

**Minutes
Reynoldsburg Board of zoning
and Building Appeals
August 21, 2014
6:30 p.m.**

A CALL TO ORDER

1. ROLL CALL

Members Present:	Mr. David Stoffel Ms. Libby Wallace Mr. Aaron Enfinger Mr. Anthony Rettke Ms. Bonnie Armintrout
Members Absent:	Mr. Rick Donovan
Others Present:	Ms. Megan Moeller Mr. Justin Robbins

2. APPROVAL OF MINUTES OF JULY 17, 2014

Chairman Rettke: Are there any changes or corrections to the minutes of July 17, 2014? (None.) Hearing none, we'll go ahead and approve the minutes.

3. APPROVAL OF THE AGENDA

Mr. Rettke: Any changes or corrections to the Agenda?

Ms. Moeller: Yes, actually, we've kind of remodeled it. Originally there was for 8915 E. Broad Street under Old Business for Dollar General, that was originally under Old Business but, because it sort of is in complement with the variance, we decided to push it back to the very end. So both of the Dollar Generals are at the very end. Everything else is in the same order.

Mr. Rettke: Okay, with those changes, does anybody object? (No response.) Hearing no objections, we'll approve the agenda as revised.

4. SWEARING IN OF SPEAKERS

Mr. Rettke: Anybody wishing to speak tonight, would you please stand and raise your right hand? (Mr. Rettke administers oath.) If you haven't had a chance, we'll need you to sign in; also, when you come up to the microphone, if you'd state your name and address for the record, we'd appreciate that.

5. PUBLIC COMMENT

Mr. Rettke: Is there any public comment? (No response.) Okay, no public comment, so we'll move on to Item A, Unfinished Business. Can we please have a brief presentation of Item 1, Special Exception Use Permit for 7088 E. Main Street, please?

A UNFINISHED BUSINESS

1. SPECIAL EXCEPTION USE PERMIT, 7088 E. MAIN STREET, REYNOLDSBURG, OHIO; PRESENT ZONING, CC; PRESENT OWNER'S NAME, REYNOLDSBURG CENTER, LP; REQUESTING A SPECIAL EXCEPTION FOR RENTAL TRUCKS. CONTACT: VIKTOR PROZAPAS (#165300).

Ms. Moeller: This is a Special Exception Use Permit for a proposed U-Haul rental for Ace Hardware. The application number is 165300. The property is located on the northwest corner of East Main Street and Aida Drive. The existing zoning is CC, which is Community Commercial and it's within the CC Overlay. The applicant is requesting a Special Exception Use Permit to rent out U-Hauls from their property located within a CC district. The current use is retail. For existing site and context, the properties to the north are zoned R-3. Single Family Residences, and properties to the west are zoned AR-2 which are Multi-Family Residences. Other businesses at this location include Kroger and Aaron's.

The application was tabled at the last meeting to address the following concerns: One was to specify the number of U-Haul equipment that the business proposes to rent out of that location. The second was to relocate the proposed U-Haul storage and display to be at least 120' away from the residential properties to the north and away from Aida Drive to the east. The third thing was to provide a detailed drawing of the existing parking lot that includes the location and dimensions for each proposed U-Haul equipment on the drawing.

The changes that they made from the last meeting, they were proposing now to rent 5-6 U-Haul equipment and have up to 10 trucks available. They reduced the proposed 19 parking spaces to 10 spaces to stage U-Haul equipment. They relocated the proposed U-Haul equipment approximately 45' west to address the close proximity to Aida Drive, and they propose to use spaces 1-4 for trucks up to 14' and spaces 5-8 for trucks 10' and under. For larger trucks it was originally proposed to park them parallel along the former garden center for Sears Hardware and that's at the east side of the building and the trucks are proposed to enter and exit from Aida Drive.

This was the original proposal. After the meeting this was changes that were made, but we've been speaking with the fire department and the Fire Chief and he's a little hesitate about parking these trucks in spaces 9 and 10 just

because there needs to be a driveway around the building so there's fire access. So we talked with them about it and asked them if they would be interested in putting all of their trucks in spaces 1-8 and having to limit the number of trucks to 7 as opposed to 10 total. So this is what we're now proposing and the applicant has said that this was okay with them, so that's the new proposal. So it will be 7 trucks at the most and they will be staged here. Our recommendation is that we would ask the Board to consider the application and materials and make a determination regarding the proposed use and whether it meets the Special Exception requirements outlined in Section 11405.09. They do meet all of the zoning codes in terms of setbacks.

Mr. Robbins: If you don't hear your voice on the overhead PA, would you mind giving your microphone a tap? I apologize for the audience to hear that, cause I'm sure it's annoying, but for some reason our microphones are not coming on very well. We just want to make sure everything's on the record.

Mr. Rettke: Any questions for the application?

Mr. McCarthy: I also have with me the owner Viktor, and the representative from U-Haul, Rob, if you have any questions for either one. My name's Bill McCarthy. My address is 801 Whistlewood Drive, Reynoldsburg, Ohio 43068.

Mr. Rettke: Well, for the record, I'd like to thank you for addressing most of our concerns. Any discussion? (None.)

Mr. Enfinger: I'll make a motion, then, that we approve Item B, Variance 165300.

Ms. Armintrout: I'll second.

(Ms. Moeller called the roll. Mr. Stoffel voted "yes." Ms. Wallace voted "yes." Mr. Enfinger voted "yes." Mr. Rettke voted "yes." Ms. Armintrout voted "yes.")

Mr. Rettke: Good luck in your endeavors. Hopefully it takes off and works out.

B. NEW BUSINESS

Mr. Rettke: Can we please have a presentation on Item B1, Variance Application for 7498 Marlan Avenue?

1. **VARIANCE APPLICATION, 7498 MARLAN AVE., REYNOLDSBURG, OHIO;** PRESENT ZONING, R-3; OWNER'S NAME, ADAM ROSSEL; REQUESTING A VARIANCE FROM SECTION 1175.06 AND

1195.07(a) TO REDUCE THE REQUIRED FRONT YARD SETBACK FROM THIRTY FEET (30') TO A REQUESTED TWENTY-FIVE FEET (25'). CONTACT: ADAM ROSSEL (#165920).

Ms. Moeller: This is, again, for 7498 Marlan Avenue. It's a request for a variance. The application number is 165920, which is a zoning variance. The property is located on the southeast corner of Marlan Avenue and Smithfield Court. The existing zoning is R-3 which is single family residence. They are requesting a variance from Section 1175.06 and 1195.07(a), to reduce the required front yard setback from 30' to a requested 25'. The current use is single family dwelling.

I just wanted to mention the scope of work. They're proposed to construct a deck over the existing concrete patios on the west and east side of the dwelling. If you look on the screen, this side and this side are going to just be covered with the deck. They're not extending beyond that. They're just covering the deck – they're covering the patio with the deck, excuse me.

Just for some existing site and context, the property's located on a corner lot and the lot dimensions are approximately 96' x 85' and the existing footprint of the dwelling is approximately 1,025 square feet. The existing nonconforming patio is 25' from the right-of-way, prohibiting any new structural changes to commence that increases its degree of nonconformity. A deck is a common residential feature and the construction of one is a reasonable use of the property. So if the Board finds that full enforcement of Section 1175.03 is causing an unnecessary hardship on the applicant, staff recommends that the Board approve the variance as submitted.

Mr. Rettke: Can we please have the applicant come up and state your name and address?

Mr. Adam Rossel: My name is Adam Rossel. My address is 7498 Marlan Avenue. First of all I'd like to thank you all for taking the time to look this over for me.

Mr. Rettke: Can you just explain why you'd like a deck over there instead of just the concrete?

Mr. Rossel: Simply I'm looking more for just to improve the aesthetics of the building, improve the curb appeal. Currently the concrete slab has a metal awning that just has metal pylons that come down. There's other residences in the area that have a deck similar to the one that I would like to build over top of it with handrails going around part of the patio itself. It would just improve the look of the structure, also add a little bit of privacy to the front and back of the structure as well.

Mr. Stoffel: You're just building it right on top of the existing concrete slab?

Mr. Rossel: Yes. As I think I made clear in the plans, I'm not exceeding the dimensions of the existing concrete slab in any way. It will also serve to correct a trip hazard on the front of the dwelling where there's 5" between the front door and the surface of the slab that you have to step over to enter the residence at the time being.

Mr. Rettke: So you're going to build this on top of the slab?

Mr. Rossel: Yes. I'm going to lay a subfloor with 2x4's that are laid this way, not this way, and then the decking will be laid on top, which will raise the surface approximately 4". There's a 5" clearance between the doorway and the current surface of the slab. Same thing for the back.

Mr. Rettke: My question to staff is he was already nonconforming on having the awning over it anyway, but because he's making an improvement, he has to conform, correct?

Ms. Moeller: Yeah. I think the railing and kind of creating this sort of deck feel sort of changes – if it were to be anything like just repaving or something, it wouldn't have a Board concern; but because there's railings involved, it kind of involves a variance for something like that.

Mr. Robbins: We don't have records of a variance being granted for the addition of the awning. So any additional work approved by the City has to be approved by a variance by the Board.

Mr. Rettke: Any idea how long that awning's been out there?

Mr. Rossel: I have no clue. I've lived there for just over a year.

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

Mr. Stoffel: Are you taking the awning down?

Mr. Rossel: No. In fact the railings will actually be – the top bar of the railing will actually go around the existing structure. When it's all done it will be painted to match the white awning, so it'll look like one cohesive structure when everything's completed. The surface of the deck will be stained kind of a redwood color and that will be done approximately six months after the installation of the deck, because I plan on doing that in September and, as per recommendation of the stain that I'd like to use, you're supposed to wait six months for pressure treated lumber before you stain it.

Mr. Enfinger: Does he have to have a building permit for this?

Mr. Robbins: Yes.

Mr. Enfinger: So just keep in mind all the – even though you’re not required by code, because you’re under 30” to have a railing, everything that you do does, at that point, have to be conforming to all the standards. So all your balusters can’t be over 4” on the spread and some things like that. So if you’re not familiar with that, it might be a good opportunity to speak to a building inspector and just touch base with him and find out – even though you’re not over 30” it doesn’t have to be there, if you do a railing, it does have to conform. So that’s just a head’s up for you on that, for your information.

Mr. Rossel: Thank you. I appreciate that.

