

**MINUTES**

**BOARD OF ZONING AND BUILDING APPEALS  
THURSDAY, JULY 21, 2022 6:00 PM**

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

**A. CALL TO ORDER**

PRESENT: Linder, Furst, Bulls, Barnhart (6:14 PM), Davis  
ABSENT:

**2. APPROVAL OF MINUTES**

1. Board of Zoning and Building Appeals – Regular Meeting – June 16, 2022

Minutes Stand Approved

**3. APPROVAL OF AGENDA**

Agenda Stands Approved

**4. SWEARING IN OF SPEAKERS**

Speakers for the evening sworn in by Mr. Furst.

**B. PUBLIC COMMENT**

None

**C. NEW BUSINESS**

**1. 2426 Taylor Square; Application 2022-5261; Applicant Steven Fox; Conditional Use**

On behalf of the City of Reynoldsburg, EMH&T conducted a preliminary engineering review of the private development plan for the proposed Taylor Square Hotel located off of Taylor Square Drive south of Taylor Road and south of the Buffalo Wild Wings restaurant. The following summarizes our findings and recommendations with respect to this development.

**ROADWAY ACCESS AND SITE PARKING**

1. The site will be accessed via a 24 foot wide drive connecting to Taylor Square Drive. Additionally, an access point is planned to the north, which appears to connect to the Buffalo Wild Wings parking lot.
  - a. The north connection appears to require modifications to the adjacent parking lot. A work agreement or temporary easement will be necessary to perform work on adjacent property. In addition, a cross access agreement/easement may be required.
  - b. A cross access agreement/easement will also be necessary for the main access point off of Taylor Square Drive.
2. A 22 foot wide access drive encircles the proposed hotel building with parking spaces planned on all sides of the building. 115 spaces are planned, which is adequate given the number of rooms (115).

3. Note that the access drive west of the hotel is off of the property and will require an easement.
4. A sidewalk connection from the site to the existing walk on Taylor Square Drive shall be provided.
5. Projected traffic data was not provided. No recommendation regarding whether any form of traffic study will be required can be made at this time.

#### UTILITIES

6. For the proposed water service tap and meter, please review and reference the applicable Reynoldsburg Standard Drawings with the PGU submission.
7. The site will have sewer service via a service lateral connected to an existing 8-inch sanitary sewer (P01799).
8. As shown, the hotel will be served by a proposed 2-inch water service, connecting to an existing 8- inch watermain (P01814).
  - a. Calculations should be submitted with the PGU verifying that a 2-inch line is sufficient to support the hotel use.
9. No fire water service has been shown on the plan. It is assumed the hotel will require a sprinkler system. Further information/justification should be included with subsequent submissions.

City of Reynoldsburg

July 11, 2022

Staff Report: Taylor Square Hotel

- a. The fire department will need to verify hydrant coverage and/or if a fire department connection is required.
10. Site lighting information has not been provided at this time.
11. The plan shows that an existing electric easement is within the proposed building footprint. This will need to be vacated/adjusted.

#### STORMWATER

12. The proposed plan shows that proposed storm sewer will connect to an existing underground stormwater management feature located adjacent to Taylor Square Drive. The site is tributary to this facility. With the PGU, the applicant will need to provide adequate calculations to support that the proposed site has the same or less impervious area than what was assumed with the design of the stormwater management facility.
13. The provided information does not include grading or flood routing information.

#### DETAILS / SPECIFICATIONS

14. Please provide the details for the curb and pavement compositions so they can be reviewed against the City of Reynoldsburg standards. Additionally, the sidewalk that connects to the public walk along East Main Street should be per the Reynoldsburg Standard Drawing R-9.
15. Where applicable, refer to Reynoldsburg Standard Construction Drawings.

**Mr. Fox:** I'm a civil engineer here representing the applicant. We have the architect and the developer here and we're here just to answer any questions that you may have.

**Mr. Davis:** Is this property going to encompass the property of the former gas station that's right there? Or will it have any impact on that former gas station property that's tucked back into the back.

**Mr. Meyer:** So there are some comments on here about noon and work out some access easements and things of that nature. In the engineering report that talks about needing to do, you know, getting access agreements and things like that. Taking care of those would be typically things we would definitely require of the applicant to take care of a major site plan. So right now, it's just a vacant, vacant lot is what's there right now. There's not a structure on top of it.

**Mr. Fox:** No, you're absolutely correct. It is noted that there's 2.2 acre parcel, and they will own both of them. It just exists as two parcels now. They may be combined at some point in the future, or they may be developed and sold or whatever. But in the meantime, we do know that we have to get access agreements and other kind of agreements from one lot to the other, even though they're going to be under the same ownership.

**Mr. Davis:** Thank you for that.

**Mr. Furst:** The next step in this process, if this is approved here, is to present a major site plan to the planning commission. Do you expect that you'll present traffic data with that as well?

