



MINUTES

BOARD OF ZONING AND BUILDING APPEALS THURSDAY, SEPTEMBER 16, 2021 6:30 PM

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

A. CALL TO ORDER

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

2. APPROVAL OF MINUTES

Minutes Stand Approved

1. Board of Zoning and Building Appeals – Regular Meeting – July 15, 2021

3. APPROVAL OF AGENDA

Ms. Wheeler: We are pulling item D-3.

Mr. Furst: There's still a conditional use, but the variance has been removed. correct?

Ms. Wheeler: Correct.

4. SWEARING IN OF SPEAKERS

Speakers for the evening sworn in by Mr. Rettke.

B. PUBLIC COMMENT

Mr. Benner: Thank you, Mr. Chairman, the board. My name is Keith Benner. I live at 1200 Creekside Place, Reynoldsburg, Ohio, talking about, D-1 on your agenda, the Lancaster Avenue zoning variance. I don't really think it's necessary for me to explain what the code says. I'm sure most of you know, it calls for 50 foot lots. If you could put the letter up there that accompanied the application. The letter in and of itself tells you that it's a violation of our code. He mentions the lots at Bryden and Lancaster, which is not really close and in a totally different zone, everything north of Bryden and Lancaster for the most part, probably averages of 70 or 80 foot lot, some of them on the west side or one hundred feet. He mentions that his lots are deeper. There's nowhere in the code that it says that if you have deeper lots, you can have narrower lots. He mentions that he's going to move utility lines and fix utility lines and build the houses all same time. And that's great. But once again, does not qualify as a hardship. And you need a hardship to approve this. So if you look at the last. Emily, if you could raise that up just a little bit. Paragraph four, finally, the code specifies that economic hardship is not grounds for a variance. He just answered your question tonight. It's all economics. The houses directly across from that lot, mostly Brookside homes on the east side, average 70 to 80 feet to 70 foot or seventy two and change foot lots across from that would look very nice and fit in with the flow of everything else that's going on. The only reason to allow three is an economic reason and you're not allowed to approve it based on that. Thank you all for your time.

Mr. Rettke: I just like to take a moment, wouldn't it be best to actually have D-1 presented, have the party speak and any comments from the public then? As opposed to.

Mr. Bowsher: I mean, we can we can certainly comment.

Mr. Rettke: OK, I was just wondering a public comment is premature because there is a response within the actual presentation of this.

Mr. Bowsher: I think since we've started it the way that we have, I feel like it's just cleaner to allow it to go this way if we want to debate that at the next meeting and certainly allow it as a public comment that's not associated with the different applications, then we can certainly do that moving forward, but since we started it. Let's just let's just finish it this way.

Mr. Rettke: OK, I agree. Thank you.

Mr. Luzader: Thank you. My name is Brett Luzader. 1116 Gibson Road, Reynoldsburg, Ohio. Chairman Rettke. I've expressed that same sentiment for the last I don't know how many months with this this body and also with the planning commission. I think it's more prudent to have statements made when the actual item comes up, but I would also like to reiterate some of Mr. Benner's comments, but I also want to say that the new zoning code was just approved a year ago, March. I think we need to allow the updated code, time to work. The only reason this variance is on the agenda is to allow the developer to make more money. And as Mr. Benner said, that is not a hardship. The other lots in that area are approximately 70 to 75 feet wide. To put 50 foot lots in there and even a forty three foot lot would really be out of place in that area. So therefore, I would respectfully ask that you deny this variance. Thank you.

Mr. Rettke: Thank you. Any other public comment? Hearing none and we'll move on to unfinished business.

C. UNFINISHED BUSINESS

None

D. NEW BUSINESS

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

Mr. Rettke: So we move on to item one under new business application 2021-5436 for Lancaster Avenue. So I please have the presentation.

Ms. Wheeler: Thank you, Mr. Chair. First agenda item is for parcel ID 060-000997-00 this is for a residential zoning variance. This is within the suburban residential zone. The lot is currently vacant and the applicant is requesting BZBA approval for a zoning variance to subdivide an existing approximately .69 acre parcel into three lots

as shown on your screen. The lots would be developed with a detached single family homes. S.R. does require a minimum frontage of 50 feet, as well as minimum lot width the 50 feet. The applicant has proposed one of those three parcels with both a frontage as well as a width under 50 feet. Hence the request for a variance before you. I believe the applicant is here, if there are any questions. And I'll pull up some additional renderings as well.

Mr. Bowsher: Mr. Spencer, you're more than welcome to come up and give your presentation.

Mr. Rettke: Just state your name and address for the record, please.

Mr. Spencer: My name is Tim Spencer, I'm the president of Trivium Development. The address is 210 North Lazalle Street, Columbus, Ohio, 43215. Before I began I think I would like to point out to Mr. Bowsher and city attorney, I believe the open comments are usually for residents that want to talk about something that's up and coming or are on their mind specific back and forth objections and support for projects. That is usually after a presentation? That has been my experience. With that. I think I need to probably start off and apologize for getting a D minus in senior year English, because my letter obviously missed the mark on what we were trying to accomplish. The idea that this is simply an economic hardship goes against fundamentally everything we've done in Reynoldsburg in the last eighteen to twenty four months related to purchasing homes, renovating homes, development plans and overall well-being for the community. So unfortunately, it's my opinion that when you take the current code and you take our parcel in which we have to conforming lots, which are at least 50 by one hundred feet, our hardship is the practical difficulty of developing the third lot, the left over piece. So again, we're going to conforming lots. And what we're left over with is nonconforming. The definition of a practical difficulties, what's to be discussed or interpreted, and I'd like to point out the zoning code, albeit new. Zoning code, whether it's Reynoldsburg, Ohio, Dublin, Ohio, Gahanna, Utah, Arizona, Florida, zoning codes are designed to be inherently rigid and difficult and to govern a community not with a one size fits all, but to be able to have opportunities to state your case, state your reasoning and your intent and board such as yourselves to have the ability to grant variances. So when you look at our application with two conforming Lots, the minimum requirements are 50 feet by one hundred. I didn't create those. I'm asking for those lots to be created at 50 foot intervals. There are a number of instances in your code that especially as it relates to lot coverage and it talks about area coverage, there are a number of instances in your code where minimum width in depth are talked about, but so is lot area. What I want to point out in the code is if you take 50 by one hundred, which is the minimum sizing, you have lots that should have a surface area of five thousand feet, simple math, 50 times, one hundred. Our lots that we're creating as you build them out. The first line is eleven thousand four hundred feet. Second lot is eleven thousand three hundred fifty feet. And the lot we're asking for a variance is nine thousand seven hundred fifty six square feet, a full 90 percent greater than what the code is requiring. So again, we create two conforming lots by following the letter of the law

with foot frontage, and we're left with a practical difficulty of not being able to develop the third lot. As relates to economics. Yeah, it is important to do three lots because for some reason, 20, 30 years ago, AT&T, WOW, Verizon, everyone else came in and we can literally jump up and touch those power lines. It's a challenge to figure out how to move those lines, how to work with AEP, how to fix that pole and develop it with two lots. Yes, the third lot does make it economically viable to clean that mess up. Doesn't put more money in my pocket. I'd love to say that's the case. But the third lot allows us to bury utility lines with AEP and fix that unsightly mess. That's and there's the three homes we'd like to build with Mashallah homes. So this was an opportunity for you to say yes or no to the variance and as I thought through it. We went through the added time and expense of creating this exhibit to show you that three homes could be built simultaneously or at the same time from the same builder. This isn't speculative. You know what you're getting. We'd be happy to bring back materials or whatever the protocol is for that. We don't actually swing the hammers and paint the walls for Monticello homes. But if that would give peace of mind or assurance that you're getting a good end product, we'd be happy to agree to that as a condition. But it's our opinion if the attorney wants to see his attorney wants to weigh in. But we believe this is a practical difficulty as a result of creating two conforming lots. And the lot that is technically seven feet or six and a half feet short is 90 percent greater than the code requires in surface area. I'd be happy to answer questions or let the gentleman who are opposed come back up and give a rebuttal.