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

Mr. Enfinger: I make a motion we move to approve Item B1, #165920.

Ms. Armintrout: I second the motion.

(Ms. Moeller called the roll. Mr. Stoffel voted “yes.” Ms. Wallace voted “yes.” Mr. Enfinger voted “yes.” Mr. Rettke voted “yes.” Ms. Armintrout voted “yes.”)

2. **SPECIAL EXCEPTION USE PERMIT, 2290 AYERS DRIVE, REYNOLDSBURG, OHIO;** PRESENT ZONING, CC; PRESENT OWNER’S NAME, DBSO BOB LLC; REQUESTING A SPECIAL EXCEPTION FOR AUTOMOTIVE SALES, CONTACT: ETHAN K. ROBERTSON (#165994).

Ms. Moeller: This is for Robertson Truck Sales and the application number is 615994 and it’s for a Special Exception Use Permit. The property is located on the south side of Ayers Drive north of I-70. The existing zoning is CC, which is Community Commerce. It’s a request for a Special Exception Use Permit to operate an automotive sales business within the CC District and the current use is vacant. Just some additional information, regularly scheduled business hours are proposed to be Monday through Friday from 8 a.m. to 5:30 p.m. and 8 a.m. to 12 p.m. or by appointment on Saturday. The proposed business is intended to serve other businesses, not the general public, and it is proposed to have 4-8 employees. Just to kind of give you an idea about their scope of work, the applicant is proposing to preserve the existing parking lot as a sales lot. The applicant is proposing to construct a new building for a sales office as well as a shop for the cleaning and detailing and the in-house service work for retail sales trucks. The proposed building will be constructed in approximately the same location as the existing building and, for some existing site and context, the property to the west is zoned CC, which is Community Commerce, and the

properties to the east are zoned AR-2 which is Multi-Family Residences. The property was previously used as an eating and drinking establishment. I believe it was a Bob Evans.

Just to kind of go through the review, one thing we do want to talk about is the character of the district with this business. Staff has some concerns regarding the location of the proposed business in relation to the surrounding neighborhoods. The Board should consider the specific operations of the business, such as types of trucks proposed to be sold and how the trucks are proposed to be circulated in the area and handled on site. The Board should inquire of the potential level of noise that the proposed trucks and business activities could generate as it is in close proximity to those residential properties over to the east. I actually wanted to ask the application-- I took some pictures from the website that you guys have and I was curious about whether this was going to be consistent with the site that you're proposing.

Mr. Ethan Robertson: It will be. My name's Ethan Robertson, address is 18 Olde Farm Road, Granville, Ohio. Those are the type of trucks that we sell, medium and heavy duty cabs and chassis. We also upfit different dump bodies and types of other equipment on the back of them. So, yes, that would be consistent.

Ms. Moeller: It looks like you have some preliminary drawings as well for the building.

Mr. Robertson: Yeah, those are some renderings of what our general concept would be for the particular building for the site right there. We have a sales office which would be to the west of the building. Then we have a general shop. One of the bays would be comprised of a wash bay for cleanup and the other three bays would be primarily used for cleanup work as well as any in-house service work that we'd have to do for our particular trucks. If we had to bring a tire guy in to change tires, perhaps something would have to be done mechanically on the trucks themselves. This facility would not be used for our main cleanup and detail as well as mechanical facility. The one in Mt. Vernon would be used for that. That's our general hub where we do all of our major work. This would be more for on-site, the truck needs to be washed or cleaned up, perhaps something happens to it where it needs a turbo bolted onto it or something along those lines. It's not designed for outside service work of any kind. We don't advertise we do brakes or anything mechanical. We do everything for our own trucks, so no off-the-road trucks would be coming in on a daily basis. We're not set up for that. That's not our business.

Ms. Moeller: I just also wanted to mention that the proposed business would have to travel along residential streets in order to get to Brice, which I believe would be over here. That could also create a potential noise for heavy truck traffic. In addition, the existing parking lot layout on site would allow for

trucks to access the driveway on the east side of the property, which would be right over here, which presents a potential noise concern for adjacent residential properties as I mentioned. So staff would like the Board to consider the application and materials and make a determination regarding the proposed use and whether it meets the Special Exception requirements outlined in Section 1145.09.

Ms. Wallace: Is there any way we can block out the pictures so I can see the neighborhood better? Where is Ayers Drive?

Mr. Robertson: It's right next to Home Depot off of Brice Road. It's behind it.

Mr. Robbins: Just to clarify, this is the old Cantina Del Rio. I think the property is owned by Bob Evans, but it is Cantina Del Rio and there's no existing building onsite, but, rather, the pad is where I think you're proposing to place the building.

Ms. Wallace: Will you have to go Eastgreen to Birchview to get back there, or are you able to go through the Home Depot?

Mr. Robertson: Well, that was one of our questions as we were in contract with him on Home Depot. I'm trying to get in touch with them. There was a – ARA Realty had a contract with them and they had an agreement on far as being able to use certain parking lot spaces and Home Depot's lot as well as to be able to use that drive if there was to be a retail site there. We don't believe that agreement is still in place as of our lawyer reviewing that, but that drive is an open drive there but they have it currently blocked off with their gates. I don't know if we can get Home Depot to respond. We've tried to get in touch with them, but I don't have any information as of now. We've been trying to get in touch with them. I know it's probably a hard nut to crack to figure out who to talk to with them, but that's what our initial thought was, that we could go on that particular route through there. There was an agreement there at one point to utilize that first turn-off there to run around their lot and through that so you don't have to go through the neighborhood, but I'm unsure of that as of right now.

Mr. Stoffel: I have a feeling why they closed that off is cause a lot of people were using it as a cut-through to get to Home Depot. Guilty. It was just easy to get to. So I have a feeling that that's even going to be more of a push back. If that opens up to trucks going through there and residential, I don't think that's going to happen. Also bringing those trucks through the neighborhood up through there, it just seems problematic to me. Typically you wouldn't have this type of situation, correct, at your other facilities? You're more in the industrial areas?

Mr. Robertson: Well, at our main facility-- I want to clarify too, that this is a business for commercial trucks. It's not like a car facility where you are selling to the general consumer, the general public where everybody needs a car drive. A commercial truck for instance, like a dump truck or a flatbed truck, that's more business-oriented. So we don't have near the volume that somebody would have at, say, a car lot that might sell 20, 30, 40 cars on a weekend. We might sell 20-30 trucks per month. So the volume isn't there. We're not running stuff in and out constantly. With our general model, everything would be prepped at our Mt. Vernon location and brought down here for the retail facility. So people don't come in and usually test drive 5, 6, 7 trucks at a time. You kind of hone in on a general truck that you're interested in and you might test drive 1-2 of them, but we're not getting customers after customers. On a typical Saturday when I work -- we work a half day on Saturday -- I might get 2-3 customers and some of them are picking up trucks they've already bought. So it's not a very high volume movement of trucks in and out. There will be trucks moving in and out of there, but it's not like a trucking facility or a trucking depot where you're in and out constantly. This is more of a sales lot. I-70 frontage is what makes this lot attractive to us. People will be driving normal automobile vehicles in. They're not -- we don't sell Class 8's. In the pictures you saw medium and heavy duty, but Class 8 would be over-the-road trucks. That's not my market. I don't cater to the over-the-road guys, so you won't be having a tractor-trailer pulling in there to take a look at another truck. We're dealing in more the construction, landscaper size. We deal in a lot of Ford F-550, International low-pros with 10' dump bodies on them. That's predominantly kind of what we're dealing with. The grain trucks probably wouldn't have a big impact on 70. Those would probably stay up in Mt. Vernon for the more agricultural community. It's not as high volume as an automotive lot would sound. They are trucks. They are diesel, but I don't believe the impact is as bad as one might think. Currently right now we're in Mt. Vernon just south on St. Rt. 3. We have a retirement community across the street from us. There's a special assisted home right next to us on the southwest side of us, another business over; not to mention there's residential around us as well. So there's a mix of commercial and residential areas and we don't seem to have a problem with them. It doesn't seem to be a major issue, I guess, as far as that goes.

Mr. Robbins: Just for comparison, I'm just curious myself to try to get a feel of the scale of these things. Say like a U-Haul or a Fed-Ex truck, is this about the same size as something like that?

Mr. Robertson: Yeah, primarily the single axle tractor's like the Mac in the bottom center picture there, that's about 19' long. That would be consistent with like a truck that would pull a double or single trailer, a lighter load, 65,000 ddw. But, yeah, that water truck is probably a 22' long truck. Some of the box trucks would be like a U-Haul or a Penske one-way style truck. So that's about the size of the truck is what we're used to selling. Yes, they're about that size but they're not the Class 8 sleeper trucks, the big bunks. We not going to have

trailers on the lot. It's not going to be like a trailer facility where you have 53' trailers all stacked up. It's going to be primarily trucks along these lines.

Ms. Wallace: My two concerns, and I think one might be a little bit alleviated, was the noise level since it is in the center of a neighborhood, an apartment complex, and another is having to drive through an apartment complex, or essentially on the edge, and then through a housing development, just for safety issues. It's right in the dead center of a neighborhood.

Mr. Robertson: I guess for the noise concern, yes, they are diesel engines, they are a little bit noisier. The new emissions engines are quite a bit quieter than the older ones are. You listen to an old truck, it's very loud. The newer stuff that's coming out with the new emissions, they're really muffled the sound down. It's not as bad as you would think. I don't know if you've heard a new diesel pickup truck, but they're very quiet. 70 is also just south of that property, too, so I would say the noise isn't any greater than having semis barreling down the road at 65-70 mph. These trucks will be operating at low speed through the neighborhood. I believe it's 25 mph through there. So I don't know if the noise – I know it's a concern, but I don't think it's any worse than having 70 right there. As far as the concern about driving through the neighborhood, I think possibly is a concern, but I would say it's no more than a UPS truck or U-Haul truck driving through there. My drivers, a lot of them are retired drivers. They have CDL's, they're drug tested, everybody's up on – you know, they have to pass our DOT regulations as well as our company regulations to have our licenses to drive our trucks. So my drivers driving in and out of there, I don't think that's a major problem. We've never had a major incident in 30 years of operating as a business. We're not hauling freight or high volume. We're not in and out constantly. So once the truck's there, it'll pretty much stay there until it is sold and, like I say, the volume is probably a 20-30 truck turnover a month, not any higher than that. Traditionally we sell 300-400 trucks a year through our current Mt. Vernon facility.