**Mr. Fox:** We have provided some traffic data for trip generations of a hotel.

**Mr. Meyer:** I will say Ryan Andrews is our contract engineer. He is looking at this. Before he requested additional information, he wanted to go back and dig around. He wanted to check to confirm if this use was contemplated when it was designed. If that's the case, typically engineering recommends and it's a recommendation only it's not binding that the applicant would be okay because the use was contemplated was designed. He's on vacation so he hasn't formally confirmed that one way or the other. But that's something that he would provide a full answer to the applicant and the major site plan process. I just don't want to say one way or the other because I don't know the answer to that question yet.

**Mr. Fox:** Well, something a little more historical in this is when this whole property was kind of initially developed, it was supposed to be an Olive Garden and a Drury Inn on this place. So Olive Garden did go on the Drury Inn, did not. In fact, Drury owns this parcel that we are buying.

**Mr. Furst:** Yeah, I think that makes sense. So my only request then would be, if the city engineer does come back and ask for some additional information, just provide that as part of the Planning Commission process.

**Mr. Fox:** Of course.

**Mr. Furst:** It seems pretty clear that this property is very much in harmony with both the current and intended character of the district. I do think it meets the factors for conditional use set out in section 1109.15D. Is there any other questions from the

board?

**Pastor Linder:** Is the brand relationship already established and secured? Meaning it's a Hilton property. Is that locked in or is that open to whatever happens during development?

**Mr. Patel:** Yes, we did secure the flag. Everything's ready to go. Basically just waiting for this approval. Then we can start submitting. Moving forward with everything else.

**Pastor Linder:** And then, if you would, a second question. The revenue model for this. Does it require stays over 30 nights?

**Mr. Patel:** No. Typically in this hotel brand, it's a Hilton product, right? So it's a higher tier brand, meaning the rates are much higher. Typically, the clients that we get are from Sunday through Thursday or Friday. Typically, workers traveling just in town and then they go home on the weekends. Weekend stays would just be families coming in for events or something like that, and that pretty much be it. Band doesn't really have anywhere near the 30 day limit stays because the rates are so high that essentially if a corporation's not paying for it, then, you know, out of your pocket, it's going to be pretty pricey. So we're not really worried about the 30 day limit as far as our clients coming in.

**Pastor Linder:** Excellent. Thank you. That's all, Mr. Chairman. Thank you.

**Mr. Shook:** Mr. Chairman. If I could, just to kind of piggyback off what Pastor Linder indicated. In the spring, we changed the definition of overnight hotel to prohibit any stays longer than 30 days. So it couldn't be that kind of extended stay anyway.

**Pastor Linder:** That's kind of why I asked if you have a revenue model that actually is driven by extended stays, which I'm guessing a Homewood Suites might be more along those lines, which this is different.

**Mr. Patel:** They're a little bit higher tier. But there's no specific pricing model for that. It's typically just a day to day stay.

**Pastor Linder:** I just I was hoping you wouldn't be in a situation where now your revenue model is being driven by something that we prohibit. That's all.

**Mr. Patel:** No, it's not like Extended State of America or Woodspring Suites where they have specific weekly or monthly rates. Home2 typically don't have that just goes by the day.

**Mr. Furst:** Well, seeing how in at least my opinion, this application meets the conditional use factors outlined in section 1109.15D, I do move that we accept this application as submitted.

**Pastor Linder:** I'll second.

**Mr. Furst:** We have first and second. Would you please call the roll?

**Ms. Butler:** Ms. Bulls. Yes. Mr. Davis. Yes. Mr. Furst. Yes. Pastor Linder. Yes.

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>AYES:</b>	Linder, Furst, Bulls, Davis
<b>ABSENT:</b>	Barnhart

2. Briarcliff and Main; Application 2022-5273; Applicant Charles Schatz; Conditional Use

**ROADWAY ACCESS AND SITE PARKING**

1. The site will be accessed from an existing commercial drive which connects to East Main Street. The access point is located in the northeast corner of the site.
  - a. The drive will be 29 feet wide at the connection to the existing drive, which is adequate.
  - b. The interior drive aisles will be one way in a counter clockwise direction and will be 17 feet wide adjacent to the parking spaces, which are angled. The one way drive aisle is acceptable.
  - c. There will be a drive thru lane and window and an escape lane on the site. Each are adequate.
2. The site is currently an existing asphalt parking lot. This will be removed to construct the proposed project.
3. Signage will be needed at the access points and internally to the site to ensure the one way nature of some of the traffic flow is conveyed to the customers.
4. The plan shows that 9 vehicles can queue from the pickup window to the ordering station.
5. A sidewalk connection from the right-of-way to the site should be included on the site plan.
6. The site plan proposes 15 parking spaces, which is adequate for the site.
7. The applicant provided an estimate of 350 trips (average daily traffic) for the facility. Although the traffic data requested to determine if a project requires a traffic study references peak hour counts, the provided ADT information is adequate. Since the project is planned to be constructed within an existing commercial center, and with the provided ADT information, a traffic study is not required.