Mr. Bowsher: May I add something? So just as a contextual, I guess, element to the code, the reason why we have a lot frontage was to prevent flag lots in the community and flag law dictated by having a smaller frontage, typically just 20 feet for a driveway, and then it spanning out. And they have a lot of problems with those in rural areas. And we do have some rural areas, believe it or not, in Reynoldsburg. So our goal was to set a number, maybe even more arbitrary than anything to try and prevent that. That has always been the goal of why that is. In fact, there's been conversations that really, you know, maybe we missed the mark on that number. And really we just need to bolster the code and put in specific language and define what a flag is and just say it's not permitted in the community and understand that certain homes, especially with the cost to build them currently. Understanding that smaller lots force there to be smaller homes, lower prices, variety of price points. I mean, I don't think that you can even find a home underneath of two hundred thousand dollars. And I think even you know, what's interesting is even Mr. Luzader has even made a comment to me and outside of this building about, well, why can't we build more smaller homes that are more affordable to entry level builders? And I think this is a great incident of us being able to do that and meeting the market demand that's currently out there. And I think by not doing this, I think that, you know, there's a grave hardship because of the housing crisis that we face currently in Central Ohio. And by forcing, I think, developers to build large lots, you're only, you know, saying, well, we only want wealthy individuals living in our community. And I don't think that that is the city of respect nor what we're trying to do in our community. So I just ask that you take a look at that factor that in that the three lots meet the intent because they're not flag lots and you just you just weigh those

options as well. Thank you.

Mr. Rettke: Questions, concerns, comments?

Mr. Furst: Thank you, Mr. Chairman. Mr. Spencer, you know, I think the models that you presented here to us are very attractive. I don't have any problem with that. I know your company does good work. You know, I don't think anyone's really questioning the quality of the development that would occur on the lot. So I just want to make that very clear. And maybe, like Mr. Bowsher said, maybe the code is more vague or, you know, deficient in some areas than maybe it should be to accomplish the intent. But I think the point that everyone who spoke about the hardship requirement is trying to make is that the code is very clear that a hardship is required. It is not sufficient in and of itself. There's still other factors that we have to weigh if we were to grant a variance. But that is probably the most significant factor that we have to weigh. I've heard you talk a little bit and use some of the words that are in the code. I just know myself that I am still not entirely convinced that there's deprivation of the beneficial use of the land. I mean, you could certainly use it to its intended purpose if you built two homes instead of three. I just I guess I would like to hear more and please be as specific as you'd like to be about how this creates a hardship for you that was not already known before you purchased the lot, or maybe you've had it and, you know, for years before the code was written.

Mr. Spencer: No, no. I'd love to think as you go from community that you can have good recall of code. And that's why you have land planners and engineers looking at it. No, we acquired the ground to give a little back story. We've acquired a number of places. For those that remember the Summer Rays homes we acquired those out of receivership last year. And we've been slowly renovating those. One, unfortunately, caught fire on Main Street last week, but we started making a commitment last year to Reynoldsburg and tie that in some of our other commercial commitments to the community. I bought the ground, really it went up for sale. We've contacted the previous owner. They decided not to work with us. They put it up for sale with a realtor. And we were working and still working with the Alliance to get their housing needs met in the communities. You know, it's a very robust community here. So we literally just did a title commitment on the ground. To answer your question. Walked the site and realized there was probably a home there's, probably 40, 50 years ago. You can see an old driveway. There's probably a foundation or two buried, no cisterns, nothing stuck out. But the cables, the wires did. We did a quick look of the one exhibit. Emily, if you can show the one exhibit from the city or from the county's auditor's website that shows the foot frontage in the depth. Quick review of your code. It's pretty easy to navigate yourself if you have the plug in and you just kind of we took that exact same image, looked at it and said, hey, this makes sense is three lots. Just given the foot frontage. When you do the exact math, you see that it's six and a half. I think it's our requests feet short. To answer your question. And I don't care how this sounds now, because it's been a long day, but that's a reasonable request to look at this as the business I'm in of creating housing and office opportunities and commercial opportunities. Six Feet is when you have a driveway to

the south side. And honestly, I assumed your code had square footage requirements. Other communities, again, on the lot coverage, the size of a house. That's just a normal foot frontages, not, foot frontage by itself, is not criteria for lot splits around many communities around Central Ohio. I'm not picking on your code. Don't misunderstand that. So when I looked at that and saw the dimension, saw the requirement of 50 feet, but then saw it was at best two and a quarter times bigger, in my mind, that's not an issue. I mean, you got more green space, which is, number one, Mr. Bowsher, in the intent of that code. The SR code, it is to provide more green space as you could then by 50 by 100. There is some terminology. So in my mind, when I looked at this, you do the simple math. You do the back of the envelope analysis with your consultants. We offer twice as much green space and a lot that is in question for the variance. We're offering 90 percent more space than what's required by the code. If the attorney would chime in, I'd appreciate it, but the definition of practical difficulty is by doing two things right or left with something that's a practical difficulty.

Mr. Furst: Well, maybe you could describe how if we were not to grant you the variance this evening

Mr. Spencer: That lot is sitting vacant forever.

Mr. Furst: So with this, would this impair any of your other commitments to the city?

Mr. Spencer: No, no. That lots just not getting developed. I mean, it'll sit there. We'll talk to the gentleman who tried to reach out to the gentleman behind. He's been unresponsive. We'll ask him if he eventually would like to build it or. If it's not developed, it's not developable unless something changes, if your code gets revamped to include square footages.

Mr. Furst: So it's of your opinion then that if you couldn't subdivided in this manner, that it would not be developable. It's not economically feasible to put two homes there?

Mr. Spencer: No, we'll do the other two homes. I think the mark that I need to articulate is a bigger lot just doesn't mean a better house. I mean, I think the director made a comment and some of the comments for the folks out for Mr. Ciminello's application. It goes back to acceptable and normal development practices, whether it's MI, whether it's Joe Ciminello or Tim Spencer, the house is the house is the house. And it has to have just added a bigger front yard or bigger side yard or bigger rear yard. Doesn't solve all your problems. These houses are pretty much programed on the smaller lots to be the smaller homes based on where we think the market is. So we'll move forward with the two homes, and we've already engineered it honestly, we have these stamped I mean, this part of the requirements. So to go spend another four or five, six grand to go redo the work. We just won't do it.