Ms. Armintrout: Isn't there a daycare right there?

Mr. Rettke: In the bend, just above the third apartment complex there used to be a Kindercare or something and then we approved it – I think it's all night.

Mr. Robertson: Also, I don't think I touched on it in the general plan I sent you, but we'd be interested in putting up a fence around that lot as not only security for our trucks, but also to keep people off of the lot as far as people getting hurt. You know, you see a truck, little kids especially like to climb on it, like to see what's going on. I think having a fence with applicable screening around it, I think would help as far as keeping people off the lot as well as security for us as well as keeping the liability hazard down. During the day we'd propose to possibly have one gate open, the one closest to Home Depot, to drive

trucks as far as customers coming in and out. The other gate, I would primarily like to have shut, one way to come in and out. If that would have to be open, it would be probably on a – you know, having to get a truck out on a particular way. Having two access points is nice, but I think primarily one would be more than adequate for operating on a day-to-day basis.

Ms. Armintrout: Your hours are from 8-5:30. My only concern would be all of the children that are standing waiting on the buses in the mornings, they're all over the place, all over the neighborhood there.

Mr. Robertson: Okay. That's not set in stone. I guarantee the salesmen wouldn't mind it being at 9:00, 9-4:30 or something. Traditionally we always open at 8:00, but if that's a concern, which I think it might be a concern that you raised, I think I wouldn't be opposed to 8:30 or 9:00 opening time. As far as on the closing time, I don't know if the 5:00 or 5:30 is an issue, since children should be off the bus by then but, yeah, the concern definitely is there. I don't think we'd be wrong to start it at 8:30 or 9:00. That's not a problem.

Mr. Robbins: If the primary concern is truck traffic, would you be amenable to maybe regulating when those trucks could come and go, some restricted hours?

Mr. Robertson: Yeah, I'm not opposed to that, especially with the children. I understand that children are small and trucks are big. As far as that goes, I don't think that would be a problem, posted hours, you just change them from 9. For the state I have to be open so many hours a day and I don't think that's a problem operating from 9. So that wouldn't be a problem.

Mr. Stoffel: I would love if you would have come in tonight and said, "Hey, we have an agreement with Home Depot. They don't want residential traffic running through the whole nine yards. We've talked to Home Depot and they said they're going to remove those two drives right by Home Depot so no residential can get in through there and make a connection with your parking lot into their drive to where you wouldn't even touch the residential."

Mr. Robertson: Right. I'd like that also. If I could make an agreement with Home Depot, I'd just as soon do that honestly. That was our initial thought was that drive's already there and we got out the agreement that they had and that was part of the agreement to be able to operate on that street. I see now there's concrete pylons in there and they have the gates closed. but if that could be reached, that would be a lot nicer. Like I said, the traffic count isn't huge. We're not running a lot of trucks in and out of there. You might get 2-3 trucks, 5-6, 8-10, but I wouldn't say any more than that. But, yeah, that's definitely a lot safer route to run around through Home Depot. Customers coming in, that would be nice for them to pull off on the first stop sign where you automatically as you drive off you'd think take a right and pull right in through there to run around, but

you have to go to the second stop sign, like you can see on the map and then jog back around. Yeah, I would love to be able to have an agreement with Home Depot there to possibly do that. That would make a lot more sense. I don't know whether you guys could help me make that happen or not, but there was an agreement at one time, but it's no longer in effect.

Ms. Wallace: On the lines of that with the Home Depot, instead of having the drive open all the time, have a gate that you're the gate keeper of and you sell a truck, you take your customer over there, open the gate, let them out and relock the gate. That would keep through-and-through traffic from the neighborhoods getting into their parking lot. That might be a way you can talk to Home Depot and have a gate that only you and Home Depot have access to opening and shutting it. Then when you sell a truck, you only use that driveway, so the truck doesn't have to drive through the neighborhood.

Mr. Robertson: Yeah, that makes sense, just a truck only type route.

Ms. Wallace: Right, and then the regular car or pickup driving customers come in off Eastgreen.

Mr. Robertson: Yeah, I don't think that would be an issue for me, as long as I can get Home Depot on board with that. I don't know if – obviously I think it would be a task to get them to agree to it, but I don't see the major impact with them since they agreed to it once. I don't know if it would be a sticking point or not with them, but, yeah, definitely that would alleviate a lot of the concerns as far as truck traffic in general.

Ms. Wallace: And that might kind of go in your favor for them agreeing to it if they know that it was not going to be a through-and-through driveway or cut-through.

Mr. Robertson: Yeah, I can understand, like you said, the cut-through. If it's open, everyone's going to use it.

Ms. Wallace: And if it's got a gate up, nobody's going to use it.

Mr. Robertson: Yeah, that makes a lot of sense.

Mr. Stoffel: I think we would like to see, just like any site plan, especially since you're butting up against residential, we'll want to see some kind of fencing that you're talking about, landscaping, and it would be great if you could come back next month and say that you had a conversation with Home Depot. Based on just the amount of information I have now, it's hard for me to make that decision, because I'm not so sure that Home Depot would say no now. I don't know what everyone else thinks, but as far as the site plan's concerned, this isn't typically what we would—

Mr. Rettke: Well, this is just for the use. He'd have to come back with a site plan. We're not approving the site, just the use.

Mr. Robertson: What I'm after right now – I'm in contract with Bob Evans, but I only have 75 days to be able to close my contract with them to be able to buy the property, but it's contingent upon me being able to get the Special Exception Use Permit to have a facility on this lot. I know it's been vacant for a while. They want to cut it loose, but I know it's somewhat of a hang-up. I don't want to purchase the property without being able to put my lot on there. I don't mind doing what's needed to be done as far as on the screening. That's what we did in Mt. Vernon up against the retirement community that's right next to us. We planted 100 pine trees, doubled them up side-by-side all the way down. They were 12-15' high when we put them in and that really helped out. They had a lot of kick-back. There was originally a vacant field there. They liked seeing a vacant field. They liked to see the wildlife. Once we put the trees up initially they thought that wasn't good, but we've never had any kick-back since, because I think they like it. Now they have privacy as opposed to what they had before. I think here by putting up some of the landscaping – and currently on the east side of the property there is quite a bit of screening already. I think we might be able to put some more pine trees in there, some other trees that are fairly – that take up a lot of space, I think that would help, and also putting up a fence there. It would screen the fence. The fence would be on the truck side, not the residential side. I understand what it is to be a good neighbor. I know having certain things next to your house you don't particularly want. I don't think this is as obtrusive as one might be. I know the traffic count's not there like a restaurant would have been, having people come in all hours of the night. This is during the business hours only. I'm not opposed to making it what you guys need for what we need to do. I just have a timeline on whether my contract expires or not. If I can't get the variance to put it in, I won't be able to close the contract. So there is a little bit of time is of the essence.

Mr. Rettke: Forgive me if I ramble, but I'm just going through the thought process. I see your appeal along 70. Great location if you drive down any freeways, you're going to see a business sort of like this. The west side has them over by Trabue, great location I think for it. The only down side is the access. You've got to go through the subdivision/apartment complex. He raised a good point. It's not nearly as intrusive as a restaurant that was put there. I don't know how a restaurant was put there, because I think we tried going there once way back when we first moved and it was like you couldn't get there from here. That being said, that's a concern of mine with trucks. You get a truck back there, they should be skilled drivers. I'm not casting any aspersions to them. And if you go a little bit further east where we get into the Birchview duplexes, it gets real thin. So we've got to make sure they know they've got to turn there and can't go much further. Cause when you get to those duplexes, everybody and their uncle parks on that side and it's hard for me to get a 1500 series Chevy

through there at times with a trailer. Like I said, I've got mixed reviews. I think it would be a great site. If you build that building there, I think it raises the neighborhood. The biggest problem I have is that access. I don't know that the kids standing out for the bus, not to discredit Ms. Armintrout, but don't know that that's going to be a super big deal, because most of them should already be in school. To the east it does get fairly populated with certain individuals liking to play in the middle of the road. So I would, once again, have to put some signs out like 270, you know, "Left Only." Same way with maybe exiting the property, "Trucks Left Only" advise them.

Mr. Robertson: Yeah, I assume they would go that way. You could even make it—

Mr. Rettke: Cause it does get super narrow once you start getting those duplexes. Like I said, I think that would help the neighborhood. My biggest thing is the access. If you could put a different service road in, I don't think we would have had much discussion on this, but it's that road I'm struggling with.

Ms. Armintrout: What's your timeframe on having to lose the contract or how much time do you have left to maybe contact—

Mr. Robertson: I had 75 days when I went into contract. I had 30 days to waive all my contingencies for the lot itself. That expired yesterday, so I have another 45 days roughly. If we had another continuance from here, the next time I think that would be the last time I'd be able to meet with you before I have to let them know which way we're going. If not, it'll fall out of contract. I think there was a backup bid on it. They wanted to run a landscaping and equipment company out of there is who I think my backup bid was. I'm not sure if it would be any better than traffic in and out with trucks and equipment.

Mr. Rettke: No, I think it would be just about as bad. I think we'd have the same issues. The lot itself would be conducive to it. I like the way it's laid out. I like it being along the freeway. It's just a bad location.

Mr. Robertson: That's what my land agent said when he was looking at it. He said the reason why this lot's priced so attractively is because it doesn't offer a lot of other uses because the access is so poor. A restaurant will never go back in there and Bob Evans makes clear a restaurant will never go back in there, because in their contract to buy it there's a contingency that you cannot operate any type of restaurant like Bob Evans for next I forget how many years it was, but it was a long time and they list every single restaurant you could not operate in there. So they're making sure you can't operate a restaurant. But the use of it, like you say, it's not very good access to get back to, but it has very nice freeway access. So as far as visibility, I think there's 450' of road frontage. That's what appeals to us. The downside would be the access, but like we've talked about earlier and like my father and I talked about – we partners in this

business – is that people will seek out the truck wherever it is. They know they can find it back through there. So the off-the-road type buyer, like a consumer or general public it would be horrible for a car lot, because nobody would drive back there to find it. It's hard to find. For trucks, people will seek it out. A lot of advertising would go into how to get there. There are easements in place for sign placements off of Brice Road as well as off the next turn coming onto Pinetree Lane. I think there are agreements in place back when Bob Evans operated it. Currently there's no signs there, but there were sign agreements in place to direct traffic back in there. As far as if we can't get access from Home Depot, like you say, if you could have trucks only or operating only a certain way, I think that would be great. I'm not opposed to that and it would keep customers from trying to go every other way. I think just the general direction that you've got to take a left and then a left to get you back onto Brice Road, I think that's a fairly easy concept as long as they know they can't go right. I know if you go right, you get tangled back in the neighborhood. I've driven back there quite a bit to see what it's like but, yeah, left is obviously the best way to get out of there.