**UTILITIES**

8. For the proposed water service tap and meter, please review and reference the applicable Reynoldsburg Standard Drawings with the PGU submission.
9. The provided utility plan shows a 6-inch sanitary service lateral being extended to the building from the west from an existing 8-inch sanitary sewer (P00345). The lateral shows a slope of 1.0%, which does not meet the required minimum slope of 2.08% for a service lateral. If the required.

City of Reynoldsburg July 11, 2022

Staff Report: Caribou Coffee steeper slope cannot be met, a mainline sewer extension to the site may

be necessary. In addition, a service lateral or a mainline extension will require an easement to

be dedicated.

- a. In addition, the plan is currently showing a manhole on a 6-inch service line which is not allowed. If this remains a service lateral, a cleanout should be placed in the location where the manhole is shown.
  - b. The sanitary lateral also appears to leave the site, extending onto the adjacent property to the north and west. This would require a legal agreement and easement.
10. As shown, the site will be served with water via a new 1-inch tap on the existing 8-inch watermain located on the north side of Main Street (R02479).
  11. A proposed fire hydrant is shown to be installed along the east property line, south of the proposed driveway. This would be a private hydrant and a valve is required at the tee from the existing main.
  12. For lighting, the site is utilizing four light poles with LED lights. Based on photometrics provided, the lighting is adequate for a commercial site.

### **STORMWATER**

13. The plan shows the site grading from west to east. An existing catch basin and existing storm sewer will accept the site runoff and exit the site near the southwest corner of the site.
14. The plan currently does not show water quality or quantity control features. Since the disturbed area is less than one acre, water quality treatment would not be necessary. Detailed calculations and/or report are to be submitted with the PGU plan to document the pre-and post-developed impervious areas to show if quantity controls are required.
15. The PGU plan will need to show more detailed grading and flood routing information. Storm sewer profile(s) information should also be included.

### **DETAILS / SPECIFICATIONS**

16. Please provide the details for the curb and pavement compositions so they can be reviewed against the City of Reynoldsburg standards. Additionally, the sidewalk that connects to the public walk along East Main Street should be per the Reynoldsburg Standard Drawing R-9.
17. Where applicable, refer to Reynoldsburg Standard Construction Drawings.

**Mr. Moore** Eric, I thought you did a great job just speaking on we're just trying to get a drive thru here. Drive thru only with a patio and walkup window. There's no inside seating. This is kind of the model that has been pushed by Caribou due to COVID and that it's a much more successful model for the brand. I should add, I'm an owner and developer for the franchise brand. We are the first franchisees actually in company history, and this would be the first location in Columbus. So appreciate you guys taking the time out of your night to hear what we have to say. And it would be great to partner up with the Reynoldsburg community and for this to be the first location in Columbus.

**Mr. Furst:** In our code, it does state that the intended character of the East Main Street District is compact, mixed use, walkable environments. I will submit this is definitely a compact building. Until you mentioned it here, it wasn't entirely clear from the elevations you provided that there was a walk up window. So can you talk a little bit more how you might service pedestrian or like bicycle traffic or someone coming off of mass transit, something like that?

**Mr. Moore** Definitely. I actually spoke to our architect and he regrets not putting in the plan, a strong pedestrian walkway to the sidewalk. I know that in the 2018 comprehensive plan that this part of town is really trying to become more walkable. So when we are to submit a final plan, we will certainly stress that strong pedestrian walkway, well landscaped up to our site.

**Mr. Furst:** Okay. Thank you. That was one of my actual main objections to this here. And but that resolves that completely. I don't have any additional questions as far as the conditional use is concerned.

**Mr. Furst:** Not that it necessarily relates to the conditional use factor, but would you be amenable to moving the building a little further to the road to meet some of the setback intention that our code calls for? I realize there's an easement issue and we can talk about that with the variance.

**Mr. Moore** I think that we'd certainly be willing to work with you guys, but as we've stated in here, we think that it would just make the most sense feasibly for us to have that there and then really find a way to create that strong walkway from the sidewalk.

**Mr. Furst:** Okay. Thank you.

**Mr. Furst:** Is there any additional questions or discussion? Well, at least as far as the drive thru portion is concerned. I mean, it's very clear that this is in harmony with the not only existing but intended use of the district. We have a number of drive thru businesses, some immediately adjacent to this property. So I don't think there's any issue there. And your placement being with the right and right out and everything is certainly going to help from a traffic flow perspective. I know every time there's additional curb cuts and things like that, that can be a stumbling block. So I appreciate that portion of the consideration. That having been said, I do move that we accept this application as submitted.