Mr. Furst: Yeah, I mean, I'm aware that the lot frontage requirement is not

somewhat, but it is arbitrary. You know, it's a number that was chosen for a purpose. And that, you know, there could be arguments to be made for it. I wish that our code gave us the ability to judge this based on the square footage or based on the overall application, but unfortunately the way the factors read right now, it does not seem to me that even if we were able to judge it in that manner, that would outweigh the practical hardship, proof of hardship, you know, that we're asking you to articulate this evening.

Mr. Spencer: Well, again, that's why we're here to discuss this.

Unknown: Inaudible.

Mr. Spencer: I'll take the position that the left over lot, after creating two conforming lots, is a practical difficulty of development and therefore that's the hardship. And if it isn't, it isn't. I mean, really, it's a pandemic, you've got a very robust housing market. I know the goals of Mr. Bowsher's office is to create housing and create opportunities across a diverse group of incomes. And for folks and you seem to be doing a good job with that, with Eastwood and the MI subdivision and the Oliver and all those things. This made a lot of sense to check those boxes. Specifically, we're working with the Alliance. I stood right here nine months ago, eight months ago, and told the Alliance that we would work with them to get their housing options met. And we thought we had an option for them. So if it's a no, it's a no.

Mr. Furst: Well, if that's your position that the smaller lot that would be nonconforming is undevelopable and that is a hardship then that's an argument to make.

Mr. Spencer: Well, that's the practical difficulty. That's the definition of practical difficulty. I didn't go to law school, but I was hoping the city attorney would go into the definition of practical difficulty.

Mr. Furst: The reason why he didn't chime in is because it's not specifically defined in our code. And so you can make an argument that states it is a practical difficulty because X, Y, Z, I just wasn't hearing that very clearly from you. But you've done that now.

Mr. Spencer: OK, well then my position is a practical difficulties created by creating the two lots that are conforming to your code.

Mr. Furst: I have no further questions.

Pastor Linder: I don't know if this is for staff and it may show some of my inexperience. You mentioned doing two things correctly and then being left with this third lot. Um. Public comment seems to hope for two 70, you know, just splitting it in half and doing that, you're saying you're not going to do that no matter what, it'll be two 50 foot lots that can form and then this little strip will be left. And that's certainly

your prerogative.

Mr. Spencer: We have to do that work to make to get here. We've already done that work.

Pastor Linder: Exactly. I appreciate and understand that. But my thought was, had there been an option of and again, I don't know if this is for staff. If you had come to us wanting a variance for three different parcels, but then it would have been two feet and a half on each parcel. Is that something you would have done if that seemed in any case, would that have ever been an option?

Mr. Spencer: I actually my initial application in discussions with the development department were to that point, should we look at three different lots? That would be, you know, two and a quarter feet or whatever the number worked out to be, I forget. And we made the decision to ask for a variance on the one lot given the depth and then its proximity, there's nothing going to be developed on that other parcel. It seemed better to ask for one lot that was not conforming then.

Pastor Linder: That's what I am guessing, but I want to hear from you, that's all.

Mr. Spencer: If I'm in your seat and I bring an application with three nonconforming lots, to me that's a bigger ask than saying, hey, we did this the right way for two lots and here's what we're left with. So.

Pastor Linder: I appreciate hearing your perspective, thank you.

Mr. Rettke: I've got a couple.

Ms. Wheeler: Can you turn your mike on?

Mr. Rettke: Oh, yes, thank you. There's no lot to depth ratio requirements and Reynoldsburg?

Mr. Bowsher: So there's minimums and that's one hundred feet, that's what he was referencing earlier, the minimum lot width 50 minimum lot in depth one hundred. Clearly the lot in depth is over double it.

Mr. Rettke: I know. And look, so in the townships, I think one of Franklin County is you can't exceed four to one ratio. So none of that comes into play in Reynoldsburg?

Mr. Bowsher: No, no, not in these.

Ms. Wheeler: Our previous code did have a lot square footage requirement.

Mr. Rettke: And I know when you're trying to infill some of these areas, you know, it gets kind of complicated to match that intent. So, you know, that's another

preponderance. I think the code can address, new development. I think it addresses that well. But infill going back and trying to make the most out of those for lack of a better term, those odd shape pieces that improper development is allowed over the years or, you know, just way property was carved out. And I think that was the case we kind of had on Rodebaugh. Or off Rodebaugh back in the day, so there's a lot in my mind to think about because we do this. I do see it across Franklin County in my, you know, nine to five job or seven, three or four job, whatever you want to call it. So. Getting my head around what, you know, one jurisdiction will do and another jurisdiction will do, you know, the code is the code. It does say..

Mr. Leist: I'm sorry for interrupting, but, you know, look, I mean, here's the reality. The code is written as it was intended to be read. There are factors for this board to consider. Those factors were written the way they are meant to be read. The question is whether or not any of those factors apply in this instance. And the notion that there is a hardship because he has a lot that only has 42 feet of frontage is not a hardship. That is a hardship by his making. That lot is currently not divided. There's no subdivision right now. So the notion that he has a hardship because there's a 42 foot frontage lot that's of his own making, and I don't believe that that necessarily constitutes a hardship within the confines of the intent of those factors to be considered.

Mr. Rettke: And that that's kind of how we ran into with Dollar General where Harbour Freight ended up going.

Mr. Furst: To speak to your point, Mr. Leist. The code actually specifies that the hardship cannot be of the applicants. It very explicitly says that.

Mr. Leist: Right. Which I believe that's essentially what he's arguing here. That by making this a three plot or subdividing this into three plots, which he has a hardship because or by not doing that, that he has a hardship. So it's not a hardship for him to subdivide this into lots that are greater than 50 feet of frontage.

Mr. Furst: For what it's worth, Mr. Spencer, I do agree with your assessment that one nonconforming lot is a smaller ask than two or three. So thank you for that consideration.

Mr. Rettke: Here's a kicker, if you put it in a common drive, you can get four lots. Right. If he put in a common driving orientated the lots of north and south, you could put four lots in and we wouldn't be here. Right?

Mr. Leist: Right.

Mr. Spencer: Yeah, that's exactly right. Or a duplex or something else.

Mr. Rettke: I mean, there's a lot of options, so.

Mr. Bowsher: This is off base for this. Who was the original owner of the Parcel?

Mr. Spencer: Sigman Family.

Mr. Bowsher: Appreciate it.

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

Mr. Furst: Mr. President, did you want to.

Mr. Rettke: Oh, yes, does Mr. Benner or Mr. Luzader want to back up and say anything? Just identify yourself for the record.

Mr. Benner: My name's Keith Benner. 1200 Creekside place Reynoldsburg, Ohio already spoke once. I think the one thing I just want to reiterate to all of you is that the code is law passed by city council. They're the one that has the authority to do what we're talking about doing in a case where he doesn't meet the hardship. I certainly don't misunderstand why he would want to ask. You don't get anything in this world if you don't ask. But it's your job to make sure that the code is followed. His potential move would be to get the code changed. That would then go to council and council who has overriding authority on all of this would then be able to vote. It was mentioned that this code new it was reviewed. Some of you and myself sat on the committee that reviewed the code. We made recommendations. And in fact, we changed a lot width once before for Mr. Spencer. If you want the code changed, that's something that he can apply for. The city can sit down and look at it again, but as it stands right now, I believe it's quite simply black and white in front of you in the code, and there's no way you should be able to approve this. Thanks very much.