Mr. Robbins: I have one question for you and then a reminder for the Board afterwards. The question is, just to get a better idea of how this is operated, so you have the trucks there that will be purchased by other businesses. The trucks actually get there by your staff. They're going to know the way to come in. The only time anybody who's not necessarily familiar with the way in and out that will be driving a truck is when they leave, by which point they would have already been that way and kind of already would understand.

Mr. Robertson: Or on a sales drive, and they're accompanied by a salesman when they go on a test drive. That way they know. My salesmen always ride with them on test drives.

Mr. Robbins: But it's not going to be the case that somebody that isn't necessarily familiar with how to get there is going to be driving that truck into the site. Is that correct?

Mr. Robertson: Correct.

Mr. Robbins: It would be somebody buying the truck who would drive their own truck there for some reason and then look at another one and then drive out. So it would be a passenger vehicle that would come there and then a truck would leave, or it would be one of your staff members who would drive a truck through there.

Mr. Robertson: Correct. Yeah, primarily the customers who come in, they're usually buyers for contractor companies or landscapers and they drive pickups usually or cars. But, yeah, they would be the ones coming in to find the place. They don't normally, very rarely ever drive a large truck in to look at it. It's not the owner/operator that gets off the side of the freeway to go look at it.

Usually these are businesses that are operated by a company and they have crews that drive the trucks. They're the purchasing agents that come out. A lot of companies that we deal with would be Shelly Company, Shelly & Sands, Nickels Bakery, Fed Ex – we outfit a lot of trucks for them, but their company guys aren't coming on the lot to buy the trucks with their own trucks. It's usually done by the purchasing agent coming on the property.

Mr. Robbins: Thank you. The reminder that I have for the Board, and I guess just a description of how this process works for the applicant as well. With a Special Exception, the Board is going to make a recommendation. They're going to vote on it yes or no. After that it doesn't stand as approved. What happens is the recommendation gets sent to City Council. The minutes get transcribed from this meeting and they get put into a document. The document gets sent to City Council. In the next upcoming Council meeting, Council has the ability to vote on it. So even after the meeting, there's still kind of a lead time afterwards by which we have to wait before we can issue a zoning certificate. So if Council has any issue with it, they'll bring it up and introduce it as an Ordinance and then that can be kind of a lengthy process. So I'm telling you that just so you know. Then if this does get tabled tonight, it's not the case that he necessarily has 45 days from now and this could get wrapped up in 30. We have 30 days until the next meeting. That leaves him 15 days for the meetings to get transcribed and then for City Council to basically verify its compliance or give them the opportunity to have their say. So I just wanted to make that clear for the Board if you're trying to get an idea of time line. I'm just throwing that out there.

Mr. Rettke: Good point, Mr. Robbins. I'm glad you brought that up. I have one question for staff. This is zoned Community Commerce. What examples can you give us of businesses that would go in there as a comparison without coming before us.

Mr. Robbins: The Community Commercial District is pretty restrictive in terms of what it will allow. We're looking at primarily office and retail as the number one user. That includes professional services, personal services, doctors, lawyers, things like that. As far as a restaurant goes, that's not something that's a permitted use in the area and, as you mentioned, that's not something that could apparently legally go in there by contract of the owner. It's a good question.

Mr. Rettke: My point being is if we're going to hold him to the standard of the access, if there's something comparable that could go in there that would burden it more with traffic that we'd have no say over. I mean, yeah, you do have to consider it, but some of that's with the whole zoning map in creating that pocket right there with lack of access. I don't necessarily want to hold him against it if you're saying a – some of the examples like an attorney or medical, they probably wouldn't have the truck traffic, but you'd have more volume of cars and trucks and stuff like that. But if you're saying landscapers or somebody else

could go in there, they could build – like of like Long's Painting type place where you have more contractors in there, if that could go in there, that could put a huge dent in comparison to his truck traffic.

Mr. Stoffel: That's a great point. We have to imagine that these trucks and the truck drivers, again, are professional. They know what they're doing and they've going to be coming in and out of there a lot cleaner than landscapers or anything like that if it is more that kind of use. It really is a site that is pretty tough to develop or else it would have been developed by now, because it's a nice piece of real estate except for the access. Home Depot should have made it a pond.

Mr. Robbins: I want to mention that as well, that if this does get turned into a safe permitted use as retail, I mean you're kind of looking at the same thing. You'd have trucks delivering before and after hours, maybe to some maybe to more extent than what's being proposed here.

Ms. Wallace: If we do approve this tonight, are you going to continue to still try and work with Home Depot to get that as a road just for you or for access?

Mr. Robertson: Yes. I just mentioned that yesterday to our agent again to try to get in touch with them, because through Bob Evans they don't have any say on that anymore since that was so long ago and ARA Realty is no longer in effect for what they were proposing to do with the retail site there. So, yes, I just talked to him yesterday about trying to get that access. I think that would be great. It's so much easier and smoother to get in and out of there. I understand their concern, but if they were willing to waive it once, I don't know, like you say, if you can only the gate for trucks in and out, I think that's excellent. So, yeah, I think we're definitely going to keep trying to work with them on it. It makes a lot of sense.

Mr. Rettke: I think you hit the nail on the head. I don't think your volume is going to be super large. I'm glad you're not trying to put 18-wheelers in there, box trucks, long trailers. I'm not sure – I'd kind of like to – if there's a way you could keep trucks, like coming down 70, they blow a tire, pull into your shop. Do you see that being a problem?

Mr. Robertson: I won't be equipped to fix that. We don't do any outside service. The way that we're set up is we do everything in Mt. Vernon.

Mr. Rettke: I just worry about them seeing the garage bays and saying, "Oh, there's a repair shop. I'm going to pull in there."

Mr. Robertson: I understand.

Mr. Rettke: Now we're drawing people that aren't seeking you out, and the neighborhood would be another concern.

Mr. Enfinger: Kind of one of the concerns similar to what you guys are talking about right now, right now this is the way that you operate your business. Let's say you make the investment and you move in here. That all can change, cause you're there. That's a concern that I have. I have a concern that you're a very industrial type of business going into the heart of a residential area and even with screening and fencing and gates, that just makes it feel even more like an industrial business stuck down in a residential area. Have you checked the radiuses of the entrances coming in and out? Are your trucks going to be able to make all those turns?

Mr. Robertson: Yeah, that shouldn't be a problem. Like I said, they're not long semis, they're not 80' tractors and trailers coming in. The longest box truck legally run is a 40-footer. That's the longest box truck you're legally allowed to have on the road and that would be a very long box truck. Most cabs on trucks are 10' long. Most box trucks are 24', so you're 34' overall length. With a lift gate you add another foot or so. Primarily on this location this is more designed for catering to the contractors, the landscapers. We'd like to have a lot of 10' dumps, 12' dump trucks. We don't get into the 5 and 6-axle, multi-axle trucks. That's not our market. Freightliner, if you go on the west side, that's more their market. The expeditors, they're dealing with that type of clientele. Most of our stuff is in that 26,000 to 33,000 lbs. gbw, which would be single axle trucks. We do get into some tandems, but the big dump trucks, we don't usually deal with anything over 16', which 16' and 10, you'd be about 26' overall length. This site is more to try to cater to that contractor use, little utility trucks, stuff like that, not the real big dumps, big heavy equipment you would see with some of the other dealerships. What makes our dealership unique is that we deal in used chassis, so we're not a new dealer as far as on the trucks themselves. We deal in all used chassis, but we deal in new equipment on the back of them. So we cater to that landscaper who can't afford a \$70,000 truck with another \$10-15,000 dump bed, but he can afford a \$20,000 truck with a \$10,000 dump bed on it. So they make their money by buying a piece of equipment to haul their mowers to the job site or to haul their excavator to the job site. They're not buying the truck to run long distance over the road. So it makes us unique. There's not really any other dealer in the state that kind of does what we do since we take it from the basic state of a cab and chassis and outfit it the way the customer wants it. This site would be we build the stock trucks. We know they'll sell and if they want to build something custom, we would build that at our Mt. Vernon facility. That's kind of the overall feel of this site. It's more of a these are already ready to go when they come in. If they want something custom done besides maybe adding a tool box or something along those lines, that would all be done in our Mt. Vernon facility, which would hold the majority of the inventory. We carry about 200 trucks in hand at all times, but we're on 15 acres in Mt. Vernon. This is only a 4 acre site. We could probably get maybe another, I'd say

50 trucks on this lot maximum by the time you space them out. Trucks are long. They take up some space, but I don't see any more than 50-60 trucks possibly maximum on this facility.

Mr. Enfinger: 50-60 trucks there sounds like an awful lot. It really does to me. One of the things that really – I know we're up against the highway and I know we're up against Home Depot, but you're going to be affecting the lives of all those people that live in that area and that's my concern. They need an advocate and that's who I am. In this situation the character of that business, and I understand it's a very difficult place to develop or, like they said, it would have been developed. It just doesn't fit the character of the area for me and I think it's too far afield in my opinion.