**Ms. Barnhart:** I'll second.

**Ms. Butler:** Ms. Barnhart. Yes. Ms. Bulls. Yes. Mr. Davis. Yes. Mr. Furst. Yes. Pastor Linder. Yes.

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>AYES:</b>	Linder, Furst, Bulls, Barnhart, Davis

3. Briarcliff and Main; Application 2022-5271 (Setbacks); Applicant Charles Schatz; Variance

**Mr. Meyer:** The applicant is requesting a variance here, they are asking for a further set back from the street than what the code allows here. There's a maximum distance, so the minimum required set back in the district is five feet from the right of

way with a maximum of 20. The proposed setback is about 44 feet from the road. So they're asking for a variance of approximately 20 feet here. Basically, the reason I have what is in front of the screen is it's a little tough to see, but after putting this report together, we caught that there is a 60 foot landscape and water easement currently existing on the site. Ryan Andrews, looked back at it, found it went in place in either '05 or '06. This is typically what we don't do now. What he would do if any project were to move forward and be developed here is he would amend of the size of this easement and making it about 15 feet. But as part of that, my understanding from Ryan is the existing easement allows you to build on it. When we do easements for water and landscaping, we don't let you build on it for a variety of reasons. One of them being you don't want to build a building on top of a, you know, a water line or something like that. So the intent would be to make it about 15 feet. I'm saying about and things like that because obviously I don't have an exact description here. So based on that, speaking with OHM this their initial recommendations before this report together, they said, well, really maybe not keeping in character of the district, having talked to them about this easement, they do believe because of the 15 feet, a five foot one hardship could easily be granted. Obviously, five feet is not the approximately 20 feet that the applicant is requesting. So that's really for you folks to kind of understand, is it in character of the district? I know the applicant would like to talk about how this meets the goals, as he mentioned, of the 2018 plan of walkability and connectivity and things like that. So I will turn it over to the applicant to kind of talk about the rationale here. And I know we got into it a little bit on the previous discussion, so I'll be quiet and let you speak.

**Mr. Moore** Thanks, Eric. Yeah. So there was a sketch that we got sent a few days back that would have made this so that the setback was not necessary. And we kind of had three main reasons why we thought otherwise and that with that, what we had, you know, was better for patrons. And then also from a feasibility standpoint, from developing on our end. Yeah, the eight inch water main that runs through the area was in question would make it infeasible to move that or repair that when we were trying to build our patio on that site. Secondly, the drive thru was placed in the front of the building and that would cause any hardship for someone with accessibility issues in a wheelchair to get to the building from the sidewalk. So that was also like a life safety issue that we had there for a second reason. And third, the stacking would actually be let out, back out on to the access road once it once you actually pull land off of East Main. Rather than having more than enough stacking back more than those nine spaces before you even get to that access road. So I know it's kind of hard to envision. I'm talking as if it's in front of you, but the way that the drive thru was laid out is that it would hopefully our business is good enough that the cars would actually stack back out onto that access road. And then kind of once we were talking through those three items, we came up with that our plan had more landscaping, so there was a reduction in impervious pavement which is beneficial to the site and surrounding parcels as well. Then, just believe that the solution that we put in front of you guys is the best that we can do right now. As we do not have that the strong pedestrian walkway right now, we will be including that in the final plan.

**Mr. Furst:** Certainly open up the floor to the board for any comments or questions.

**Ms. Bulls:** I'm still struggling with trying to understand. So where the drive thru is, that's the portion that's off of Main? So if we're talking about a sidewalk for pedestrians, how would they cross over the drive thru to get to the actual structure?

**Mr. Moore** Well, what we were thinking was the way that it was laid out from what Eric sent to us a few days ago, is that it would be basically like not impossible, but extremely difficult for someone in a wheelchair with accessibility reasons, which would be even more difficult than what's than what's shown here.

**Ms. Bulls:** So you're still working through how to solve for that?

**Mr. Moore** Yes. Correct.

**Mr. Furst:** I think it's probably difficult for us because some of these factors are still in play. It's probably difficult for us to fully understand what your vision is, that maybe some changes have been made in the past couple days conceptually with the current plans that we have here. But do I understand correctly that other than the pedestrian connectivity portion of it that you're not necessarily asking or that there wouldn't be any other major changes really, other than that portion of it? Is that correct?

**Mr. Moore** That would be correct, yes.

**Mr. Furst:** So let me ask you, other than the variance, did you investigate other remedies that are available in our code?

**Mr. Moore** I honestly could not answer that right now.

**Ms. Barnhart:** I'm still having a little bit of problems understanding with regards to the easement. It's just not clear to me. I think I'd like to see it a little bit more flushed out so that we can see exactly where this would go with regards to the easement. Even with what OMH has said, I don't feel like we have enough information in front of us tonight.

