



MINUTES

BOARD OF ZONING AND BUILDING APPEALS THURSDAY, AUGUST 15, 2019 6:30 PM

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

A. CALL TO ORDER

PRESENT: Rettke, Linder, Donovan, Darling, Furst
ABSENT:

2. APPROVAL OF MINUTES

1. Board of Zoning and Building Appeals – Regular Meeting – July 18, 2019

Minutes Stand Approved

3. APPROVAL OF AGENDA

Agenda stands as is.

4. SWEARING IN OF SPEAKERS

Speakers sworn in by Mr. Donovan

B. PUBLIC COMMENT

None

C. UNFINISHED BUSINESS

None

D. NEW BUSINESS

1. 1302 Brice Road; Application #2019-5303; Applicant BBB Ventures, LLC (Kevin Sharp); Special Exception Use Permit - Skilled Game Room

Ms. Wheeler New businesses. Application 2019- 5303. Well the administrator please read the description?

Ms. Wheeler Thank you Mr. Chairman. First case this evening is for the property located at 1302 Brice road. The applicant BBB ventures LLC is requesting Board of Zoning and building appeals approval for a special exception use permit to operate as a licensed skilled game room. Of course the zoning code requires, this most closely aligns this with an amusement arcade. We do require that these establishments be reviewed as a special exception within the Community Commerce district. The applicant has also submitted a written statement describing the proposed business hours. The staff levels as well as a general overview of the type of business it will be. The applicants here and I have to answer any questions that I can otherwise you can talk with the applicant.

Mr. Donovan Any discussion?

Mr. Furst Is the applicant here? So I'd like to hear a little bit more about the proposed clientele for the businesses. Is this going to be ages 18 or 21 and up?

Mr. Donovan Could you come up here as a speaker please and please say your name and address please?

Ms. Mitchum My name's Kim Mitchum with BP ventures. To answer your question. State law requires 18 and up, but we do twenty one up just because there are some high school students that are still in school at the age of 18.

Mr. Furst Thank you.

Mr. Linder This is Pastor Linder. I'm not completely aware of the difference between a game of chance and a game that's a skilled game. I did do a little bit of reading. I mean these games are called Type C skilled games. What makes them skilled games when I looked on your Facebook page it seemed like to me I was looking at slot machines? In the videos that I saw they specifically were to me they looked just like that and maybe video versions of a slot machine. So how is that a skill game?

Ms. Mitchum Ohio requires a skilled version whether it be for the win you have to either nudge a game up or down or at the end of the game. There is a skill to allow that win. On our website we also have locations in Florida and Wisconsin. Several other states that do not require skill. So those may have been the ones that basically just look like there's no skill to them.

Mr. Linder OK. And just say you know I was looking at the page for Jeffersonville Ohio. So you're saying those pictures may be of other Locations?

Ms. Mitchum You said that was on Facebook? I honestly haven't even seen that face so long time. I will check it out.

Mr. Linder It did not. Just again not even being versed in this type of arena. It did not look in any way like a skill was required.

Ms. Mitchum She may have pulled those off of the main web site just to have something. So I will check that out. Yeah. Everything in the room is supposed to be skill. Yes sir.

Mr. Linder And then there was a picture provided excuse me if I can ask another question. There was a picture provided of I think the Jeffersonville location. That's pretty much what it's going to look like inside this location here? That's exactly what you anticipate? Very similar setup?

Ms. Mitchum Yes.

Mr. Linder Okay. Could I get one more question? Again. I'm going off a Facebook page which apparently you haven't seen. But it seems like there's also advertise on several days different meals that are being provided a different kind of promotions that way. Is this similar approach to how you would operate here?

Ms. Mitchum Yes. What we try to do is forge a community. The people that come in they know on the third Saturday we're having a big meal. They bring the meal in because we do not provide the food. It just kind of builds that commodore with the players. Generally we do that once a month. Throughout the week we also do promotions just to get people in and to again enhance the community environment so that you know Mary's come in the same day that Teresa is and that kind of thing.

Mr. Linder Thank you.

Ms. Darling I have a question for you. It's along this line of prizes that you said it would range from candles, household items, games, gas cards, hair products, and so on, your Facebook page it did show players getting cash prizes.

Ms. Mitchum If they win say four hundred dollars they get four hundred dollars to redeem in for prizes.

Ms. Darling So it's not four hundred dollars to walk out the door?

Ms. Mitchum No.

Ms. Darling So is that how this one's going to be set up as well?

Ms. Mitchum Yes. We do everything by the state law.

Mr. Bowsher On your Web site. Are you are the same company that runs the one out in Jeffersonville, Boomtown skills too?

Ms. Mitchum Yes.

Mr. Bowsher On the website it says you have to be 18 or older to enter. Are you saying that that's going to be different since you had just said 21?

Ms. Mitchum It should say 21.

Ms. Darling It says 18.

Mr. Bowsher We have several titles available, too many to list. You do have to be 18 or older to enter.

Ms. Mitchum I was not aware at that either. That will be changed to 21.

Mr. Furst This is this is in no way a comment on your particular company but I am aware of similar type establishments elsewhere in the Midwest. They have been subject to police investigations for running book and things like that. You know one of the things that we do on the zoning board is protect the property and safety of those in the area. Can you tell me how you propose to combat anything like that happening inside your establishment?

Ms. Mitchum We have a no tolerance. I mean if the wrong crowd starts to come in and the manager is to divert that 100 percent. Like I said we have the one in Jeffersonville and we have the one in Marion. The client tail is wonderful. I mean it's usually older people and they come in because that is their entertainment.