Mr. Rettke: I've always been of the opinion that, you know, we've had some code that had been on the books for a while, you know, this one being fairly new, we don't want to gut it right in the first the infancy of the code either.

Mr. Furst: I don't even know if that's particularly a consideration. I mean, sometimes you make the wrong calls and have the wrong standards, but they're as Mr. Benner did say, there is a mechanism to change that. You know, one of the comments that we hear very frequently is that a lot of zoning codes and zoning boards seem to exist just to be window dressing. And really the end result is whatever the board wants. I think Reynoldsburg has made it very clear, especially in writing a pretty revolutionary new zoning code, that the code is what governs, not the raters of the board members. If that was the intent of the code, that would be a factor for our consideration here. It is not.

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

Mr. Furst: Well, I do appreciate Mr. Spencer's time, and so I'd like to go ahead and make a motion here, we have considered the factors set forth in Section 1109.13D,

the factors for code variances. I would like to move that we table this application for further discussion and preparation of findings of fact and conclusions at our next meeting.

Ms. Barnhart: I'll second that motion.

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

Ms. Wheeler: Ms. Barnhart. Yes. Ms. Bulls. Yes. Mr. Furst. Yes. Pastor Linder. Yes. Mr. Rettke. I guess, yes.

Mr. Rettke: So that will be on the next agenda item in October?

Mr. Bowsher: I guess I just ask, you know, certainly it's already done at this point, but we've obviously established or the board is established with the assistant city attorney the findings of facts and understanding of why they wouldn't. I hate to beat a dead horse and have it come back. I think a simple no if that is the board's intent. And certainly you can then allocate to why it's a no and then we can end this tonight. It would be more appropriate.

Mr. Spencer: I'm ok with tabling. From a practicality standpoint. No vote precludes any other applications or variances at any other time or within 12 months. So this gives us the opportunity to not have anything happen on the site for 12 months, I mean.

Mr. Bowsher: Well, that's just another variance. It doesn't mean that there's nothing else that can happen.

Mr. Spencer: I'm coming back with another variance. Tabling, is the best option.

Mr. Bowsher: Well then my suggestion would be if you know the next meeting, that they're going to withdraw or their vote would be a no is for you to withdraw your application.

Mr. Spencer: That is exactly what I thought. I thought that was a softball pitch over the plate as well. That's what I thought that was.

Mr. Furst: So you are welcome to withdraw your application in between now and then.

Mr. Bowsher: You can certainly make a formal request right now.

Mr. Furst: And you can actually do that now.

Mr. Spencer: No, I'd rather have the table go on the record and then withdraw the

application for the lot split and application.

Mr. Bowsher: Understood.

Mr. Leist: The motion carries. Right.

Mr. Furst: Yes.

RESULT:	TABLED [UNANIMOUS]	Next: 11/18/2021 6:30 PM
AYES:	Rettke, Linder, Furst, Bulls, Barnhart	

2. Application #2021-5432; 6050 E Livingston Avenue; Mufasa LLC; Conditional Use

Mr. Rettke: OK, moving on. Item D-2 2021-5432. For 6050 E. Livingston Avenue. Can we please have the presentation?

Ms. Wheeler: Thank you, Mr. Chair. Second application this evening is for a conditional use application, 2021-5432. This is for the property at 6050 East Livingston Avenue. This is within the innovation zone. The existing or prior used for many decades was for an auto repair shop as shown up on your screens. The applicant is requesting BZBA approval of a conditional use to operate a car sales business and vehicular sales automobiles is listed as a conditional use in the innovation zone. The proposed use requires one parking space per one thousand square foot of gross building areas. The existing parking is sufficient and the applicant has provided a site plan for the site, which I also have up on your screen, and I believe they're here this evening if there are any questions from the board.

Mr. Rettke: You could state your name and address for the record, please.

Mr. Zanjeel: My name is Mustafa Zanjeel. Address 5672 I'm sorry, that's the business address or my home address?

Mr. Furst: Whatever one you'd like to leave on the record

Mr. Zanjeel: 5672 Greendale Dr. Galloway, Ohio 43119.

Mr. Rettke: Is there anything you'd like to add to the staff's presentation?

Mr. Zanjeel: Nothing really everything is in application.

Mr. Furst: So they're not the same factors, but similar to variances, we're required to evaluate conditional use applications based on certain factors. I think the most important one, to my mind, at least, is how a proposed conditional use aligns with not the existing use of the zone, but the intended use of the zone. Your application is quite exhaustive and speaking to how this aligns with the current use, especially the neighboring parcels, I think that's completely accurate. One thing that I really didn't read in your application, I'm hoping that you can provide some more detail to is how

your proposed use here aligns to the intent of the zone.

Mr. Zanjeel: So. I mean, it's an auto repair already. So customers come in and out. Nothing we're not going to change anything in the building. We're not going to change anything in the parking lot. The same parking lots for customers now is going to be for the business to set cars. All they feel parking lots for the customers will be appropriate. So really, everything should be exactly the same. I mean.

Mr. Furst: So the zoning for this parcel is called the innovation zone. And the intent of the code specifies that the intent is to facilitate the creation of economic centers. The desired development pattern includes construction of flex and or industrial buildings to facilitate access to the interstate. It's meant to function as a job and business growth engine for the city and also some light industrial and things of that nature. That's the intent of this zone. So what I was specifically asking for is if you could speak to, if it does, how your proposed use aligns to that.

Mr. Zanjeel: Uh. At. I'll call my agent.

Mr. Furst: Sure.

Mr. Kerns: Earl Kerns 6606 Saylot court, Canal Winchester. Please forgive my voice, I did a lot of talking today, so I've lost it. It does not actually meet that criteria, I think the circumstance here is because the building, the way the building was constructed, the lot layout would be very difficult to put something like that in this parcel on this parcel. So, it might be that that building sat vacant for a long time until it could be torn down, replaced, and that probably would not be the best thing for the city.

Mr. Furst: Thank you.

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

Mr. Leist: May I ask one question? I think it was Emily, it was plates one and two. There was an aerial site. That lot behind that red that's not owned by you?

Mr. Zanjeel: That's not it belongs to a different people.

Mr. Leist: Is that a Twins Towing?

Mr. Bowsher: Twin Auto Recovery.

Mr. Leist: That's I thought I saw that. I just want to make sure that that was not an area that you intended to store cars at.

Mr. Zanjeel: No.

Mr. Leist: OK.

Mr. Furst: I mean, to be very, very frank, you know, I think there is a lot to be recommended to your proposal. However, the alignment with the intent of the zone, in my mind, is the single most important factor for us to consider here and also necessary, frankly. I personally would be just fine tabling this, if you wanted to present more evidence at our next meeting that it does align to that intent. I don't know. Maybe it was just a misunderstanding. You know, as far as what checkboxes, you know, we're required for our conditional use factor here. But if you'd like the opportunity to do that, I'm willing to make a motion to table this or, you know. I mean, obviously, the rest of the board has a say here as well, but it could in my mind then if it doesn't meet that intent, then it would almost have to be a denial of your application.