**Mr. Furst:** I think that's reasonable. Would you be amenable that tabling this until our next regular meeting?

**Mr. Moore** Yeah that would be okay.

**Mr. Furst:** Well, I certainly do move that. We table this into our next regularly scheduled meeting.

**Ms. Barnhart:** I'll second.

**Ms. Butler:** Ms. Barnhart. Yes. Ms. Bulls. Yes. Mr. Davis. Yes. Mr. Furst. Yes. Pastor Linder. Yes.

<b>RESULT:</b>	<b>TABLED [UNANIMOUS]</b>	<b>Next: 8/18/2022 6:00 PM</b>
<b>AYES:</b>	Linder, Furst, Bulls, Barnhart, Davis	

4. Briarcliff and Main; Application 2022-5271 (Signs); Applicant Charles Schatz; Variance

**Mr. Meyer:** We did have a signage variance. My staff recommendation, we've provided an affirmative on the conditional use, if were tabling the setbacks since the applicant would be coming back to the meeting. I propose also to table the variance for signage and have that come back up at the next meeting, just one staff suggestion.

**Mr. Furst:** Yes I agree with that as well and do so move.

**Mr. Davis:** Second.

**Ms. Butler:** Ms. Barnhart Yes. Ms. Bulls. Yes. Mr. Davis. Yes. Mr. Furst. Yes. Pastor Linder. Yes.

<b>RESULT:</b>	<b>TABLED [UNANIMOUS]</b>	<b>Next: 8/18/2022 6:00 PM</b>
<b>AYES:</b>	Linder, Furst, Bulls, Barnhart, Davis	

D. UNFINISHED BUSINESS

1. 6050 E Livingston Ave; Application 2022-5203; Applicant Oasis; Conditional Use

**Mr. Meyer:** Thank you. So this is an application that was heard previously and was tabled. So you've got in front of you the previous report. Since the last meeting, the applicant provided a letter kind of laying out in more detail what their plan for the site is. So you can see there's confirming the lot size that we mentioned last time, which is point four, three acres. This is at 6050 East Livingston. The intent here is for the applicant to sell used cars. The site itself was previously an auto repair shop, a space for hydraulics, compressors and associated equipment. So the intent in my understanding is Mr. Muhammad, who's the owner who's out here tonight, would be looking to sell cars while also in the future opening up his auto shop. I believe in the letter provided, there is a commitment that the auto shop would be open 90 days from the conditional use approval. So with that, I would turn it over to Mr. Oasis, who's an agent, for the order to kind of add anything that I may have missed or answer any questions that staff has. Just to set the table, the applicant, originally said 8-10 uses cars. It's now eight used cars and opening an auto shop within 90 days. The conditional use is just for the car sales, not the auto shop component. So with that, Mr. Oasis, I'll let you answer any questions or if you'd like to make a quick summary. That would be a great.

**Mr. Oasis:** Like you said, this is would be limited use on the sales of the cars, about eight cars for sale. The auto repair is an existing zoning used for it. What he's

looking for is he's got an operation on Westerville Road and he wants to move here at this time. He rents over there and he wants to move. He bought this property to move his business. The moment he gets an approval on this, he will be ready to move his business from Westerville Road to 6050 East Livingston Avenue.

**Mr. Furst:** Open up the floor for any questions or comments from the board.

**Pastor Linder:** Maybe I'm missing something, but last time you were here, the suggestion was as soon as he's able to open, which it says here, 90 days, the service portion, then the sales will cease. Or do you want to continue to do both, which is what came up last time. Is he wanting to do both?

**Mr. Oasis:** No, he's ready for the approval of the sale if he's able to sell cars. He is ready to move into this location and the same time repair on sales. He wants to move his operation from Westerville to this location, but he has to have your approval for the sales part.

**Mr. Furst:** I think the issue that Pastor Linder is referring to is that we are not allowed under the code to grant a time limited conditional use. So we would have to grant a permanent conditional use. There's some question about the stated primary use of this business. You know, is it primarily going to be the auto sales? Because the issue there is, is that there is not a vehicle care services or repair services use available in our code that also allows for auto sales as an accessory use and that the vehicle sales automobiles that is defined in our code, it does require that the use be primarily related to new vehicles, whereas I understand it's going to be used vehicles. So that that's part of the issue.

**Mr. Oasis:** Okay. Like I said, it's. It's mostly an auto repair with the sales of a mix of used and new cars. That's his plan. I'm not sure if I answered your question clearly here.

**Mr. Davis:** So right now, generally speaking, on a monthly basis, how many cars does he sell?

**Mr. Oasis:** I can't really I don't know the number or how many, but that's what he does there. He's got, I would say, 80% of his business. 90% of his business is auto repair. I'm just assuming, I'm not sure, four or five, but a very small portion of it is the sales.