Ms. Darling I just have the manager. Do you have a security person that the staff pays for?

Ms. Mitchum Honestly we started out both locations with security people and since we've opened we've not had any issues at all. The manager elected to drop the security.

Ms. Darling So what's your plan for this location?

Ms. Mitchum If we get approved. I'm going to play it by ear by the demographics that I'm dealing with and the clientele. I don't have any problem at all having a security person there at all times if needed.

Mr. Bowsher Can you explain where you were saying you're having cash. Is it a fake cash is it real cash that they're buying these prizes with and where are the prizes kept? I'm not really seeing and I just see sort of a bank.

Ms. Darling We don't see like where the prize area would be on here. That's why I ask because on the Facebook page it did state that cash was being given out. So my question was is whether or not cash was being given out so you walk out the door? Or that you were going to be able to get something before you walked out the door.

Ms. Mitchum The one in Jeffersonville we actually have two units the one unit is what you see right there and that yellow door on the right hand side is the second unit and that unit is set up with the prizes. When someone comes in to play they go to the point of sale to the cash register and say they want to play 20 dollars that day. They have basically a membership card. They give the cash register twenty dollars. Twenty dollars is loaded on that card. They play, whenever they're finished they go up to the cash register and how much ever money is on the card. They have that much money to go and purchase any of the prizes. In Marion the prizes they like to have household items such as laundry detergent and stuff that they would normally

purchase. So that's what we stock there. Jefferson is games and candles and extra stuff.

Mr. Bowsher Can you explain maybe one of the most popular games that are on here. I guess I'm trying to wrap my head around the strategy or the skill that's involved. .

Ms. Darling Some of the games like this. That's all what we see.

Mr. Bowsher It's hard to tell from the pictures what is there.

Ms. Darling What skilled games you have?

Ms. Mitchum We have Fantasy Nudge, Primero Nudge, and Mega Nudge. Whenever I say Primero nudge, Primero has probably 30 different games. Boom town has a skill at the end and that may be what you're seeing.

Mr. Bowsher I'm not really sure. I mean it doesn't look like Boomtown, but could be. So those are just skill games that you have then?

Ms. Mitchum Yes.

Mr. Furst Staff. For the record. It's my understanding that this establishment does not particularly fit with the proposed use of the area called for in the Comprehensive Plan. Is that is that a correct statement?

Mr. Bowsher Yeah. They use specifically doesn't necessarily fit especially what the Comp Plan that we sort of come out with I guess. As far as the built environment is concerned.....This being part of a larger area or track for future development. I'm not sure if you were aware of that with potential signing of a lease with the Gilbert group. The entire site to include the Kmart side is being looked at for a larger mixed use development. So I'm curious to see how long this establishment would even be there knowing that most likely within the next few years most of it will be brought to the earth and then rebuilt. I'm hesitant for you as a business owner from that standpoint. I'm also hesitant because this is something new and it feels a little like targeting specifically in the area of where it's being located at which I have a lot of reservations about, especially because we're revitalizing the area. I'm not saying that a use of this kind would not fit within that, but it's a much larger development that's sort of in the pipeline and in the works. So this typically wouldn't necessarily fit that. So yes Mr. Furst you're correct.

Mr. Donovan Anybody else?

Mr. Linder Please forgive me for referencing this page again but just to explain to me and I'm not mean that in some sort of adversarial way you walk in on the bulletin board it says 12:00 to 6:00 p.m. high card 7 p.m. spin the wheel. What is high card

and what is spin the wheel?

Ms. Mitchum That's our promotions. Whenever a customer comes in and plays ten dollars they get to spin the wheel and whatever's on that wheel they get a match free play. Same thing for the card. It's just a game for a promotion.

Ms. Darling So match free play as in like if they land on a twenty dollar you're going to match it? For them to play it?

Ms. Mitchum They have to pay their whatever.

Ms. Darling Or that just an extra cash prize?

Ms. Mitchum It's not cash prizes. It's for free play only.

Ms. Darling It gets loaded on that card?

Ms. Mitchum Yes Ma'am. And it can't be cashed out either. The free play has to be actually played through.

Ms. Darling So if a player has any leftover money on their card they cannot cash those out then?

Ms. Mitchum Not the free play. Their own money they can.

Ms. Darling So they can cash their money back out off the card for the end of the night?

Ms. Mitchum For prizes.

Ms. Darling For prizes only, not cash?

Ms. Mitchum No cash.

Ms. Darling Once it goes on it stays on basically?

Ms. Mitchum Yes

Mr. Donovan I make a motion that we accept the special exception use permit for 2019 -5303. Administrator would you read the roll call please? I need a second. Anybody second it?

Ms. Wheeler Was that an approval? Your wording on that was that an approval?

Mr. Donovan To accept. So we accept the special use permit. Nobody wants to accept second. So I guess we can't have a vote on it. No nobody wants it. Sorry.

Ms. Mitchum Thank you for your time.

Mr. Bowsher For the record the majority of things that we do here and in city council we pass in the positive. So what Mr. Donovan did was correct. He put up a motion for the approval. It did not get a second. Therefore he was shot down did not move into for a committee vote. I'll hand it back over to you Mr. Donovan to conclude the meeting.

Mr. Donovan Nothing else before the board. We will adjourn this meeting at 6:47.

E. OTHER BUSINESS

None

F. ADJOURNMENT

Chairman

Planning and Zoning Administrator