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

Mr. Bowsher: Mr. Zanjeel, just a couple of questions, and I may not have seen it or looked over it in the packet here. Can you describe the type of or a number of employees that would be employed here? You know, one of the factors, obviously, for the innovation district is obviously employment. You know, certainly there's a variety of different housing that's located over in this area. Want to make sure that those individuals have suitable employment. So the reason why this was a rezoned in the innovation area, we really wanted to reconfigure and redesign what this area was. Brice Road, certainly in the day, was a hotspot for commercial activity that it certainly fell by the wayside. And so we needed to really rethink what it would be. And so the innovation district came to mind and understanding that we were going to put people to work, we were going to have job centers, we were going to have places of employment and logistics and distribution and small scale flex office spaces because of the proximity to 70 and I -270. So it made it extremely well. So I think what Mr. Furst is trying to get towards is in the conditional use. You know, the idea of fitting within that district really lies within Section A and Section F in the standards and requirements for the conditional uses. And really what his goal was, is the intent and the purpose of the innovation district is to be those job centers. If you can clearly define of why this business fits within those contexts, I think that's where you need to be. So understanding the number of employees, maybe the purpose of sales, the idea of tax driven income that would be generated to the city as well as your own business. Those are, I think, things that we certainly want to take a look at that are certainly not factored in based on the conditional use. But those are things that really, you know, subjectively sort of are laid out. And those two sections, I think you meet the rest of them truthfully, but A and F are really the ones that I think you need to lay into. Those are just the ones that we're not seeing within the packet.

Mr. Furst: Thank you for stating my case a little more eloquently.

Mr. Kerns: I understand fully what the intent of the zone is, I think if you carry employment, the building that is there, three thousand square feet would not hold

many more offices or accommodate people than the five to six individuals that the car sales is going to have. And I think the revenue coming in from the car sales would be of more benefit than an office space there. As far as any light manufacturing, the building is such that it would be very difficult to bring any you might bring a print shop in for example, but they wouldn't have any more revenue or any more employees than the car dealership would have. So we fully understand what you're speaking to.

Mr. Furst: Would there be any repair or, you know, such you'd see at an auto dealership, or would it just be focused on sales?

Mr. Kerns: Yes, that was pointed out in the proposal.

Mr. Furst: Yeah, I just wanted to have you elaborate on that.

Mr. Kerns: Very, very definitely so. And there might be an increase if the car repair part of it builds to have more than five employees. The last business had up to seven employees there. That's why I don't think as far as creating more jobs, you're going to put something in there that's going to create significantly more jobs or more revenue.

Mr. Bowsher: Let me also just talk. We had an applicant on the back side, really catty corner of this business that this board heard earlier this year. What we found was probably not a good use for the community, one, because it was off of a residential street. Two, because I think it was found out through investigative and communications that really they were going to utilize the site for really car storage is really what it is. They were certainly going to probably Mannerheim on the weekend and certainly buying up cars and they were fixing them there or just using them for storage it just looks extremely, shall I say, junky. You can clearly see just on the plates one and two map that it's already being done by two other facilities. So for us, that's really not what we want to see in the area. And I'd like you to talk maybe a little bit about your business, the strategy and why that potentially is not what this is, because that's certainly something that we are definitely going to take into effect, because that is the last thing more that we would want into an area that's very hard hit socio economically and certainly an area that we'd really like to bring up in the city.

Mr. Zanjeel: OK, so where we are now, we're already doing the business in East Main Street, just down the street in Columbus. We're growing. Obviously, we're a car dealership. Yes, we are from Mannheim, but we don't have any other place to sell cars. So this is going to be our main place to sell cars. So you're not going to see only the junkyards over there. And then we're going to sell junk cars over there and then we're going to sell from other sites. No, that's going to be our place to sell cars. And we've been in business since 2016.

Mr. Furst: How would you speak to Mr. Bowsher point, how would you differentiate

yourself from kind of these other used car dealers here? I mean, why other than maybe a very particular model that you might have in inventory, would someone come to your business versus one of the neighboring parcels here that's in the same business? And, you know, maybe also to because you are in business, maybe you could speak to the revenue projections that you might have if you were optimally successful here. You know, you could hire on full staff. You know what that would look like as far as, you know, economics for the city.

Mr. Zanjeel: How we differentiate ourselves. I mean, we've been doing this for a long time now, almost five years we've been selling cars, our revenues is high enough to improve to buy this lot. And that's the main reason we're moving out from that, of all places, because we need something better because our guys look better than the area we are at now.

Mr. Furst: So you would say that that compared to some of the neighboring lots in your current location that your offerings and clientele are maybe a little more upscale and that's what you're looking to bring here?

Mr. Zanjeel: Correct. Yes.

Mr. Furst: Would it be fair to say that compared to the neighboring lots that exist here on Livingston Avenue, that that would be the case for your dealership here?

Mr. Zanjeel: Correct. Yes.

Mr. Furst: Thank you.

Mr. Bowsher: Just out of curiosity, what is the address? I would love for us to be able to pull it up. I think contextually, I think would be really nice to be able to see the existing operations.

Mr. Zanjeel: Our existing operation at 1351 East Main St. Columbus, Ohio.

Mr. Rettke: So while they're doing that, I just have a couple of questions, mainly for staff. So when that zoning code was created, we call this the innovation district. We didn't particularly necessarily look at the size of the existing parcels, but we looked at the area. Is that correct?

Mr. Bowsher: I'm sorry, say that one more time.

Mr. Rettke: So when we came up with these zones, of course, this innovations that we look at, the individual parcels are just the area collectively.

Mr. Bowsher: So we looked at the area collectively, but we also looked at the specific parcels. So, for example, and I don't know the dimensions of this, but one of the things that we really wanted to do was understanding I think this was to the to

the agent's point, was that we really wanted to see redevelopment of a lot of these. And so we actually created larger lot sizes to handle a lot of those types of larger and more industrial type uses that we wanted to see specifically. Also and I know Mr. Furst can certainly speak to this because we've certainly had not debates in among ourselves, but certainly collectively as a group about taking away other commercial uses out of the area, because we really wanted to see that sort of go away. Because typically what you would find is it's the probably the more bad actors that are filling those types of businesses. And certainly this area of town certainly has a lot of police calls and activities. So our thought was of these are job centers, larger parcels. Not only are you cleaning up the area, but you're fixing a lot of these problems that we're obviously dealing with that are here. So we did take a look at it parcel by parcel. This is a very odd section of the city. It certainly happens to be the west side of Brice and one of the only areas that we kind abut really, really into Columbus territory. And in fact, actually just to the alleyway to the north, it's Columbus proper as well. But we did to answer your question, we definitely took a look at specific lots. We really thought that where you see currently right here is basically four parcels. And our envision was those four parcels would eventually be combined. We would work with developers and other outside resources to really combine a lot of these parcels to actually foresee something that was bigger and greater than what existed there today.