**Mr. Davis:** Thank you.

**Mr. Furst:** And just to return to my previous statements, there's just no use allowable under our code that would allow for his business model as you're presented here. So I think to move forward at this location in that same industry, it would either have to be a new vehicle sales that would be supported under the primary use of vehicle sales, automobiles or automotive care services just for the

auto repair, and then you don't even need to be in front of us because that's a permitted use. There is there is no dual use available for the used cars.

**Mr. Oasis:** Would you allow the new car sales? Would that be if the request was that, would that be allowed?

**Mr. Furst:** I think we would have to permit, and go through the same sort of analysis that we did here, assuming..... I can't recall. Is that a permitted or a conditional use?

**Mr. Shook:** That would be a conditional use. This fits under the same definition or same use that they are applying for today. New vehicles are a conditional use.

**Mr. Furst:** Right. So I understand that you're primarily looking to sell used cars. If you were to sell new cars, I think that would be a different discussion. But we would also probably have to see some additional information as far as the brand and things like that.

**Mr. Oasis:** So as we stand, it's just zoned for the auto repairs. Basically.

**Mr. Furst:** You can move forward with auto repairs. That would be a permitted use and that wouldn't require any additional analysis or decision from this board.

**Mr. Oasis:** Okay. I will have to consult with my client to see if that's what he wanted to do then.

**Mr. Shook:** Chair Furst, because this application was tabled since the last meeting, the applicant would either need to pull the application or this board would have to vote on the application tonight.

**Mr. Furst:** I don't necessarily want you to have to jump through a bunch more hoops if you do come back and he does want to sell new vehicles here. Would you like to withdraw your application? In that case, it would be a little easier to restart the process.

**Mr. Oasis:** We can withdraw the application.

**Mr. Furst:** Well, if you're withdrawing your application, then that is stated on the record and I think we're good here.

**Mr. Oasis:** All right. Thank you.

**Mr. Shook:** Chair Furst, just to have a clean record, I would ask that the board have a motion and a second and a vote to accept the withdrawal of the application.

**Ms. Barnhart:** I'll move that we accept the withdrawal of the application.

**Ms. Bulls:** Second.

**Ms. Butler:** Ms. Barnhart. Yes, Ms. Bulls. Yes. Mr. Davis. Yes. Mr. Furst. Yes. Pastor Linder. Yes.

<b>RESULT:</b>	<b>WITHDRAWN</b>
----------------	------------------

## E. OTHER BUSINESS

### 1. Conceptual Review - Daycare

Conceptual Review - Capital Royal Child Care

Board of Zoning and Building Appeals:

Below is the staff review of the above referenced application.

#### 1. Project Summary

- a. Daniel Essien of Capital Royal Child Care is appearing before the Board to discuss the concept of constructing an approximately 15,000 SF childcare facility. The parcel is approximately 2.077 acres and is located on the west side of Brice Road, just north of the intersection of Brice and Main. It is Staff's understanding that Capital Royal is not the owner of the subject property, but currently has the property under contract.
- b. The property is in the Brice and Main District. Per Section 1105.13 of the City's zoning ordinance, a School - Child Day Care Center is a Conditional Use that must be approved by the Board of Zoning and Building Appeals.
- c. Conditional Use applications for Childcare Facilities also require that the subject parcel not be within one hundred and fifty feet of a parcel or lot that has an approved gasoline station use. In order to abide by this provision in the zoning code, Capital Royal Child Care's development concept involves splitting the current site into two parcels and developing the parcel farthest from the existing gasoline use.

#### 2. Staff Recommendation

- a. No recommendation. This is a conceptual review in which the applicant is looking for feedback only.

**Mr. Meyer:** Yes. So this is in front of you. So this is the site. I'm Bryce Road. Just north of Main Street. It's currently undeveloped. So the intent here is for the applicant to turn it into a childcare use, which, as everybody is probably aware, is a conditional use application. So the applicant is intending to build a single story

structure which would be used for childcare, serve approximately around 30 children, have around 40 staff members, and we preference 6 to 6. They did supply a license and some other documentation. I am I will fully admit I'm not part of Ohio Department of Education, so I can't speak for the validity of it. But that was supplied. And just, you know, the other part of the reason we're here is if you look at the what's in front of you on the screen, you can see that right now. It's one lot. And my understanding is there they'd be intending to split it off. One of the things that's an issue here is in our code and I'm like, if it's 120, 550 feet, I will I will look it up and tell you folks. But there's a minimum distance that a child care facility must be from a gas station. That is a condition in our code. So basically the intent here is to meet the distance threshold and then split off the site. The as it reads, it's the distance to the lot of the other gas to of the gas station. So it's not like the as the crow flies from building a building or something like that. So that's the intent and you can see on here where it says lot one that's that 15,000 square foot proposed daycare. You can see Bryce Road on the right, you can see their proposed parking and such there. And then lot two is the piece that they would be split up and not be developing at Horton. So and then south of that is the gas station use and such so that's what's being before the board here. So with that, this is these are the documents we have. Everything is in your packet in here and you know, there's not a vote. So really it's just the, you know, thoughts and comments on it. Is there anybody here from the applicant that would like to speak on the project? And as we said before, if you could state your name and address when you're up there, which would be most helpful.

