

MINUTES
REYNOLDSBURG BOARD OF ZONING AND BUILDING APPEALS
AUGUST 16, 2007

A. CALL TO ORDER

1. ROLL CALL

Members Present: Mr. Duane White
Mr. Thomas Kucera
Mr. Norman Brusk

Members Absent: Mr. John Brandt
Mr. Patrick Feeney

Others Present: Mr. Lucas Haire, Planning Administrator

2. APPROVAL OF MINUTES

Mr. Kucera: Are there any additions, changes, corrections to the minutes of the July 19, 2007 meeting? (No response.) Hearing none, we'll approve those.

3. APPROVAL OF AGENDA:

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

Mr. Haire: We had an applicant request that their items be tabled on the agenda this evening, which is application number C2 and application number C3.

Mr. Kucera: Okay.

Mr. Brusk: Will we vote on it now or vote on it when they come up?

Mr. Haire: We can do it either way.

Mr. Kucera: We'll vote on them when they come up. We can take them as a group. All right. Just so everybody knows, we only have three board members here tonight which means in order for something to pass, all three Board members have to vote in its favor. If one votes against it, then the item fails because we're short staffed here. So I always make this announcement so if anybody wants to wait until the full Board is here, they can request to have their item tabled possibly to the next meeting or if it's something critical, we have sometimes in the past considered special meetings. So when we get to the particular agenda item involved, if you want to discuss that with the Board or taking that action, feel free to do so.

4. SWEARING IN OF SPEAKERS

Mr. Kucera: Anyone who wants to speak tonight, we need to have you stand and raise your right hand to be sworn in. Make sure you signed in down here before you leave this evening. (Mr. Kucera administered the oath.)

5. PUBLIC COMMENT

Mr. Kucera: Is there any public comment on issues not on the agenda this evening? (No response.) Hearing none, we'll move on to Unfinished Business.

B. UNFINISHED BUSINESS

1. SPECIAL EXCEPTION USE PERMIT APPLICATION; 6748 EAST MAIN STREET, REYNOLDSBURG, OHIO. PRESENT OWNER, REYNOLDSBURG MAIN ARC LLC ANCHOR COMPANIES; PRESENT ZONING COMMERCIAL; EXISTING USE, COMMERCIAL (RESTAURANT/RETAIL/OFFICES/CAR WASH); PROPOSED USE, AUTOMOTIVE REPAIR. CONTACT PERSON: JOHN GRAUDUSS (07-SE).

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

Mr. John Gauduss: I'm John Gauduss. I'm an architect working for the Anchor Companies. Last time we tabled this because the operator of the filling station kind of violated his lease agreement and the local Zoning Code by attempting to rent trucks and trailers. I have with me several pieces of e-mail that have gone around to everybody like letters, making sure that he's getting rid of the trucks. And the trucks were removed and that was observed. He actually didn't have a written agreement with the trucking company and the trucking company was trying to encourage him to do so, but then they're not the ones that worried about the Zoning Codes. They were just looking for business. So everybody has agreed to get rid of the trucks and I can give you these e-mails if you want to see the communication between them.

Mr. Haire: I did have a chance to speak with representatives of U-Haul about this site and let them know that it was in violation of the Zoning Code and that they needed to gain a special exception. I also spoke with the operator of the business who, at that time indicated that he was going to apply for the special exception, but I assume that has since changed.

Mr. Gauduss: We talked him out of it.

Mr. Haire: And I have not seen any U-hauls on the site for probably two weeks now.

Mr. Gauduss: I asked everybody to give me proof that he got rid of the trucks and that they wouldn't be there. And the e-mails states so especially from the man who runs the filling station, he agreed to not do it.

Mr. White: Is there some statement in the documents you provided that the owner's indicating that he will enforce the restriction and not have U-hauls?

Mr. Gauduss: Yes, because it's also a violation in his lease agreement that he's not to violate any building or zoning codes. And that would be a Zoning Code violation, a use violation and he would lose his lease. So it's been made very clear to him by the Anchor Companies that he's not to do this.

Mr. Kucera: I guess that was part of our concern that he wasn't responding to any of the phone calls or—

Mr. Gauduss: Well, that's true. Some people just don't know who or why someone is calling them.

