, that is a tremendous size kitchen.

Mr. Mullen: It's disproportionate to normal mix.

Mr. Rettke: He probably uses a lot of fresh ingredients if he's got that much—

Mr. Mullen: Yes, that's the whole thing. He was very adamant about the authenticity and not having to depend on others to make what he wanted to really serve here.

Mr. Rettke: He must be Jamaican then?

Mr. Mullen: He's kind of got a mix, but he is very difficult to understand.

Mr. Rettke: And there's no cross-tie between the two except for the outside entrances?

Mr. Mullen: No, there's no intermingling between them.

Mr. Rettke: I think this is probably one of the better uses for this area and probably the best layout we've seen for this area. Not selling the alcohol I think is definitely a bonus for that area. That thing's been empty two years at least. We transferred the license over, then we relocated it.

Mr. Robbins: It's better than a beer drive-thru.

Mr. Rettke: If the outside can be done in a nice fashion, I think it'll really help that area.

Mr. Mullen: I think it's a real opportunity for him to draw traffic to really make a statement when you come by that will draw you in. Signage is important here, too.

Mr. Rettke: If we could get something to anchor that big building behind you, I think that would work. Any other questions, concerns or comments? (No response.) I'll move that we approve Item B6, Special Exception Use Permit, 1800 A & B Brice Road, #162128.

Ms. Armintrout: I second.

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

Mr. Rettke: Please pass on our regrets that it was so long and he had to leave, but—

Mr. Mullen: He'll get the pleasure of going through all our Review Board and when he asks, I'll say, "No, you can't leave."

Mr. Rettke: And let him know that we're glad he came and made the attempt and best of luck.

C. ADJOURNMENT

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

Anthony Rettke, Chair

Justin Robbins, Planning Adm.

This document was prepared by:
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