Mr. Rettke: The reason why I bring that up, he brought it up. If we're relying on that zone to dictate this innovation zone, and we're saying these smaller lots can't support that individually, but collectively, it kind of puts the owner in a bad bind of sitting on it.

Mr. Bowsher: Correct.

Mr. Rettke: Because I don't know what could actually go in there that would meet that definition.

Ms. Wheeler: I would also note for the board, we do allow auto repair as a permitted use, which is a little interesting.

Mr. Rettke: Yeah. Permitted but not. So that's kind of where I fall, because this isn't the first one we've had in this district and the codes, one year old.

Mr. Bowsher: Very true.

Mr. Rettke: We struggled with that, too, on that one, because do we let that sit until we can get more? That's kind of hard.

Mr. Furst: And to be fair, when we have talked about changes to the code, you know, we did leave automotive sales in there as a conditional use, I think, to make sure this is not a genocide and to use specifically your business. But there are, unfortunately, some other businesses in the used car sales business that that

operate and as Mr. Bowsher said, a very junky sort of way. And there were two factors there why we left it in. One was because we're not in the habit of creating nonconforming uses if we can help it. And two, because that isn't to say there couldn't be a nice used car lot there. So I think what we're trying to determine here is, you know, does your application kind of fall under that, albeit very subjective determination of, you know, nice and if you could provide a little more information on that to help us. Like I said, I'm more than happy to move to table this if you'd like to provide more information. I think that would help us make a clear determination here.

Mr. Kerns: To your point, I represent both sides, the seller and the buyer, dual agency, so I have another interest here that I want to ask a question about. If you do not allow a car sales and the former use was car repair. How does my client sell that property? It's really limited. The building is built for car repair and servicing. Which fits into his needs very well for detailing and repairing, of cars coming in. So it puts my seller at a great disadvantage in selling that property or obtaining a good market price. If you limit it to offices the price for that building decreases.

Mr. Furst: It's not just limited to offices. I mean, if he wanted to operate a car repair business, he could do that without coming before the board.

Ms. Wheeler: That is correct, that's a permitted use.

Mr. Rettke: Auto repairs are permitted and auto sales is conditional.

Mr. Bowsher: And just to be clear, the industrial uses that are listed here in the innovation district are truly the longest permitted list out of any district. So any type of argument that's being made of a taking is certainly false.

Mr. Kerns: I was not implying that you were taking I mean, just inquiring for my client to understand who to market to?

Ms. Wheeler: Can I ask a question about your site plan because you have it labeled as customer parking, was the intent to display the for sale vehicles in those spaces as labeled, or would there be cars kind of parked all over? What is the intent for that?

Mr. Kerns: Inaudible

Mr. Furst: So would you be restriping the lot? I mean, there is, I think a number of spaces are worn off over time to.

Mr. Kerns: Inaudible.

Mr. Leist: Sorry, can you go back, Emily, to that last? Oh, actually, I think it was the one before that. It was the schematic. So it's just a question, but when I was looking

at the picture, I don't know, it was probably one of the other slides. There was something out in the front that looked like almost like a well. In the yard area, what is that?

Mr. Kerns: That's the area of the monument sign.

Mr. Leist: There's no it was actually a frontage view, there was a frontal view, it's actually out about where that second tree is on the other side of that driveway in.

Mr. Furst: Ms. Wheeler, could you maybe pull it up on Google?

Mr. Leist: That's probably what I did. I was just curious, there was some concrete by the street that was in the yard in front of that building. It might not be there.

Mr. Kerns: No, it's not when I did the actual survey.

Mr. Leist: OK.

Mr. Furst: So I work in finance, so, you know, even if you had a formal business plan or revenue projections, things like that, we can we actually have the power to require those things. So but I'm asking, those would help us make a decision. I think your intended use here is very clear. The thing that we're trying to determine is, frankly, that it would as much as we're able, that it would be a successful business, because there is that economic engine factor in the innovation zone that we're looking to encourage. You know, obviously all business comes with risk. And, you know, if it doesn't work out, you know, for your business, then the city wouldn't hold you to that. But we do just want to make sure that because we have some additional consideration factors here because there's a conditionals. We just want to make sure that it is a very thriving business. So any more evidence that you could provide to that would be helpful.

Mr. Bowsher: I'd also just add to not that we need to make a decision or what exactly they would be to be added on as additional sort of conditions under those conditional use. The board definitely has the ability, as we did with our special exceptions, as if we were to grant something, to certainly set parameters and ways to be able to check on those types of things. And certainly it could be a temporary to lead to more of a permanent conditional use based on grounds of sort of observing and ensuring that it meets to the specifications and the level of confidence that this board in the city really hopes is in this area.

Mr. Rettke: That that kind of brought me to my next point. I know we approved once again quite some time ago, just down Brice road, they promised 10 to 12 cars. They're probably pushing 40. They've got them on gravel. They've got them stacked. There's no parking whatsoever. It's become a real issue because we discuss that. Is there a way, cause he's saying twenty to twenty five. So what would prevent him from putting 40?

Mr. Bowsher: Right, and I think that would be you know, those are certainly conditions of the board and certainly.

Mr. Rettke: I mean, is that something that the city can enforce?

Mr. Bowsher: I'll let the city attorney speak to the specifics of that.

Mr. Leist: The specifics of what the number of cars they can put there?

Mr. Bowsher: I was just asking that clearly we can put stipulations on the conditional use, but I do not know the bounds of that. And I think your degree would come in handy and understanding. What can be what can be added and what cannot.

Mr. Leist: Yeah. I mean I'd have to get back to you on that. I don't know what the limitations of that.

Mr. Bowsher: And I think that's just leads to I think Mr. Furst's point of understanding that I think we need to maybe do some research as staff and administration. I think maybe a little more due diligence and research on your part.

Mr. Leist: I mean, excuse me for asking Andrew, but it sounds to me like you're asking if we put limitations into the conditional uses or boundaries or parameters. Are we modifying the code?

Mr. Furst: No. I think he's asking.

Mr. Leist: Is that permissible?

Mr. Furst: Well, if these were factors that, say, weren't necessarily in the property maintenance code, you know, he would obviously be required to comport to that. But if they were additional factors, such as a limitation of number of cars perhaps a time limit similar to our special exception use permits that we had, where it was for a limited period of time, subject to additional review by the board after, let's say, a year or six months or whatever, we would decide. If factors like that would be something that the city attorney's office would be comfortable with enforcing and frankly would be enforceable, according to your opinion?

Mr. Leist: Well, I mean, I think that's something needs to be looked into. But I think also as we discuss this and certainly with consideration of his application, if he envisions additional growth beyond that, I think that would be something he might want to address in the event that you are looking at this from the perspective of he's saying I'm going to have twenty four cars, and you're concerned about him having 50 or 40 and how that might change the overall consideration of this, then I think that's something that he might want to address as well while we continue to look and

see if there's any parameters we can put on it.

Mr. Rettke: Because we've been snookered on that at least once or twice.

Mr. Leist: And I can understand that and I can appreciate that. But then on the other hand, as an individual who is a businessman who's obviously taking the time to present a package, who has the hopes and dreams of creating a solid business here in the city of Reynoldsburg, I think that's something then that might for instance, if we were to say, well, twenty four is twenty four and anything above and beyond that, you know, that may that may dampen his dreams, if you will. So to the extent that he may envision something beyond that so that we don't run into a situation like we currently have, that might be something he wants to address. In the meantime, I'll get with the city attorney and we'll see what we can.