Mr. Haire: I think it was probably difficult because there is a language barrier there and I don't think he understood a lot when we did stop in.

Mr. Kucera: All right.

Mr. Brusk: Do you have copies of those?

Mr. Gauduss: I'm sorry?

Mr. Brusk: Do you have copies of those that you gave us?

Mr. Gauduss: I have two more copies if you--

Mr. Brusk: No, that's okay. I just wanted to know if you needed those back? That's all.

Mr. Gauduss: Oh, no, I don't need that back.

Mr. Haire: We'll just hang onto them for the file.

Mr. Kucera: I think we'll give these copies to you for your record.

Mr. Haire: Sure.

Mr. Kucera: I guess our only other question had to do with hours of operation?

Mr. Haire: Correct. What they had indicated was that it was a 12 midnight operating.

Mr. Gauduss: Well, the only way I can explain that, that simply happens to be the hours of the filling station. And I truly can't believe that the lube station or the dog wash would be operating at—but the automatic car washes, I imagine operates until the lights and power are turned off, they probably go just as well.

Mr. Haire: Right.

Mr. Kucera: And the other concern that I can remember being discussed was just parking vehicles on the lot waiting for oil changes.

Mr. Gauduss: Especially with the dog wash area being used for one of the drive-thru wash bays, that allows us to add four cars to the site.

Mr. Kucera: Okay. Is there any other Board comment or inquiry?

Mr. Brusk: I still have a little bit of confusion in my mind on the oil one. The person who is running the gas station will be doing the oil changes?

Mr. Gauduss: Yes. They're capable of changing oil in that station.

Mr. Brusk: They'll be changing it, okay.

Mr. Gauduss: And that's what they wanted to be able to do, was to do lubrications and oil changes.

Mr. Kucera: I guess, for me, is there a limit on the number of cars that can be parked on the property?

Mr. Haire: I mean there's ample parking on the site, so I don't think that would be an issue. There's parking in the back, which every time I've been back there I've never seen a single car parked there. There is one vacancy in this plaza. That may contribute to why there is so much parking there. So I don't think parking will be an issue on the site. I imagine the quick lube business that it's going to be people that are coming in and if they're not in the bay getting their oil changed, then they're going to be right behind it waiting to go in. I don't think that there's typically more traffic than that, especially with the number of quick lube operations we have in the City or around the City.

Mr. Brusk: Was there any EPA requirements for ensuring that the oil doesn't get loose?

Mr. Gauduss: Well, already the wash bays have a grease interceptor -- I mean an oil interceptor. It's already built in. So this follows the same code requirements, same kind of use.

Mr. Haire: And this will all go through the plan reviewer departments.

Mr. Brusk: Okay.

Mr. White: How are you planning to dispose of the oil after you do the change?

Mr. Grauduss: I didn't understand.

Mr. White: How are you planning to dispose of the oil that you're changing at the site there? How will you dispose of the oil?

Mr. Grauduss: There will be storage tanks and that's how it's done. It's put in there and then a waste company picks that up for recycling.

Mr. White: And where would that be located on the premises itself?

Mr. Grauduss: They are self-contained drums. I can't explain to you the mechanics of it but—

Mr. White: Where would the drums be located?

Mr. Grauduss: Probably right in that bay, the width of the bays where any of the equipment that's been removed that was used for the car wash itself, when that all comes out, then the width is there to put in those drums. That's how it's typically placed. We also have a large mechanical room that's next to this area and a lot of the wash equipment, the huge drums for the soap and the water containment and the water heater, much of that will be removed and so there's also space in there for his compressor that pumps the lubricants. They've looked at that and the people who supply the equipment are very aware of their dimensions and they feel that everything is available to them for storage and all that. They're designed in a very similar manner, so there's room for all that inside the bay.

Mr. White: So no storage would be outside of the building?

Mr. Grauduss: No. Again, I think that will be cleared up by the Plans Examiner as well. He'll be looking for that information as well. Because the Building Code spells out where you cannot store anything outside of that nature.

Mr. Kucera: Any other Board comments? (No response.) Is there any public comment on this issue? (No response.) I will entertain a motion then.