Mr. Robertson: I think the trucks we're selling there – the trucks that are coming to this site, they're going to be clean, retail ready trucks. They don't have big oil leaks, the paint's not all faded. Our stuff – I tell people if you want a cheap truck, it's not for me. I don't sell cheap trucks because I put a lot of money into them to bring them where they should be. I put \$5-10,000 into these trucks. They're clean, they're well maintained. We go through them, we service them, we spend a lot of money on them. I want a customer to buy a truck that he's happy with, satisfied that it's not going to cause him problems in the short-term down the road. Our stuff is retail ready. You're not going to be looking at old raggedy trucks that are worn out or broken down. These are going to be at least attractive looking trucks. We had the same concern with the trailer park across the street from us. There's probably 50-60 trailers over there with a retirement community. I don't know if you've ever dealt with a retirement community, but they don't have a lot of stuff going on throughout the day, so they like to cause a lot of problems for all their neighbors. But we had a very big resentment and kickback when we did this. They were across the street from us. We had a highway separating us, a two-lane highway. We came across the street and developed a 9 acre site. Since we put that building in we've had zero complaints from them. I think we know what it's like to be a good neighbor. I understand your main concern. I'd like to say that we'd do everything in our ability to alleviate some of those pains, as well as try to be a good neighbor with the rest of them, like the 9:00. If you think that would be beneficial, I don't mind doing that. The screening, that type of stuff, I understand your concern. But there's also a Home Depot right there, right next to it, and Home Depot has a way more traffic count than we do. I know it's off the other road, but Home Depot's building is quite a bit higher. I think our side wall height for our particular building is 18 and I think they're 24-26'. So some of these trees are already going to be taller than that when they get to several year maturity if we put them in at a 12-15' height. I understand, but I'm trying to do everything we can to be a good neighbor.

Mr. Enfinger: I understand and it's going to be great to see something go in there, but this particular type of business, I feel like it's the wrong place for it.

Mr. Stoffel: I think to say that it's in the heart of residential isn't really totally true. It cuts through the fringe of residential. It has no residential on the south, none on the west and just a tip on the north and, obviously, some on the east. So—

Mr. Enfinger: Well, again, the access is all through the—

Mr. Rettke: Yes, you are affecting some residential, but the character of the neighborhood currently is a vacant lot with concrete and it's going to look like that forever, because I don't see how it'll be developed otherwise. So I personally think it's a good idea. That location, plus there will be some – we will have some say as far as how it's landscaped, how it's buffered, how pines or whatever are put up for noise reduction; and since he will have to work with us on that, we kind of control that. I personally think it's a great location for it.

Male: (Dan Higner?) (Microphone is not working properly.) I just wanted to point out to-- I appreciate everybody's concern with our safety, etc. I guess you need to look back to when it was a Cantina restaurant. You had trailer trucks – semi-trailers pulling into the lot delivering food, dry goods, produce. You had trash trucks coming in there and picking things up on a weekly basis. There were constantly trucks coming in and out of there and pulling through that neighborhood as well as much more vehicular traffic because of the nature of the restaurant. So when it comes to the safety of the neighborhood itself, I just want to point out in my view we're looking at a much safer type of location and type of business going into the neighborhood than what was there previously. Is it the ideal business for that area, probably not; but is it a good use for that area, yes, I believe it is.

Mr. Rettke: Yeah, and that's what I was sort of getting at, Dan. With the current zoning, I don't think it's the greatest for that site, but I don't see it being the worst of what could go in there. You could have something even more and, as a restaurant, I think the traffic was way more, especially when you have the title "Cantina" in it. Any other discussion, comments, concerns? (None.) I'll move that we approve Item B2, Special Exception Use Permit for 2290 Ayers Drive, number 165994.

Mr. Stoffel: I'll second.

(Ms. Moeller called the roll. Mr. Stoffel voted "yes." Ms. Wallace voted "yes. Mr. Enfinger voted "No. The applicant does not meet the requirements stipulated in Section 1145.09 of the Code for Special Exemption Use Permit, specifically Items A, B and D." Mr. Rettke voted "yes." Ms. Armintrout voted "yes.")

Mr. Rettke: So, Phase I is done. Like he said – Mr. Robbins said, Council has the option to pick it up.)

Mr. Robbins: Yeah, I'm going to brief you on that just really quickly just for the record. Again, the minutes will be transcribed, they'll be sent to Council. If Council decides to act on it, it could be a longer process and we have no control over that. If Council has no issue with it, it stands as approved and will be issued a zoning certificate-- Well, I shouldn't say that, but the use would be approved. You'd still have to go through major site plan and design review as well for the exterior of the building.

Mr. Robertson: I understand all that. What is the timeline, roughly, for City Council to either pick it up and discuss it or approve it?

Mr. Robbins: You can tell by the first meeting. We'll get the minutes back from this meeting probably by next Wednesday. We'll have it resubmitted to City Council. It could be not this Monday but the next Monday will be the first – Tuesday, excuse me, because of the holiday. But that would be the point at which they would have the opportunity to take it up as an item.

Mr. Robertson: Would it be something I would be present for or it's more of a closed discussion? I don't mind being available.

Mr. Robbins: Yeah, I don't think it's a bad idea to come to answer questions. If you want to contact us, we can get in touch with the Clerk of Council and see if anybody has any questions or issues to see if you should be there.

Mr. Robertson: Great. I appreciate it. Thank you guys very much.

Mr. Rettke: Well, good luck. You know what you're getting: location, location, location, but hopefully it works for you.

3. SPECIAL EXCEPTION USE PERMIT, 6537 E. LIVINGSTON AVE., REYNOLDSBURG, OHIO; PRESENT ZONING, cc; PRESENT OWNER'S NAME, E.V. BISHOFF; REQUESTING A SPECIAL EXCEPTION FOR A CHILDCARE FACILITY. CONTACT: ROBIN TREADWAY (#166200).

Mr. Rettke: Moving on, Item B3, Special Exception Use Permit for 6537 E. Livingston Avenue. Can we please have a presentation?

Ms. Moeller: Again, this is for 6537 E. Livingston. It's a Special Exception Use for a daycare facility. The application number is 166200. The property is located on the southwest corner of Baldwin Road and East Livingston Avenue. The existing zoning is CC, which is Community Commercial or Community Commerce and is within the CC Overlay. This is a request for a

Special Exception Use Permit to operate a licensed daycare facility within the Community Commercial District. The current use is vacant.

So, just generally speaking, this serves children four weeks to 12 years of age. The proposed business will include 6-7 employees and serve 40-45 students. The anticipated hours of operation will be Monday through Friday from 5:30 a.m. to 7:00 p.m. and 6:00 a.m. to 6:00 p.m. on Saturday. The applicant proposes to use the existing daycare at the south side of the property. The applicant proposes to escort the children to and from the fenced area by two employees. Just looking at the existing site and context, the properties to the south and east are zoned AR and AR-2 which are multi-family residences. The property to the west is zoned CC, which is Community Commercial. The proposed daycare is approximately 35' x 50'. That might be a really, really rough estimate. There are approximately 149 parking spaces within that site and the adjacent businesses include general retail within that Blacklick Plaza. And I kind of wanted to just brief you on the play area. The existing play area's approximately 15' x 50' and is located approximately 70' south of the building and 9' from the rear property line and an existing fence is being used as a barrier of the play area. Is it two spaces? I believe it's two spaces that are being used for the daycare.

Mr. Rettke: If you could come up and state your name and address for the record, please?

Ms. Robin Treadway: My name is Robin Treadway, 451 Wellsley Glen Drive in Columbus, Ohio 43207.

Ms. Moeller: I just want to talk about a few things. First will be the play area. The State of Ohio requires that childcare establishments provide a suitable play area for children. The applicant proposes to use, as I said, the 15 x 50' fenced area as a play area. It's located about 70' away from the property – from where the daycare's located and it's about 9' from the rear property line and I believe it's residential right behind here. Staff has concerns regarding location of the play area. The space behind the building is designed for the transporting and loading of goods as well as garbage storage to serve retail and professional businesses. Children would be crossing the drive aisle of the loading zone to reach the play area and staff has concerns that the traffic from the loading vehicles could present a potential safety concern for the children. Then, obviously, there is noise and odor that can be problematic in this area as well. So it doesn't really create a safe or comfortable environment for the outdoor play area. Staff does not find that the proposed daycare establishment is really keeping with the character of the district and it could have negative impacts on the surrounding businesses and lots and could present a potential safety hazard for the children located at the childcare facility. Just as a recommendation, staff would like the Board to consider the application and materials and make a

determination regarding the proposed use and whether it meets the Special Exception requirements outlined in Section 1145.09.

Mr. Robbins: Just to add on real quick, we've seen a couple of projects come through within the past year where it's a use that necessarily wasn't – the building being proposed for that use wasn't necessarily designed for that use and it presents a lot of problems with how people access the space. The other uses that are there, the effect on those uses and then how children actually access play areas. Play areas have been a huge issue for the Board in the past couple years. I just wanted to give a little overview of some of the concerns that the Board will likely have.

Ms. Treadway: As far as our play space, what we were thinking is – we use cones at our current location because we have to cross an alleyway for us to get to our play space, so we use cones. We also use two staff members to walk the kids across to the play space. Once we're finished with the play space, we also do the same thing. We use the cones and walk the children back into the building.

Mr. Stoffel: Is that the current play area? Whose is that?

Ms. Treadway: It's currently a center. It's A Place Of Our Own and I believe it's two centers – there's two centers in that shopping plaza.

Mr. Stoffel: Are they on either side of you or how are they accessing that? The same way that you propose to?

Ms. Treadway: Uh-huh. We're actually just taking over the one that's currently there.

Mr. Stoffel: So you'll be the only one there?

Ms. Treadway: Yes.

Mr. Rettke: What was that place called again?

Ms. Treadway: It's called A Place Of Our Own.

Mr. Rettke: Didn't they relocate?

Mr. Robbins: They're on Brice Road now, I believe.

Ms. Treadway: They have a secondary location.

Mr. Rettke: So they're vacating, you're coming in.

Ms. Treadway: Yes.

Mr. Rettke: And you sort of alluded to you've already got a center? Is this going to be a movement of that center to here?

Ms. Treadway: It's an additional center.

Ms. Wallace: My concern is always for the kids and to go through the back of a shopping center where you do have semi deliveries and things like that, it's 70 yards is a long way to go with little ones, even with two people. The play area itself, is that just dirt or what is—

Ms. Treadway: They have grass.

Ms. Wallace: Okay. It looks like almost all dirt which is a concern also. I don't know if that conforms to any regulations for play areas, but the biggest concern for me is walking behind a strip mall where there is traffic coming through.

Ms. Treadway: That's why we use the cones to walk the kids across. We place the cones out before we take the kids out. And then we also have at least two staff members to walk the children out. It's smaller groups. The groups are anywhere from 7-12 kids at a time, depending on the age of the kids.