Mr. Rettke: I mean, there's quite a few that we've gone to. There's a Uhaul on Brice.

Mr. Leist: Right.

Mr. Rettke: We agreed to six, no more than six. They had to be in a specific spot. That's not the case. Up the road, we have another car lot agreed to 10 to 12. I forget it's been years. There's 30, 40 there easily.

Mr. Bowsher: Just for a note of clarification, because, you know, Mr. Shook certainly watches this and having to send a note on Facebook. I just read what he said. If there's a condition on a conditional use permit and that condition is violated, the permit can be pulled. And I think we established that we agreed to that. And certainly I think that is also establishes that we can add additional conditions onto that. I think that's kind of what I was asking and what those limitations really were. I think to your point Mr. Leist, it's an interesting point that you bring up, because I think one of the things that kind of comes up definitely in the zoning and things of that nature, when you're talking about housing and elsewhere, you start talking about density and understanding. And so when you talk about twenty four car, as I understand it, a little bit differently, but think of it in the parameters of density of what really the city would like to see. We don't want to see something that just looks like it's a junk yard and it's a heap that's got cars that are all over the place. I think we want something that's going to be tasteful and separated and there's, you know, ability of light and air to be able to be there. I think that is certainly something that we want to take a look at. And I think, sir, if your growth opportunity wants to expand past that, you know, I think coming back to us, telling us what that exactly looks like, because I think from our standpoint, we don't want you to just cram as much as you possibly can because you're thriving and growing, maybe there's some other opportunities for you to grab other lands, which is really what the intent of the district was for. If there's the idea that that's how you would grow, instead of just putting more density on top of the existing lot, then I think that's something that the board would feel probably a little better about. And I think articulating that is something I think that would be swell.

Mr. Furst: Yeah, I mean, certainly if, Ricart or Lindsay was coming here and proposing a very large megamall type dealership that otherwise complied with our code, I think it would be less a question of the economic growth engine factor that is the intent of the innovation district. So it's only and I hate to say this, you know, because you're a small business, which it's somewhat of a question. I mean, we're certainly very supportive of small business here in Reynoldsburg, but I would just like a little more clarity on some of those matters.

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

Ms. Bulls: I have a question as well, also where we're taking a look, there's also a lot directly next to it that selling as well and from the aerial view, they're kind of crammed in there. So I'd like to see what's going to separate you from your competitor right next door. Also, there's no lighting or anything on your lot in any kind of beautification for that lot. So I'd like to see that. In addition, more information about your current property in terms of are you going to have two lots or just this lot and what was already communicated in terms of your business plan. So your revenue over the course of the past couple of years. Obviously 20, 20 years is an excuse and you could probably throw that out. But just trying to understand your sales growth and your growth model.

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

Ms. Barnhart: I have just another comment. This is Amy Barnhart. You know, because this is the innovation district and this is an area that we're trying to create jobs in which then generates city income tax for Reynoldsburg. I'm just curious to know about the jobs. You know what we would expect, you know, if there's, you know, the average salary or whatnot, just so that we kind of know what dollars to expect. Because, you know, our goal for this district, you know, we have a lot of residential we have limited areas right now that, you know, for the jobs. And I just want to make sure that we're trying to maximize our dollars to the city as much as we can.

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

Mr. Furst: I mean, as I've mentioned, you know, we're happy to table this for additional consideration, so it seems like you're willing to do that. So this is Mr. Furst I move that we table this application until our next meeting.

Ms. Barnhart: Second.

Mr. Rettke: Moved in second and any other discussion. I would ask the attorney to come up with some discussion points on conditions like that, how they can be enforce, that sort of thing.

Mr. Leist: Well, didn't Chris, didn't you suggest that Chris has already addressed this?

Mr. Bowsher: He did address that they can obviously be enforced. I think maybe what Mr. Rettke was referring to is what we realistically can put on as conditions.

Mr. Rettke: Yeah, because we've done it, but nobody's enforced it. I'm tired of doing it if nobody's going to enforce.

Mr. Leist: Well, I mean, I know.

Mr. Rettke: I know it's a different administration, a different mindset.

Mr. Leist: We're doing a considerable amount of enforcement throughout the city. And I hope that the board recognizes some of the things that are taking place. But I will say this will definitely look into it and see what kind of parameters we can make, because I certainly understand your concerns when you discuss some of these other issues that obviously are not going quite the way you anticipated them going at the time those conditional uses were made.

Ms. Barnhart: Right and I want to make sure that we don't overreach legally what we can do.

Mr. Leist: Well, absolutely. And I mean, that's all. As I said, I mean, here we have a business person that has a plan and I think is enterprising entrepreneurs. They certainly don't want to limit their growth potential, but at the same time. And while we have to be cognizant of that, we also have to keep, I think, standards. And I think that's what Mr. Rettke's basically, you know, I think identifying and so and I absolutely agree with you, Ms. Barnhart, that those considerations, they may not necessarily always be compatible and we have to be cognizant.

Ms. Barnhart: Right. Right.

Mr. Leist: Absolutely.

Mr. Rettke: So I think it's easier to deal with barren ground than something that's sitting there and it's been sitting there and you find a tenant for because, you know, it's amazing how many houses and empty for three months. The shutters, gutters are all fallen off. But if somebody had lived in there, you never would have seen that happen. They do fall apart pretty quick.

Mr. Leist: Sure.

Mr. Rettke: They have a vacant property sitting around waiting on that one client to come in and gobble up half the block and develop something that it just does not happening.

Mr. Bowsher: I think the assistant city attorney brings up an amazing point. And I just don't think that they get enough credit right now. And it's certainly a new sheriff in town. I think the code enforcement has done really a phenomenal job. So shout out to them and the attorneys and certainly following up and taking things to court. And, you know, it is a battle and obviously a huge win with the Days Inn recently. And so shout out to the mayor, his administration and certainly the code enforcement for what they're doing. We're actually going to get a fourth one by the end of the month. So with that all being said, probably another thing, too, that we would probably take a look at is the existing building that sets there is honestly, it looks better than most of the buildings sort of around it. So we'd like that to sort of keep up. And I think that's probably another condition that we'd like to see, obviously is, is if there's areas that need repaved, we'd like to see you adding some of those maybe some other additional landscaping and sort of beautifying that area. So that's just showing. It's not just you picking a place for an added piece of a business, but that you're going to be not only a great small business owner, but one that's here that wants to invest in the community and wants to uplift sort of the area. And I think you telling that story and coming back with us on the 15th, I think that'll do you well.

Mr. Leist: Emily, sorry, because it's driving me nuts. Can you please go back to that street view slide real quick before?

Mr. Rettke: It looks like its landscaping rocks.

Mr. Leist: I don't know because I asked them, but it's, to your right. Oh yeah. Keep going down. Down right there. Yeah. That you see the concrete sir. It looks almost like an empty hole.

Mr. Bowsher: I think it's a coy pond. I don't know but that's what it looks like. Right?

Mr. Rettke: Looks like it probably had a little waterfall.