Mr. Brusk: I so move that we grant the Special Exception use permit for Item B1 (07-SE).

Mr. Kucera: I'll second that. Will you call the roll, please?

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

C. NEW BUSINESS

1. VARIANCE APPLICATION; 2040 DESTIN PLACE SOUTH, REYNOLDSBURG, OHIO: REQUESTING A VARIANCE FROM SECTION 1175.03 OF THE REYNOLDSBURG PLANNING AND ZONING CODE TO ALLOW THE CONSTRUCTION OF A DECK WITHIN THE REQUIRED 30 FEET REAR YARD OF THE R-3 DISTRICT. CONTACT: MICHAEL REEDER (20-ZV).

Mr. Kucera: Is there someone to speak to this issue?

Mr. Richard Underwood: I'm Richard Underwood, the owner of Destin Place and this is Michael Reeder, who is my builder. I have asked for this variance because we're trying to cover the steps of the patio that's already there. We bought this house in the fall of 2004 and it has a very attractive rear patio, but the problem has become that it has eight different levels on the patio. I have some photographs here. I guess Michael submitted some of the photographs. So it's an attractive patio, but the eight levels have become a problem for my wife who has problems with her legs and her feet, and I'm afraid that she's going to fall and get hurt. So we're proposing to build out over all of these steps a deck where it would all be one level. And since the steps are infringing on this 30 foot, so this deck would also infringe on the 30 foot by about five feet. Mike has done a lot of the drawings of the deck, but I have talked to the area neighbors, the neighbors on each side of me and also the one in the rear. The two on the side can be hardly affected by it, because I'm at the end of a cul-de-sac and then these two houses are out facing the other way. The one in the rear is the only one that this deck would be approaching, but I have signatures from all three. The one on the east, the one on the west, and then the one behind me, which is south, and all three have signed this document.

Mr. Kucera: Thank you.

Mr. Underwood: None of them indicated they had any problem with this proposal.

Mr. Kucera: Great.

Mr. Brusk: You're planning on putting this deck right over the patio. Would that be removable at any future date if somebody wanted to re-establish that, or could it not be?

Mr. Reeder: I'm sorry, I didn't quite hear the question?

Mr. Brusk: Is someone wanted to remove the deck at a later date, would the patio still be useable?

Mr. Reeder: Yes.

Mr. Brusk: Cool.

Mr. Reeder: The way we discovered during the course of trying to design something for them -- and I'm Michael Reeder by the way. The patio was actually built with concrete footers. Usually it's just a sand base, but I had to bring it in to raise the level up, so we're going to attach our foundation to the concrete.

Mr. Brusk: Oh, that makes it nice for you. You don't have to destroy anything.

Mr. Reeder: You don't have to dig any holes. So with that, yes, somebody could eventually, in a couple of years, remove the deck and access the patio again.

Mr. Brusk: Yes, because it's gorgeous.

Mr. Reeder: Obviously there would probably be some areas that they would want to repair because we'll be mounting posts to that.

Mr. Brusk: Right.

Mr. White: How high would the deck be? Would it be right there -- I have these two photos, one that shows different tiers in the levels there. How high would it actually go?

Mr. Reeder: Actually from the furthest point out from the house, is that what your question is?

Mr. White: Yes.

Mr. Reeder: If you'll allow me a moment, I can tell you. It's a little over four feet, 52 inches by the stairs, and almost five feet over by the pergola which, if I may I have a copy of the plan here, this indicates the measurement from the deck to the grade at that location. I don't know if you have that exact copy?

Mr. Brusk: I assume it will come up even with the door? Stepping out the door, will you come out kind of flat?

Mr. Reeder: It's flush.

Mr. Brusk: Flush to the door.

Mr. Underwood: We wanted it flush because of her.

Mr. Brusk: Makes sense.

Mr. Reeder: If I may, some other points of information. As you can see in those pictures and if I can defer to this drawing that you have, this was an area of just big wide steps to get down to the lower level. So we had to cover the whole thing in order to cover those steps. otherwise the deck would end like in the middle of a step and it would look kind of funny. One other point is their door in the back of the yard is where it is when the house was built and, obviously, if it was moved over more to the east I believe, we wouldn't even be sitting here. So they're kind of confined.