Mr. Rettke: Again, like Mr. Robbins told you in the beginning, this has been an increasingly growing frustration. We see these strip malls struggling, trying to find alternative uses. Do I think it's a great thing? Probably not. I know one was there and I struggle— I think we approved it a couple years ago going back in when they changed names or something like that. But, again, sometimes I think two wrongs don't exactly make a right. Again, if I'm rambling, I apologize, but this is my thought process. It's tough. It's tough. And I just — it scares me having a playground back behind them. I'm acceptable to the unit itself, it's just what do you do with the kids in the play area and that's where I have the biggest problem. I've had several kids go through daycare. Pickup's always been a hassle wherever we go. Yeah, you have a lot of parking, but you have to cross that. I'm not a big proponent of that. I don't want to say I'm a bad parent, but my four-year-old gets away from me occasionally. My 10-year-old gets away from me. I struggle with the whole concept of a childcare center going in a shopping mall or strip mall, whatever you want to call them. I don't know. Like I said, it's been one of those battles we've had for the last couple years trying to come up with some sort of standard to hold these to. Not everyone's the same. I mean we had some recently where they tried to put the playground right behind the building and there's some pros to that, there's some cons to that. I understand this is existing. I kind of like that a little bit better than being immediately next to the loading docks and taking up that back space where trucks would turn around and back up to a loading dock, or door, or something like that. But it isn't

appealing having the trash drums right next to the playground. Again, there should be a buffer, I would say, right? Cause you're going to the residential, so the playground shouldn't be right next to the fence.

Mr. Robbins: That's a good question and it depends on how we interpret it.

Mr. Stoffel: Again, too, that playground is right up against the road pretty much regardless, but, to me, it always comes down-- The uses are secondary to me, to be honest. Children's safety is always number one to me and I hadn't even thought about the loading and unloading of the kids up front, because that's not great either. But I know how the back of these strip centers can be. It's a cut-through for people and a two-foot high orange cone with someone standing beside it doesn't stand a chance for someone barreling through there not paying attention. I hate to see properties stay vacant, because no one wins when that happens, but I also have to think about what's best for the kids who will potentially be there and for the welfare of the center as a whole, so those are my concerns.

Ms. Treadway: What we do at our current center is we have -- like I said, our play space is separated by an alleyway. We're on High Street and we do have kids that try to dart off. Some of our staff members -- the ones that are more active, when it comes to being with parents and things like that, we even walk them outside and help mom or dad place them into the car just for safety. So we definitely feel that safety is number one for us, which is why we take extra steps and make sure that they are safe coming in as well as leaving outside of our center.

Mr. Stoffel: Isn't there a beer drive-thru right there, a carryout?

Ms. Wallace: It's right here. It's the third or fourth from the right, right in front of the hash marks on the parking lot.

Ms. Treadway: I thought it was up towards the front part, maybe over towards the other way.

Ms. Wallace: See where the black truck is parked cockeyed over to the right? Yeah, right there.

Ms. Treadway: That's the Mexican grocery store. There's a laundromat and the Mexican grocery store. There's not a beer drive-thru there. I've been over there a few times and I haven't seen any traffic -- not to say that there is none that comes as far as loading or anything, but I haven't seen any vehicles going back there in the back and I've been there during different times of the day.

(Looking at different street views of the shopping center.)

Ms. Treadway: That used to be a retail store, but I don't think there's anything in there, Mally's Beauty Supplies.

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

Mr. Stoffel: I move that we approve Item B3 for Special Exception Use Permit, number 166200, for 6537 E. Livingston Avenue.

Mr. Enfinger: I second.

Mr. Robbins: Just real quick, if the Board members, when they vote, if it's a "no" vote, if you could cite the specific section to code.

(Ms. Moeller called the roll. Mr. Stoffel voted "No, based on the fact that it does not meet consideration for 1145.09(q, s and v)." Ms. Wallace voted "No, 1145.09(q, s and v)." Mr. Enfinger voted "(No. The applicant does not meet the requirements stipulated in Section 1145.09 of the code for Special Exemption Use Permit, specifically numbers 'a. The proposed use shall be in harmony with existing intended character of the district,' and 'b. The proposed use shall not adversely affect the use of the adjacent properties.'" Mr. Rettke voted "I'll have to follow suit. No. I don't believe it meets the intent of the code 1145.09, more particularly with q, r, s and v." Ms. Armintrout voted "No, 1145.09 for q, r, s and v.")

Mr. Robbins: There's one thing I want to clarify. The Board is reading off of a Staff Report that had a small issue with the numbering on it. So I'm just going to go ahead and state for the record, "Q is actually letter A; R is letter B; S is letter C; T is letter D; U is letter E; V is letter F; W is letter G; and X is letter H." So the code should read from A to H.

Mr. Rettke: Again, I apologize. Like we tried to say, location, location, location is the key to real estate. That being said, we don't – it's not like we don't want your business. It just doesn't feel right there.

Ms. Treadway: So with it already being an existing center, is there anything that needs to be done or is it just it will shut down and nothing will be there?

Mr. Rettke: That's one thing we struggle with. You know, two rights don't make a wrong and prior boards might have approved that.

Ms. Moeller: I believe the first daycare was approved in 2003 and that was kind of before the code had specific requirements about daycares and daycare facilities.

Ms. Treadway: Well, the one that's currently there, I think it was 2010.

Mr. Rettke: Forgive me if I'm wrong, but I think the same lady occupied it. I think it was just an administrative change of name from an LP to an LLC sort of deal. So we didn't just want to shut her down right then and there. It was something with reorganization or something like that. Ownership didn't change, the business itself didn't change and, like I said, we weren't seeing an inundation in 2010 as we are in 2013-2014 where we're considering these more. I hate to say no because it was existing. Then we get the argument, "Well, it's been vacant," and we still say no, too.

Mr. Robbins: To clarify your question, the existing business does not have to vacant. The Special Exception Use Permit basically gives a particular business to operate on a particular property in a particular way. So they can stay there indefinitely. The problem is switching ownership or changing businesses, at that point it's up to the Board's recommendation. I do want to say that an action by the Board can be appealed to through City Council. Written requests, written appeals have to be submitted to the Council Clerk, April Beggerow, within 30 days of the date of this meeting.

Ms. Treadway: Okay.

Mr. Rettke: Yeah, so there is a case for recourse here. Like I said, I hate to pawn these off on Council, but until they can give us some good defined rules we can uphold you by, that's sort of what we've been doing. If it doesn't sit right, we've got no other alternative. So I apologize for that.

Ms. Treadway: Okay, I appreciate that.

4. **VARIANCE APPLICATION, 8915 BROAD ST., REYNOLDS-BURG, OHIO;** PRESENT ZONING, CS; OWNER'S NAME, CHECK WARNER VOELKER-BETZ CO.; REQUESTING A VARIANCE FROM SECTION 1180.78(8) AND SECTION 1180.08, TO REDUCE THE REQUIRED MINIMUM LANDSCAPED SETBACK FROM SIX FEET (6'-0") TO A REQUESTED FIVE FEET (5'-0") AND REDUCE THE REQUIRED NUMBER OF STREET TREES FROM NINETEEN (19) TO A REQUESTED SEVEN (7). CONTACT: MARK BUSH/REYNOLDSBURG DG, LLC. (#165959).

Mr. Robbins: The property's located on the southeast corner of East Broad Street and Annette Drive Southwest. Existing zoning is CS, Community Services. They're requesting a variance from Section 1180.78(8) and Section 1180.08 to reduce the required minimum landscaped setback from 6' to a requested five' and reduce the required number of street trees from 19 to a requested 7. Current use is undeveloped. Applicant is Dollar General.

Just to give the Board a bit of a background, this applicant has come through, I think this would be the third meeting. The original meeting they had

requested several variances. The Board had granted, I think, three of them and one was to reduce the front setback from a required 40' to a requested 5'. There were some issues with the site making it – I don't want to say undevelopable – but extremely difficult to develop to the point where it would cause issue with the applicant's full use of the land, and I think the Board had made a good step in allowing those variances – to allow that development to happen.

The applicant came back with a site plan that had changed pretty significantly, basically bringing the building up to the street. The original site plan had the building back from the street and this one is brought up right against the 5' setback. It was raised in the last meeting that the street tree requirements were actually in the right-of-way and those street trees were required to be on the property. The applicant is requesting a variance to reduce the number of required street trees and basically build the building up closer to the right-of-way.

I'm just going to go ahead and read the street tree requirement just so it's on record. The total street front edge is 661', maximum spacing for small trees along a public street is 25', the spacing for medium trees along a public street is 35' and the maximum spacing for large trees along a public street is 45'. Minimum street tree requirements in this case will be 26 trees for small trees, medium trees will be 19 trees and large trees will be 15. Again, the Board has issued several variances on the property to render the site more developable. Staff finds that the measures could be taken by the applicant to shift the layout of the development without requesting a variance; that the variance in question is the result of a self-created hardship. It's the recommendation of staff that the variance not be granted based on the following reasons stated in Section 1147.06.

1147.05(c) states there exists special circumstances or conditions fully described in the findings applicable to land or structures for which the variance is sought which are peculiar to such land or structures and which do not apply generally to land or structures in the area such that the strict application of the provisions of the code would deprive the property owner of the reasonable use of such land or structures. There must be deprivation of beneficial use of land as opposed to a mere loss in value as justification for the variance.

1147.05(d), which states that a hardship cannot be self-created. The BZBA granted a variance to reduce the front yard setback from 40' to 5' to allow the applicant a greater building flexibility on the property and thus develop. It is evident that the applicant could still maintain reasonable use of the property while meeting the street tree requirements of the code; though economic hardship is not a grounds for a variance, a reconfiguration of the property will allow full compliance with the zoning code without burdening the applicant economically. It's the finding of staff that any hardships sustained under the current configuration of the site would be self-inflicted and would not be sufficient

grounds for a variance. Then letter (i) states that the variance is not a matter of convenience when other remedies are available within the provisions of the code.

There is one thing I want to mention as well and that's the front façade of this building. Part of the reason we have street tree requirements is to enhance the public realm. The façade of the building that faces Broad Street was what you would typically see on the side façade of a building and since the building has been turned around, staff does find that the presence of street trees would be very beneficial in this case, something that the city would like to see facing this façade.