**Mr. Jolly:** I think Eric did a great job outlining the scope of this project. Basically we have a vacant parcel here and from my research is 150 foot setback from the gas station. So that's kind of that line you're seeing across the bottom of that second lot kind of cuts from that southwest corner over towards Brice Road. So parceling off so that we could stay out of that setback for our parcel and then creating enough space that we need for a 15,000 square foot daycare and the associated parking, about 60 spaces. And having a playground there to the back of the building. Then the second line could either be developed by my client or potentially sold off for a commercial use. That's kind of the thought that could happen there. It's about a 92 foot wide parcel saying the full width of the site as exists today. And other than the conditional use, I think we're looking to meet all the requirements as laid out in the district as far as keeping the building close to the street and landscaping buffer requirements. Currently they do operate a daycare facility a little further to the south on Brice Road. So this would be kind of expanding upon their presence here in the community to service more children. I do feel the placement of this building is in harmony with the area. There's residential to the north. So I think it kind of functions like you would have a neighborhood elementary school almost having child care in a neighborhood type setting and it creates a buffer from that residential toward the commercial development as you go south.

**Mr. Furst:** Personally, I think I would be a little more receptive to that portion of the argument if it wasn't immediately adjacent to an auto services business, the Ziebart, and a gas station and a body shop to the east. So speaking very frankly, if the

applicant has reviewed any of the meeting minutes of this board, even in relatively recent memory, we have been very skeptical of child care applications in which it may present an environmental hazard to the children anywhere where there might be noxious fumes, industrial activity, or even lots of vehicular traffic, such that there might be enough exhaust that that might drift over into the play area. So if I had to pick a place to put a child care facility in the city, it would not be this one. In fact, it would be probably the worst one. That's just my opinion.

**Mr. Jolly:** I could be wrong, but I believe the setback is from the gas station use not the Ziebart. I think they're just auto parts dealer, I believe, and I'm not sure if they do repair on site or not.

**Mr. Furst:** You're correct. But there is a specific provision as far as it relates to environmental conditions for daycares. And so that's the issue here, is not necessarily a setback or anything like that specifically, it's just that sort of concern. But if the board has any other comments or questions.

**Mr. Davis:** I will say that I'm familiar with that area and in that area specifically I don't share those environmental concerns that you have.

**Ms. Barnhart:** I will add that I'm encouraged that it would bring many jobs to the area and serve many families. Would this be a replacement location from the one that you said is further down south on Brice? Or would they keep both open?

**Mr. Jolly:** That's the intent.

**Ms. Barnhart:** That it would replace? Okay.

**Mr. Davis:** That was also a thought and concern of mine. Just would we be creating a child care vacuum by not allowing them the expansion? And just looking at their application, they do have a five star rating from the Ohio Department of Education and that step up the quality system, while isn't perfect, it is the best that we have in the state in terms of really tracking development of child care centers. And it's not something that they can get overnight it takes time and market improvement over time. And so I wouldn't want to lose such a provider in our community.

**Mr. Furst:** Well, what's the nature of the business they would be replacing? Is it in a strip mall or is it a standalone facility? It would be a definite improvement if you're replacing like a strip mall type facility with a standalone facility.

**Mr. Jolly:** Correct. Yes, it's in a strip center today. I'm not sure who the anchor tenant is there, but they're one of the more minor tenants in that strip center.

**Mr. Davis:** It's the Alliance site. So it's at the southern end of the Alliance site.

**Mr. Furst:** Okay.

**Mr. McCarter:** I'm the attorney for the business. I've got the owner here as well. We can certainly address any of those questions. However, one of the reasons for looking for this is we're in danger of losing our other location. There's a lot of redevelopment discussions down there. We sought a purchase. They're not interested. They're looking for significant money. So Daniel Essien, who is owned and operated this facility for many years, wants to continue to provide and is tired of being at the whim of a landlord and therefore wants to own the site so that he can have the permanency to continue as the daycare model has worked for him and so forth. So we've been looking, it's not easy. You don't hardly have any sites here that work and we've engaged some different realtors, etc.. One site that we did consider when we brought the appraiser out, they told us, I'm not even going to begin the asking price we'll never get through a loan approval. It's too much. And it was owned by a CVS and trying to talk to corporate, forget it. So we moved on and we found this site and then we ran into the setback requirements so you know, came up with a lot split idea to overcome that. I think it's that little diagonal line on lot two shows you where the setback boundary is. Am I correct? Okay. So that's the 150 foot setback that's shown on lot two and we got the parking area and then the building to the north of that. So, we achieved getting off of it, but we couldn't have a lot touching it. So hence we needed to propose the lot split.