Mr. Leist: Yeah. OK. All right. Yeah. I'm sorry. I just when I looked at it earlier I wasn't sure what it was.

Mr. Furst: It doesn't exist now? OK.

Mr. Rettke: I just didn't want to have anything we pass here. They you say I can't enforce it.

Mr. Leist: No, I appreciate that.

Mr. Rettke: I want something that you're willing to take on a challenge for.

Mr. Leist: Yeah well all the more reason why you know I think the motion is, is appropriate at this juncture

Mr. Rettke: That's why I like having you here. We didn't have that in the past. We get all these weird ideas on how to make it better, and nobody would pursue it.

Mr. Leist: I'm glad I can help. But there's also a reason why there's an assistant before my name.

Mr. Rettke: OK, so it's been moved and seconded. We had further discussion. Can we please have the roll?

Ms. Wheeler: Ms. Barnhart. Yes. Ms. Bulls. Yes. Mr. Furst. Yes. Pastor Linder. Yes. Mr. Rettke. Yes. The motion to table carries.

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

3. Application #2021-5434; Summit Road SW; Joe Ciminello; Conditional Use (Eastwood)

Mr. Rettke: Moving on, item D- 3, application 2021-5434 Summit Rd. SW. Can we please have a presentation?

Ms. Wheeler: Thank you, Mr. Chair, pulling up some images here. All right, this is for a property off of Summit Road. Parcel ID 107-0180-00 and 107-01803-00. Both are within the suburban residential zone. The applicant is requesting BZBA approval of the conditional use for the construction of a new residential development consisting of 80 town home units. This is part of a larger development that was reviewed at the previous Planning Commission meeting. The site is currently vacant. The development is slated for again the October 7th Planning Commission meeting for major site plan review again after being tabled at the previous meeting. The proposed use, which is dwelling attached single family, is listed as a conditional use in the SR zone and adequate parking is provided on the site plan as shown. And with that, I believe the applicant is here. If there are any questions or further comments.

Mr. Ciminello: Sure, Joe Ciminello 567 Lazelle Road, Westerville, Ohio, 43081. Thank you, Chairman Rettke, and thank Emily and development director Bowsher working with us on the plan. It's been a long meeting for you on here to answer any questions.

Mr. Rettke: There's nothing you want to add to their presentation.

Mr. Ciminello: Well, that is nice that Emily's able to pull up the plan here. It's part of a master plan community main road coming in from what was previously approved off of Main Street. The road you see with the roundabout is a continuation from the horseshoe road out on Main Street and we have no driveways coming out of that road. These four families will be from the road fronting the park, giving it a nice atmosphere across from the park that you're not going to have cars in driveways or

garage doors open. They're all rear loading. So esthetically, it's a big reason why we put the four family townhomes there. It's nice that the people in the townhomes are close to the open space as well, since they don't have they do have green space in the rear, but not your typical backyard.

Mr. Rettke: Any questions, concerns, comments?

Mr. Furst: As Mr. First, go ahead and jump in here. Thank you, Mr. Ciminello, for your patience. It has been a long meeting. I do appreciate that you are planning the rear garage. This is the first town home development application that we receive that has matched the character that's been described in our code. You know, we have had images of that. And there's been questions, too. Why don't we have that? So thank you for bringing that to us. You heard me harp on the intent portion of the conditional use factors here. And the intent of the suburban residential zone is to facilitate a diverse, mixed use of single family residences. In your opinion, does this meet that intent?

Mr. Ciminello: Absolutely. Typically, your town home product is a 20, 24 foot wide product. And if you're able to put them together, the next step up, you get 30 and 40 foot, 50 foot wide lot or homes. And this does offer more affordability than a single family home, less exterior. And just they are going to be a little smaller square foot than the homes themselves. So it does offer that diversity.

Mr. Furst: Thank you.

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

Ms. Barnhart: What kind of square footage are we looking at in these townhomes? I didn't see that.

Mr. Ciminello: Probably from fifteen hundred to eighteen hundred, maybe they offer a third floor level, might get a little above that.

Mr. Bowsher: I appreciate the added additional greenspace, as Mr. Furst pointed out, you know, the rear alleyways are certainly always the added benefit. The frontage that's going to be on that road is really going to be spectacular. I think it keeps in with the idea of when city council approved this annexation. You know, we had images of what this was going to be like and this additional added green space, because certainly you could have shoved 30 more units into here easily, but you didn't. You added the green space. And that's a very important aspect of our code that we wanted the ample green space. And so I really appreciate you being able to do that.

Mr. Ciminello: Thank you.

Mr. Rettke: But you touched on the access to I think that's a nice touch coming

along that roadway, not have an individual driveway, he's having to kind of step back a little bit more with the front edge being. I think it's a little easier on the eyes, gives it a little bit more depth perception than what you would typically see kind of, I don't know, kind of like Easton and you coming down. What is it? What's it crossing? You know how you got those buildings right there, so the appeal was a lot better than what it could be, in my opinion.

Ms. Barnhart: Is this product meant to be for rental or for home ownership?

Mr. Ciminello: Currently, it's for sale, for home ownership, the townhomes. Not to say that they wouldn't be run it by owners.

Ms. Barnhart: Right?

Mr. Ciminello: I can't limit that, but they intend to be with this product.

Mr. Rettke: A private owner and it's up to their discretion whether occupy. What's that condo of going to be called?

Mr. Ciminello: What's it going to be called? Townhomes at Eastwood, I'm not sure quite yet.

Mr. Rettke: I know you guys like to do townhomes or villages or cottages.

Mr. Ciminello: We'd like to carry the Eastwood theme all the way out from the renderings and the images that will be created on Main Street along Summit. When we get into the landscape plans and tree signs would have similar character and there would be a theme to it, I'm just not sure quite of the names yet.

Mr. Rettke: As far as building as you just kind of start building them and sell them or do them in phases or?

Mr. Ciminello: I'm sorry, was the first part?

Mr. Rettke: As far as building those, are you going to do them all at once or do it as a phased approach?

Mr. Ciminello: The southern portion would happen first. And then we anticipate the roundabout, the boulevard coming in and the north south road up to the roundabout, and then a second subsequent phase would build out the rest of the townhomes further north.

Mr. Rettke: And what was your estimate of build out? Was it like five years, seven years?

Mr. Ciminello: On the whole project, right about there. So I think five years if we

break ground sometime next year, hopefully, but I don't think you'd see any homes or town homes until twenty three.

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

Mr. Furst: I mean, at least as far as I'm concerned, I mean, I think it's a very attractive product. I think this is a little easier determination for us. To me, it seems like it very clearly meets the intent here. I do appreciate that you're still trying to provide a very esthetically pleasing product, yet also make it somewhat more affordable to diverse incomes. So you know that it's not typical. So, you know, we do appreciate that. This is Mr. Furst. I'm just going to go ahead, monopolize the motions this evening. I move that we accept this application as submitted.

Ms. Bulls: I agree, I'll second that.

Mr. Rettke: We've been second. Any other discussion? Hearing none can we please have the roll call?

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

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

E. OTHER BUSINESS

None

F. ADJOURNMENT

8:09

Chairman

Planning and Zoning Administrator