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

Mr. Jacob Horvath: My name is Jacob Horvath and my address is 7588 Orchard Hill Avenue, Kalamazoo, MI. I'd just like to start by saying this variance request really piggybacks the earlier requests and, to be quite blunt about it, it was a request we should have made along with the others that were granted. Obviously the 5' setback that was granted so that we could move the building further from the residential to provide the required buffer and setbacks for the residential properties to the south by granting the 5' setback and moving the building to that location, that automatically generated requiring this variance. We did not pick up on that before. After last month's meeting the Board requested the modifications to the landscape plan and, in going through that process, we noticed that this variance was still needing to be obtained. So it's not due to any significant change to the site layout, no changes in setbacks from what was proposed last month. It's just simply trying to dot our I's and cross our T's so that if we do move forward to later approval processes with the City, it's not brought up that we're missing a variance that we needed to obtain.

Mr. Stoffel: Someone just needs to refresh my memory. The setback for the pavement in the back, what does that have to be?

Mr. Robbins: We have a residential buffer zone. For commercial uses it is 120' that can be reduced by 60; for parking it is 50' that can be reduced to 25' provided that proper buffering is provided and approved by the Design Review Board.

Mr. Stoffel: What is the minimum distance that's required to put street trees in? I mean—

Mr. Horvath: Along the front there, our landscape architect recommends at least 10'. That would be for a very small tree that doesn't have a wide spread. Right now, with respect to your earlier question, our parking setback to the rear residential property is at that required minimum right now with the site plan shown at 25'. So if we were to move the building further south, we would then

encroach into that residential setback. And I'd just like to note that we are providing the required buffer, screening and zone along that residential property line as the site plan currently is shown.

Mr. Robbins: The original application that you guys had submitted I think it was back in May or June, parking was in front. In your opinion, if parking were in front with a 5' setback, do you think that would be enough for street trees in between the right-of-way and the curb line?

Mr. Horvath: Another aspect and issue with respect to putting trees along the north side of the building along Broad Street there is there are existing and there are going to remain overhead utilities along that area right there and that's right at the right-of-way line. So we would need considerable distance back to be able to plant and propose trees before they would not become a future nuisance to the overhead power cables. The parking along the north side as we originally planned, the reason we removed that was because puts the building south and everything into that residential encroachment.

Mr. Robbins: Yeah, I just want to be clear that when the Board was considering the variance, it was a variance to reduce that setback to 5' with the assumption that the parking had to be set back a certain distance, the same distance as the building, right? So we have these front setbacks and parking can't be any closer to the right-of-way than the front setback. And the variance was granted to allow parking and the site to shift up and the 5', I think, was still sufficient amount to provide street trees there and then have the building set back from there. I think what's different here is the fact that the building is pushed up to the front setback and there's no – not enough space to provide the necessary buffering to keep the public realm enhanced, is the best way I can put it. Basically we're going to have a building that's very, very close to the street. The point of buffering is so that it reduces the impact of development on the public realm, and then you have a building pulled up which doesn't then leave that sufficient space to allow that to happen. I think that's kind of what's changed between the two site schematics that's been proposed.

Mr. Horvath: I'll be honest. We tried to get some direction from the Board. The reason we did push the building there was the emphasis on the residential setback. At our initial meetings here, there was great concern – it was very obvious that we were asking for a variance for the required buffer zone as well as setbacks to the residential. So I certainly understand your point, Justin. But if we were to provide that, we would then encroach on the residential setback.

Mr. Robbins: It's definitely a touch site no matter what.

Mr. Horvath: And if we didn't have the overhead utilities in the right-of-way, if it was all underground, we could have some overhang with the trees into

the right-of-way; but because there are overhead utilities, it's a bit of a hardship there as well.

Mr. Robbins: Yeah. I mean I think in a perfect world the site would be deeper, the building would be set back, you'd have parking to the front and the side, we'd have the street trees, we'd have it all landscaped and everybody would be happy.

Mr. Horvath: And our client would prefer that sort of a layout as well. This is not a desirable layout for them, which is why we had parking along the front initially, hoping that we could work out the variances required for the residential proximity. We got the feeling that perhaps variances for setbacks along the street frontage and landscaping would be more likely ____.

Mr. Robbins: It's tough, because the codes, I think, are written in a certain way that certain things are designed for and then when you start shifting them around and allowing certain things to happen, other issues come up that you might not have anticipated.

Mr. Enfinger: One recommendation that I did make at the end of last meeting was to reduce the size of the building. I think that could accomplish giving some of the space and some of the room that the building needs to sit on there. That would pick up 10-15' easily, just reduce the size of the building. It's a small lot. I know that your employer, the Dollar General is being intransigent on that, so, you know, at some point we just have to say there's not enough room for this building on this piece of property. So those are my thoughts.

Mr. Rettke: Given we did do the variance, I think the variance here basically has sort of forced our hand, because we have to because the building is in that 5', so you can't have the setback at 6'. So I think this has kind of a moot point with the other one being passed. But we haven't really gotten to the site plan as much as just focus on the actual variance itself and then we'll move to the site plan. If the variance doesn't go, then the site plan doesn't go.

Mr. Robbins: Having said that, would the Board like me to go ahead and introduce number 5 which is the major site plan review? We can discuss these in tandem or—

Mr. Rettke: I don't know, I'd kind of like to stay on task here. I think it would be easier. That way we don't get the two issues confused. All we're dealing with at the moment is to reduce the minimum landscape setback from 6' to 5' and to reduce the required number of street trees from 19 to 7. So let's just address that. I think that would be the best way. That's my opinion.

Again, I think as I stated last time, 130' of metal siding with no breakup, no street trees, I think has no curb appeal and sends the wrong message for what

we're looking for. I think it totally goes away from what the code states, so I struggle with even accepting that.

Mr. Horvath: If I may, I'd like to just note that we've been in discussion with Mr. Havener and staff on modifications to the building exterior. We are not saying that that is what it's going to look like eventually. We're trying to get things in line for Design Review Board.

Mr. Rettke: Yeah, cause we warned you about that.

Mr. Horvath: Yeah, and we appreciate the concern that was voiced last month. It's given us some time to have some discussions on modifications.

Mr. Stoffel: Also you would have to have street trees along Summit Ridge Drive. There would be a requirement for that, cause I believe that's a public street, so you'd have to have street trees for that as well. Again, someone correct me if I'm wrong, but the setback requirement was for landscape. It was a landscape requirement and the thought was that was going – we were still going to have parking up there, right?

Mr. Robbins: Yeah, well, the problem is the way our code is written. We have a front setback of 40' within commercial areas. That front setback guides both the location of the building and the location of parking. So in order to shift – basically they were located about 75' away from the edge of the pavement, right? The Board granted a variance for the 5' setback which would allow parking to be setback 5' from the right-of-way, but it also allows the building to be as well. My guess is that it wasn't the intent of the Board to allow the building to be that close to the street, although not necessarily a bad thing. I think with the right building design, with the right site design, the Board and staff would probably be acceptable to it. The problem is is when the variance was granted, again it was with the idea that parking would be set closer. The building comes up and the building orientation changes, all of a sudden you have what used to be the side façade of the building addressing one of our primary corridors in the city as its front. Then to come and ask for reduction in the required amount of landscape in the front that I think would soften that façade quite a bit, is probably going to be a little hard for the city to swallow.

Mr. Horvath: We could provide that landscaping along the front. It would then push the site south into the residential setback and that was our intent, was to provide the minimum buffer and setback requirements from the residential property. It was our impression that that was the primary concern of the Board at the time, so that is the basis for the way the site is laid out now.

Ms. Wallace: I don't know if I'm not getting something. I don't understand what – you just want to reduce on this issue here from 19 to 7 trees. What's the

difference between planting 19 and 7 other than helping it appear better for the neighborhood?

Mr. Horvath: It's the feasibility of being able to plant and sustain the trees along the frontage. There's not adequate room along the building front, the 5' or even a 6' minimum setback for landscaping would not allow adequate room for the trees' space between the building and the fact that there's overhead electric lines at the property line.

Ms. Wallace: How high up are the electric lines? I mean I have a tree in my yard that's 12' tall that's attractive. I mean you don't have to have a 50' tree.

Mr. Horvath: But you can't-- I'm not the landscape expert. We have one on staff and according to her opinion, 5-6' is not adequate room to space any of even the small trees that are listed in the city's list as far as proximity to the building without it being a nuisance to the building itself.

Mr. Robbins: It would make it difficult for both the building, I think, and the trees as well.

Mr. Stoffel: Were those 19 trees now 7, that was a requirement for street trees, not parking lot, right?

Mr. Robbins: That's correct.

Mr. Stoffel: So when I'm looking at the landscape plan, where am I seeing the 7 trees that you want to put? So that 19 was the total required for the total lineal feet around—

Mr. Rettke: For the 610' of frontage.

Ms. Moeller: That's medium trees.

Mr. Stoffel: And, again, you could still—

Mr. Hovath: -- put trees at the corner and, again, on this side as well there's an overhead utility line easement and we moved it as far as we could (speaking off microphone) further enough away from the building and the overhead utility, but you can see the property line tapers here, so as you continue south those trees that were planted _____ utility lines.

Ms. Armintrout: So essentially there's nothing on the side of the building, the whole length of the building that faces Broad Street?

(Someone speaking off microphone answered "shrubs".)

Mr. Robbins: I just want to take the Board through how the evolution, I guess, of the façade facing Broad Street. So, as you can see on the monitor, I believe this is the east side door. This is the façade that is proposed to be 5' from the right-of-way and then it would be approximately 40' from the edge of pavement.

Mr. Horvath: That was the initial façade, yes.

Mr. Robbins: Yes. And some windows put in? I'm still not clear. Are those actual windows?

Mr. Horvath: I don't believe so.

Mr. Robbins: And then a modification of – and then it jumps over to this side. This is, again, the proposed façade against Broad and they added wainscoting and pilasters of split-face block.

Mr. Horvath: Yes. The same material that's on the front of the building. And, again, please this is an _____. We're trying to – our client went into this development knowing that the property was outside of the Commercial Overlay District and these requests that are being brought up are part of the Commercial Overlay District and not outside of it where this property is. So they didn't go into it with the intent of providing this material on the building exterior. It's a significant cost. They don't want to give up on the project, so we're trying to work through, get this to a point where it's both acceptable to our client cost-wise and hopefully that is in a position that will be favorable for the Design Review Board as well. Again, please, this is not necessarily the final proposed building façade.