Mr. Kucera: And the lower patio there that exists, that's shown in that same drawing that you have, that's the same as it is now?

Mr. Reeder: That is the existing, right.

Mr. Underwood: That's the existing.

Mr. Kucera: Is there any other Board comment? (No response.) Is there any public comment? (No response.) Hearing none, I'll entertain a motion.

Mr. White: I move that we approve Item C1, Variance number (20-ZV)

Mr. Kucera: I'll second. Call the roll, please.

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

Mr. Brusk: Thank you for your presentation.

Mr. Kucera: Very nice.

Mr. Brusk: Thank you for the way you did it. It was easy to understand. The pictures made it so much more helpful.

Mr. Reeder: I do this several times a year.

Mr. Kucera: And taking the time to contact your neighbors. That also was an excellent thing.

Mr. Reeder: Thank you.

2. VARIANCE APPLICATION; 7620 FARMSBURY DRIVE, REYNOLDSBURG, OHIO; REQUESTING A VARIANCE FROM SECTION 1175.05 OF THE REYNOLDSBURG PLANNING AND ZONING CODE TO ALLOW THE CONSTRUCTION OF A STRUCTURE WITHIN THE REQUIRED THIRTY FEET (30') REAR YARD OF THE COMMUNITY COMMERCE DISTRICT. CONTACT: PHIL BREAKY (21-ZV).

3. MAJOR SITE PLAN REVIEW APPLICATION; 7620 FARMSBURY DRIVE, REYNOLDSBURG, OHIO; PRESENT USE, OFFICE BUILDING; PROPOSED USE OF LAND STRUCTURE, OFFICE ADDITION; PRESENT ZONING, CC – COMMUNITY COMMERCE. CONTACT NAME: PHIL BREAKEY (09-MS).

Mr. Kucera: As I understand agenda items C2 and C3, the applicants wish to table?

Mr. Haire: Correct.

Mr. Brusk: I move that we table Items C2 and C3 Variance Application and Major Site Plan Review for 7620 Farmsbury Drive, Items 21-ZV and 09-MS)

Mr. White: I second.

Mr. Kucera: Okay, will you call the roll please.

(Mr. Haire called the roll. Mr. Brusk voted “yes.” Mr. White voted “yes.” Mr. Kucera voted “yes.” Items are tabled.)

Mr. Kucera: We’ll go to the next agenda item then.

4. MAJOR SITE PLAN REVIEW APPLICATION; 2439 TAYLOR SQUARE DRIVE, REYNOLDSBURG, OHIO; PRESENT USE, VACANT; PROPOSED USE OF LAND STRUCTURE, FULL SERVICE RESTAURANT; NAME OF PROPOSED BUSINESS, OLIVE GARDEN; PRESENT ZONING, CS2. CONTACT NAME: Linda Nunn (10-MS).

Ms. Linda Nunn: Hello, I’m Linda Nunn, I represent Darden Restaurants. I also have with me tonight, John Keen from their corporate offices in Orlando, Florida. I’ll just give you guys kind of a brief run down of what we’re planning on doing and then let you ask whatever you would like to know. The site is at corner of SR 256 and I-70. It’s about an acre and a half that we’re planning on developing. What we would like to do is put a new Olive Garden building there, 7,539 square feet. This will house 242 dining seats basically. It’s a nice sized restaurant for your community. The Site Plan itself, I think, has met or exceeded any of the zoning requirements in terms of parking. We’ve got 119 spaces on site, we’re required 76. In addition to that, we’re going to build an extra 18 spaces just off the site on the future hotel site, because we would like to have a little bit more than we have on our property. The landscaping has, I believe, exceeded once again the requirement in terms of plantings and area required. The building itself is fashioned after a Tuscan farm house. The exterior is constructed with a full stone veneer. The building is highly articulated both vertically and horizontally. There’s a lot of ups and downs and ins and outs that create a lot of nice visual interest with this building. The roof is a tile roof throughout and there’s a little bit of brick mixed through the stone. On this particular unit we’re actually using a little bit of extra brick because that was requested by the Homeowners Association in the area and that was part of the

process we went through with them for approval, so that we came to you with their blessing in hand.