**Mr. Furst:** I do appreciate that you did propose a lot split instead of just asking for a variance. I mean, we're very skeptical of variances here typically. So having another remedy available that otherwise meets all the other requirements in our code is the best path forward. It may just be that I am in the minority here as far as this. I think it's maybe a little difficult to give much more feedback than we have here without seeing a little more.

**Mr. McCarter:** Sure, sure. And we were just looking for first review.

**Mr. Shook:** Attorney McCarter, if I could ask, would it be possible to address the noxious fumes issue? We're talking about a Ziebart, it's actually a cleaning center for vehicles.

**Mr. McCarter:** We can certainly look at it.

**Mr. Shook:** I think that's probably going to be important to the board to get some information about what kind of fumes come from that particular use.

**Mr. McCarter:** We didn't know of it as a specific concern. So we're not really well prepared to address it tonight, but we'll look into it.

**Mr. Jolly:** My initial response is I think generally speaking for the prevailing winds would not necessarily bring those up this way. You know, coming more out of the northwest, prevailing winds tend to b

**Mr. Furst:** Is there any other additional feedback the board would like, and is this kind of what you're looking for more or less satisfactory? I mean, if there's additional questions you might have for us, we might be able to attempt to answer them. But the information provided is somewhat limited. So it is a little difficult for us to probably speak voluminously on this.

**Mr. Jolly:** I think I've gathered a decent feeling for several members. I guess I didn't know if each member could maybe speak to how they feel about the conditional use. I know Mr. Furst, Mr. Davis has kind of provide their opinion, but not specifically the others, if that's possible.

**Ms. Bulls:** I am agreeance with my other two board members. I mean, there is a concern with regards to our children and being around fumes and whatnot. However, I do agree with how you've laid this out. I'm also in agreeance with maintaining the business within Reynoldsburg and growing the employment and Reynoldsburg. So I'm in agreement with that.

**Ms. Barnhart:** I would say, what we're not saying here is that you are coming down at the end of another neighborhood. I think that the placement is actually good for serving the neighborhoods north of that area. To me, I see it as an improvement over the current site. We understand that there's more development that will be happening down Brice Road. I think it's a great opportunity to own a piece of land and to build your business. And so I would see it as a good long term fix and investment into our community.

**Mr. Davis:** That was well said by Ms. Barnhart. I think that there is a lot of development happening in that area and that this is a bit unfortunate case of someone being caught up on the wrong end of that development and having an opportunity to do something to better their business and the community while keeping them in the same area. It won't be more than a one traffic light difference for any of the families that they currently service, and they'll have the opportunity to provide even more jobs and service to the exact same area. To me it seems as if that should be an easy transition for the families, the children and the business.

**Pastor Linder:** For my part, I know Mr. Furst expresses very clearly and I agree with some of the historical challenges. These sites can really be a challenge and we always want what's best for the children. That being said, I have confidence in your ability to maybe get out of the box in terms of even what we've talked about and maybe come back with something that would at least be worth looking at and being very serious in our consideration. So whereas in the past there's been disappointment and frustration. I would love to see something that really seems to have gotten as creative as possible. You've already shown some of that with your lot split and other considerations. The business owner seems very intent on creating something very positive for the community, and that's encouraging.

**Mr. Meyer:** I would just add, there is some good information provided about the

applicant's background and we've got a site plan. You know, sometimes the there's a lot of latitude and what is a conditional use application versus not? I've heard Mr. Furst and Pastor Linder asked for a little more information. Is there any concrete things that would be helpful, whether it's I don't want to rack up bills on designer anything, but is there elevations, things like that? I think Pastor Linder you just mentioned creativity. Would it be helpful to see a little bit more along those lines?

**Pastor Linder:** My intent is to go back by there and drive around and get a better feel for it. I haven't been back there in a little while. Generally so that we could feel like, okay, this really has been a step beyond maybe what we've been able to work with in the past, because they did look at the fact that those fumes and that proximity does matter and they found ways to create something that was positive for children. I know I'm still not giving you any specifics, but I don't want to say it's a feeling. But it would just be a presentation that seems like, wow, that was taken care of in that way as best as it could be.

**Mr. Furst:** Yeah. I mean, I think even if you have some kind of minor conceptual or at least, you know, further back in the process concepts for elevations and landscaping and things like that, that that would probably be beneficial just so we can get a more holistic feel, especially if you could maybe give us, as Ms. Barnhart said, if there is a residential area there, show us how it fits in with that and serves the residential area a little better from a kind of a use workflow perspective.

**Mr. Jolly:** Appreciate it.

F. ADJOURNMENT

\_\_\_\_\_  
Chairman

\_\_\_\_\_  
Planning and Zoning Administrator