Mr. Robbins: And it should be mentioned as well, it shouldn't be the purview of the BZBA to offer design assistance on façade of the buildings, but I bring this up because this is the façade that's been proposed and the proximity to the street and the elimination of the trees would basically open this up to direct view to Broad Street. That's the intent of kind of what I'm going through right now, just so the Board understands.

Mr. Rettke: Yeah, and I think that was the point we were making last time was that's still Design Review Board, but it affects the site plan and we're not going to say no just because of that, but when you're asking for a variance of landscaping or that, then, yes, that does sort of have to weight in their mind. Mr. Havener, do you have anything to add?

Mr. Havener: (Speaking off microphone.) No, just to mention the fact that we are working together on an exterior elevation. I think along with some adjustments to working together on the elevations and also the incorporation of, you know, I'd like to see maybe some upright junipers or arborvitae or something

with some height that could maybe break up that elevation too, which we do have room for within that 5'. I think we can come up with a plan that will definitely give it enough definition that it could work. We need to still work together on that and we will continue to do so.

Mr. Rettke: Yeah, I think the request from 6' to 5' pretty much has to go, because the building is at 5. The tree issue has me a little irked, but given that there's an easement on the east side, I think that's going to be difficult to put any trees there and with the building so close, I kind of understand his point with the overhead wires and not being enough base to support the tree itself.

Mr. Havener: (Speaking off microphone.) We may want to entertain some different variety of trees that may fit that 5' space out there.

Mr. Rettke: We're more on the DRB Board, right?

Mr. Havener: We may be limited to the types of trees that are currently defined without our guidelines. We may need to go beyond those.

Mr. Rettke: Any other questions, concerns or comments? (No response.) I move that we approve Item B4, Variance Application for 8915 Broad Street, #165959.

Mr. Stoffel: I'll second.

(Ms. Moeller called the roll. Mr. Stoffel voted "yes." Ms. Wallace voted "yes." Mr. Enfinger voted "No. The applicant does not meet the requirements stipulated in Section 1147.05 of the code for granting a variance, specifically Item (d), mentioning an economic hardship which is self-created and the fact that the greater profit, because this is just simply their business model and they're unwilling to adjust anything. So, in my opinion, it's self-created, so, no." Ms. Armintrout voted "yes." Mr. Rettke voted "I'll have to go with Mr. Enfinger. I'll vote no in accordance with 1147.05 where it is a self-inflicted hardship. I think there could be other things we could do, but I think it is self-inflicted, so I'll say no.)

5. MAJOR SITE PLAN APPLICATION, 8915 BROAD ST., REYNOLDSBURG, OHIO; PRESENT ZONING, CS; PRESENT USE, VACANT; PROPOSED USE, DOLLAR GENERAL RETAIL STORE; PRESENT OWNER, CHUCK WARNER – CHUCK WARNER & ASSOCIATES. CONTACT: MARK BUSH – REYNOLDSBURG DG, LLC (#164595).

Mr. Rettke: Okay, since we passed the variance, let's move on to the major site plan review for 8915 Broad Street. If we could have maybe a presentation of maybe what's changed since the last meeting, I think we're all aware of the problems we had last time.

Mr. Robbins: I'm just going to say it for the record with the application numbers and the address. It's 8915 Broad Street, major site plan review, Application #164595, Dollar General.

Again, the application was tabled in July so the applicant could address the following concerns from staff and the Board. First a modified landscaping plan that brings the proposed trees out of the right-of-way at the north east needs to be submitted. The application has done that.

Verification is required from the Ohio Department of Transportation and the City of Pataskala, stating that the proposed access on Summit Ridge Drive is allowable. I know our Development Director and I believe the Applicant as well has been in contact with both ODOT and the City of Pataskala. The City of Pataskala had some comments regarding the concrete apron. They wanted, what was it, 5'? Eight feet of concrete apron in between the roadway and the—

Mr. Horvath: It was explained to us from the right-of-way to the edge of pavement of the roadway. —detail in accordance with the standard City of Columbus.

Mr. Robbins: Okay, and that was something that was submitted with the last application round.

Mr. Horvath: Yeah, you can see the change in color.

Mr. Robbins: Okay. The next item is a modified lighting plan needs to be submitted that reduces the proposed light intensity near the residential properties to the south. I saw a photometric plan floating around here. I believe the applicant has provided that. To the best of your knowledge, do you know what type of foot candles we have coming off the property?

Mr. Horvath: Along the residential they are all less than .5.

Mr. Robbins: Okay. And a specified schedule needs to be established that the proposed truck deliveries and maintenance vehicles will follow. I think this is something that the applicant can probably address better than staff could at this point.

Ms. Moeller: It was addressed at the last meeting.

Mr. Robbins: Okay. Staff does want to mention that the requirements of a variance being requested should be considered. The variance was passed, so the street tree requirements can be reduced from the required 19 down to 7. Since the variance was passed, the proposal meets the tree replacement requirements outlined in Section 1180.06. Staff would like the Board to consider the application and materials and make a determination regarding whether the

site plan meets the requirements outlined in the zoning code. If the Board finds that the major site plan does not meet the requirements, staff recommends not approving the major site plan as the approval of the site plan is contingent upon passing the variances. As mentioned, the variances passed. I think all the issues that the Board had at the last meeting, the applicant has made some pretty good progress in addressing those. I think anything else that needs to be brought up by the Board should be done so now.

Mr. Rettke: Well, first and foremost, I'd like to thank you for addressing the majority of those, if not all of them. It looks like the lighting plan, where we had the biggest intensity cross the line closest to the house, the residential structure, has been fixed. I appreciate you doing that and I think those owners would definitely thank you for that.

Mr. Stoffel: I think we need to need to see on the east side, which if not trees, and I understand that, but some kind of screening around your HVAC and all that other stuff.

Mr. Horvath: We do have a 6' screening fence proposed around the HVAC.

Mr. Stoffel: Yeah, I still wouldn't mind just breaking that all up. It's still looks like the wall, right? So even if we get some mid-height trees. It looks like the overheads are out there a little bit. Maybe we can just get a mid-height tree or something. It looks like we're going to – I'm sure they'll have you put some kind of – Design Review will have you put something along that front façade to hopefully break it up, but I just want to make sure we can do whatever we can, even if it's only by landscaping, to just break up the box look. And also down around – you know, something – it's probably just going to be shrubs or maybe some small mid-range trees, I don't know, but that entrance coming off of Summit Ridge Drive. People are staring right in the back of that dumpster. Maybe we can just do a little something, I don't know. Whatever you can do.

Mr. Horvath: Yeah, there's a planned dumpster enclosure and then there's considerable plantings and screening along this property line as per the requirements just for that exact purpose, to screen specifically the loading, delivery and dumpster area there in the rear.

Mr. Stoffel: Yeah, I just want to see a concerted effort, because since I think we are being rather generous on Broad Street, I would like to see the other two roads and the residences treated as well as we can, even if that means kind of a good neighbor effort to kind of go above and beyond what is required. We're cutting the trees down. We're reducing that by more than half, so I personally would like to see an effort towards that. I'd be a little disappointed if there weren't.

Mr. Horvath: We're willing. We're certainly proposing – not proposing the reduction in trees because we don't like trees. We're open to whatever recommendations staff or the DRB provides. We have every intention of trying to get this project through, so whatever's required as long as it's feasible. We're in a tough spot here.

Mr. Rettke: Any other questions, concerns or comments? (No response.) Well, seeing as how we don't have any, I'll move for approval of Item B5, major site plan application for 8915 Broad Street, #164595.

Ms. Wallace: I'll second.

(Ms. Moeller called the roll. Mr. Stoffel voted "yes." Ms. Wallace voted "yes." Mr. Enfinger abstained. Mr. Rettke voted "This is a tough one. I disagreed with the last variance, but since that passed, given that we've approved it, I will go ahead and say my vote is yes." Ms. Armintrout voted "yes.")

Mr. Horvath: Thank you.

Mr. Robbins: The next Design Review Board meeting occurs on the first Thursday of next month. Applications are required to be submitted three weeks prior. With that, I know the Design Review Board's really going to want to see that front façade and I would highly encourage you to work with staff and with the Development Director to make sure that's something that's acceptable to them when it comes time.

Mr. Horvath: We have to make a decision quickly. We know we've already submitted our application. We're trying to get to a point where we're all in agreement that it's an acceptable exterior and then we'll go ahead and provide the drawings at that point.

Mr. Robbins: Okay, thank you.

C. OTHER BUSINESS

Mr. Rettke: The only other business that I would like to bring up would be Harbor Freight. I don't know if anybody got to see they're open. I just wanted to thank the Board for sticking to it and now allowing that Family Dollar to go in there with all the variances they wanted. I think that looking at that site, I think we did a good job and they worked well with us.

Mr. Stoffel: Yeah, they really did. When we were working with them, they weren't working with us (Family Dollar). It was hard. And they were trying to ramrod that and they were trying to backhand it. This was different to me. I felt like they worked with us. I think they gave some and I think we gave some

and I think that's just good business. Yeah, this was a different feel for me and that's why I felt better about it.

Mr. Rettke: Well, I think as you enter the city it's a nice, I don't want to say gateway item being the business it is, but it's a very nice building. When you're coming up Main Street you can see it plain as day and I think it looks-- I didn't care for the blue handrail. Whoever let that one go-- There's tons of handrail entering from the sidewalk and it's all blue.

Mr. Robbins: We might have to take them to task, because I think that was discussed at one of the meetings where we were requiring Reynoldsburg red for the handrail.

Mr. Stoffel: Get on them. But I agree with Tony. I'm proud of the work the Board did on Harbor Freight.

Ms. Wallace: I agree and I think it's going to be good to bring people into Reynoldsburg. I know I work up in Westerville and people are already talking about it from all over. There's one up on 161, but they're really excited about this opening up in Reynoldsburg. You know, we've got a new restaurant there, Nasty's, and we've got this there and I think it's a step in the right direction to get people coming into our city.

Mr. Rettke: The only other thing, has Nasty's replaced that sign yet?

Mr. Robbins: Yes, I believe they did.

Mr. Rettke: They did? It still looks extremely low. That sign is still somewhat hidden as you're coming up through there.

(Gentleman speaking off microphone.)

D. ADJOURNMENT

The meeting was adjourned at 8:39 p.m.

Anthony Rettke, Chairman

Megan Moeller

This document was transcribed by:
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