Mr. Brusk: Which homeowners group is that?

Mr. Haire: It's Business Owners Association.

Ms. Nunn: Business Owners Association rather, I apologize. There's some underlying requirements that they have relative to materials and we wanted to make sure that we had their support and approval first. Other than that, I'm not going to give you a long dissertation because we're last on the agenda and I'm sure you would like to finish up, but I am happy to answer anything you would care to ask about the site, the operations, whatever.

Mr. Brusk: This will come in on the same road that you go to the Staples and H.H. Gregg?

Mr. Haire: If you look at the aerial photo I gave you, this will come in just south of where Panera Bread is. So it will come on the road you take to Friday's or Panera.

Mr. Brusk: Oh, it's on that side of the street?

Mr. Haire: Correct.

Ms. Nunn: This might help a little bit. This is the TGI Fridays and this is Taylor Road here. We're right up here at the corner. So we'll be coming off of this access drive and, in fact, we're going to build an access drive through here that will eventually become part of this site and the future hotel also. We're just sort of the first ones in.

Mr. Brusk: I know where you are now.

Ms. Nunn: We're right up here at the corner. Here's the Fridays on Taylor Square. Our access would be here and so it currently is already constructed to about this point. We're just going to continue it back. _____ will be coming in here and there's no way _____ restaurant.

Mr. Haire: There's two other restaurant sites available there and then the hotel site as well.

Mr. Brusk: But this is on the north side of the street.

Mr. Haire: This is on the north side of I-70 at the intersection of Rt. 256. So it's on the northeast intersection of Rt. 256 and I-70.

Ms. Nunn: It's right where you guys have that really nice sign, the Reynoldsburg sign and we're right kind of behind that.

Mr. Haire: There's a brick Reynoldsburg sign right there.

Mr. Brusk: That makes sense here. It doesn't make sense here. That's what bothered me. This map shows and that's okay if that's what it is.

Mr. Haire: Yes, I-70 is here and Rt. 256 is here.

Mr. Brusk: But they showed Rt. 256 on the wrong side.

Ms. Nunn: This is wrong. You know what these are from our sign company.

Mr. Haire: This is correct.

Mr. Brusk: That may be correct, but this isn't.

Mr. Haire: Sure it is. I-70 is on the south side of this thing.

Mr. Brusk: Okay.

Ms. Nunn: This should be going this way. That's the problem. North is that way. Correct?

Mr. Brusk: No.

Mr. Haire: That's correct.

Mr. Kucera: The north arrow is right on mine.

Mr. Brusk: What bothered me is if you line up I-70, okay. Now it lines up. I'm okay now.

Mr. White: Rt. 256, you don't actually, you aren't right adjacent to Rt. 256?

Ms. Nunn: We're adjacent to it, but we don't have access to it.

Mr. Haire: That's a limited access right-a-way, so there's no—

Ms. Nunn: This is kind of a varied height, we're well above Rt. 256. The grading goes up. This is that Reynoldsburg sign that the City has. As you come under I-70 and there's the sign.

Mr. Kucera: It's where the old Lennox set.

Mr. Haire: It is exactly where it is. If you look on the aerial photo I passed out you can see the Lennox, at least part of it on the Fairfield County aerial photo. In the Columbus photo, it's torn down because Fairfield is from 2003 when it was still there.

Mr. Brusk: Well, Fairfield and Country Inn are still there. Oh, okay, yeah. That's not showing those. It's showing Lennox. Okay, I know where it is.

Mr. Haire: Staff has no concerns with what was submitted as far as zoning requirements. The only issue that came up is with the monument sign that's proposed. It would be a shared tenant sign located at that intersection of Taylor Road and Taylor Square Drive. But that's going to be resolved with another application basically in the future. They're constructing a tenant panel in the sign. So at this point it's the developers required to construct the sign.

Ms. Nunn: The developer is supposed to construct the sign.

Mr. Haire: Correct.

Ms. Nunn: But the size issue with that sign will get resolved under a separate application.

Mr. Kucera: Okay. And the signs on the building, right now there's no need to have a variance at this point.

Mr. Haire: It's not required. This is under a special overlay text, so it doesn't meet all the same zoning requirements that you're probably typically used to seeing, especially in regards to signage.

Mr. Brusk: Is that because of the whole area of signage?

Mr. Haire: It's because it was basically a planned development when they did all of Taylor Square and it all has one zoning text that's associated with it.

Mr. Brusk: That's what I thought. Well I'm glad to see a restaurant of this capabilities.

Ms. Nunn: Well, we're glad to be coming. Hoping to be under construction as soon as we can. So—

Mr. Brusk: Aren't they going to have to do some work on that limited access road?

Mr. Haire: Correct.

Mr. Brusk: It's gotten beat up pretty bad.

Mr. Kucera: Will there be a -- you've got a monument sign that will be here kind of on the corner on the exit ramp from I-270, so to speak.

Ms. Nunn: Right, there's one monument sign on our site.

Mr. Kucera: What about at the corner of -- I guess this is Taylor Road and Taylor Square Drive?

Mr. Haire: That's the one we just discussed. That's a little larger than permitted by Code is what they included in the sign package. Within the sign package it states that that will be constructed by Drury. So that will be resolved with another application in the future and it will probably be—

Ms. Nunn: That one will just be handled by itself.

Mr. Kucera: But that won't be at Rt. 256 and Taylor?

Mr. Haire: No.

Mr. Kucera: And that was going to be my next question is that the big sign at Rt. 256 and Taylor, are we adding anything to that?

Mr. Haire: No.

Mr. Kucera: Okay.

Mr. Brusk: It will be pretty highly visible then because, like you say, it sits up, the building itself is a huge sign.

Ms. Nunn: Right. The bigger concern for us, the building will have good visibility and we're not real big on lots of huge signs on our buildings. Our signs are very understated. We just need to work out that sign over on Taylor Square, because that's -- you can see the building, but if you don't know where you're going you don't know how to get to it. It's that sign there that really—

Mr. Brusk: Well, I believe Panera Bread has that problem too.

Ms. Nunn: Right. They have a sign there, I believe, right now.

Mr. Brusk: But it's hard to spot sometimes.

Ms. Nunn: But we'll get that worked out. We need to get with Drury on it and there will be a separate application and that will be resolved one way or the other.

Mr. Kucera: Is there any other Board comment or questions?

Mr. White: I just had one question with regard to the landscaping, trees and plants locations.

Mr. Haire: On the cover page it's shown. They're kind of a very lightly shaded trees and shrubs shown on the site.

Mr. White: Oh, okay.

Ms. Nunn: We actually do significant planting. There's very few sites where our own requirements don't exceed what's required by the municipality. Quite frankly that's just part of our corporate identity. We are the Olive Garden and, as such, we're very concerned about the site looking good, as we are with all of our restaurant concepts. There is a landscape plan that's done. I'll give you a quick -- this is not the detailed one. But as you can see there are trees all the way around, hedging all the way around on street fronts. And then there's a whole other plan blown up with all the detail around buildings, so there is quite a bit, I'm not sure exactly -- well you can just see these are trees, the landscaping is shown but it's been screened into a gray so it's a little bit difficult to read. That would be the three pages on the _____. So it actually is on here, it's just a little difficult to discern because there's so much information on the drawing.

Mr. Kucera: Are there any other Board questions? (No response.) There's no public, so there's no public comment. Is there a motion?

Mr. Brusk: I move that the Major Site Plan Review, Item C4 for Taylor Square Item 10-MS be approved.

Mr. White: I second.

Mr. Kucera: Please call the roll, please.

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

Ms. Nunn: Thank you very much, gentlemen, appreciate it.

Mr. Brusk: Good luck with that.

Mr. Kucera: Do you have a food on the table date, yet?

Mr. Keen: We are hoping to get started in October. Obviously soon as we get the City's permission, it takes about six months to build, go through extensive training, so it takes a little longer than some.

Mr. Kucera: Okay, I adjourn the meeting.

D. OTHER BUSINESS – None

E. ADJOURNMENT.

The meeting was adjourned at 7:04 p.m.

Thomas Kucera, Chair

Lucas Haire, Planning Administrator

This meeting was transcribed by:
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