

MINUTES
REYNOLDSBURG BOARD OF ZONING
AND BUILDING APPEALS
JULY 19, 2012
6:30 P.M.

A. CALL TO ORDER

1. ROLL CALL

Members Present:	Mr. David Stoffel Mr. Norman Brusk Mr. Patrick Feeney Mr. Anthony Rettke
Others Present:	Mr. Aaron Domini Mr. Justin Robbins

2. APPROVAL OF MINUTES OF JUNE 21, 2012

Chairman Rettke: Any additions or changes to the minutes as submitted for the June 21, 2012 meeting?

Mr. Robbins: No.

Mr. Rettke: Approve them as is then.

3. APPROVAL OF AGENDA

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

Mr. Robbins: No.

Mr. Rettke: That being said, the agenda is approved.

4. SWEARING IN OF SPEAKERS

(Mr. Rettke administers the oath.)

5. PUBLIC COMMENT

Mr. Rettke: Is there any Public Comment?

Mr. Brusk: There's not even any public.

Mr. Rettke: Barely see any public, so moving on.

2. UNFINISHED BUSINESS

Mr. Rettke: Any Unfinished Business?

Mr. Robbins: No.

Mr. Rettke: No Unfinished Business, we'll move on to New Business

3. NEW BUSINESS

1. SPECIAL EXCEPTION USE PERMIT APPLICATION, 6321 E. MAIN ST., REYNOLDSBURG, OHIO: PRESENT ZONING, CS; PRESENT OWNER'S NAME: CHARLEY'S PHILLY STEAKS; REQUESTING A SPECIAL EXCEPTION FOR A FREE-STANDING RESTAURANT WITH A DRIVE-THRU. CONTACT: J. EDWARD FEHER (65-SE).

Mr. Rettke: Anybody here to speak on that or not?

Mr. Robbins: No. We told the applicant that it wasn't necessary for them to come in.

Mr. Rettke: Okay. For the record, nobody is here. Is there a presentation to go along with that?

Mr. Robbins: Yes. The applicant has received approval from BZBA for the major site plan as well as two variances which allow the building to be built off the required build-to line to allow parking and circulation between the building and right-of-way. They were in front of the Board previously for the month of June and they have received approval from the Design Review Board for the structure. The existing property is a gas station and the adjacent properties include a McDonald's, a Walgreen's drug store, a gas station, a Taco Bell, and a K-Mart. This is the site up here, around the corner of Brice Road and East Main Street. Staff found no issues with operating the food and drink establishment in that property.

Mr. Brusk: Are they going to have to come back to us for the signage also or is that going to be – or is there a problem with that?

Mr. Domini: Not unless they need a variance, which I don't anticipate that, so, no, they won't be coming back before you.

Mr. Brusk: Great.

Mr. Rettke: Any other comments or concerns?

Mr. Feeney: So this is just something we forgot to do or is this—

Mr. Brusk: They hadn't made it on their application.

Mr. Feeney: Okay.

Mr. Brusk: And so, therefore, they had to come back with this for us, but we had already discussed it for the most part.

Mr. Feeney: Yeah. I know we talked about it so it's like—

Mr. Brusk: Now they've submitted all the plans and staff hasn't found any problems. With that being said, I move that Item B1, 65-SE be approved.

Mr. Rettke: I'll second.

(Mr. Robbins called the roll. Mr. Stoffel voted "yes." Mr. Brusk voted "yes." Mr. Feeney voted "yes." Mr. Rettke voted "yes.")

2. MAJOR SITE PLAN REVIEW APPLICATION, 6150 E. MAIN ST., REYNOLDSBURG, OHIO: PRESENT ZONING, (E) CS/(PROP) AR-1c; PRESENT USE, VACANT; PROPOSED USE, RESIDENTIAL HOUSING; PRESENT OWNER: UNDER PURCHASING CONTRACT WITH CREATIVE HOUSING; CONTACT: CONNIE KLEMA (32-MS).

Mr. Rettke: The applicant is requesting a major site plan review for the site at 6150 East Main Street. The current zoning is CS and they're proposing a change to AR-1. They have just received a lot split which separates the property to the north and south and they'll be proposing to build on the northern most portion of the property. That portion you see in the images is the wooded track to the north of the existing building. The property is in the Community Commercial Overlay. According to the major staff review, it met most of the criteria. The one issue that we did find was the existing trees. What we are requesting is the Board consider how this section be interpreted that requires replacement of any trees cut down. We found the intent of the code is to preserve the existing mature trees, but it has to be balanced with the property owner's right to develop their land.

Mr. Domini: We've talked to this applicant about that issue when I reviewed the site plan. When you look at the site, obviously that is one area of concern because you're losing a lot of the current vegetation that buffers that residential to the north. So our code does speak to that and leaves it up to the City to make a determination on how we plan for the tree removal and the protection of those residential properties. I told the applicant at a minimum we would require a 6 foot tall fence which they are including in the site plan as well as some landscaping. Anything additional or beyond that, either whether that vegetation is installed buffering the residential or somewhere else on the property, I think that's something that the Board should discuss. I'd leave it up to the Board's interpretation on how you want to deal with that. That was one of the major

issues associated with the plan. They have a shared access agreement for the sewer, for the storm water, that detention basin as well as access. They've prepared a traffic impact analysis which I think went above and beyond what was needed for the application. They've met every standard for the recent multi-family development regulations and the new amendments that we put in place, so no more than four units per building, 30% open space onsite and 75% traditional matching materials. So, from that aspect, we've covered everything we need to cover. Really, I think the landscaping is probably of most importance, but I don't think we saw any other issues associated with the development.

Mr. Brusk: Could you go back to the slide that shows the overhead. I assume that the lot that we're talking about is the one with all the heavy foliage there.

Mr. Robbins: Yes.

Mr. Brusk: Are they cutting down all of the trees that are there or are they leaving a buffer zone of trees between the lot and the residential behind them?

Mr. Robbins: There is a portion, and I can flip to the site plan real quick, and you can see just to the north of the detention basin, it's the hashed area in between the detention basin and the houses. That is not on their property, but it will be preserved.

Mr. Brusk: The other question I had is, is there any unusual critters living in that little forest?

Mr. Domini: Will you define unusual?

Mr. Brusk: Well, critters that might have—

Mr. Robbins: Endangered species?

Mr. Brusk: I'm not as worried about a dangerous species. I'm worried about are we going to have foxes and other critters now having to find a new home in an area where there aren't a lot of places that they could move to. So I wouldn't like to see it occur as it did in the neighborhood I lived in when they cut down a wooded area. The raccoons took over the neighborhood. It took us forever to get rid of them.

Mr. Robbins: To the best of our knowledge, we're not aware of what types of animals are there.

Mr. Brusk: Well, they'll let you know I suppose.

Mr. Robbins: I guess is the critters will.

Mr. Rettke: I'm kind of going on memory here, but that was a wooded lot prior to being annexed into Reynoldsburg, correct? And then they clear cut what they needed

for the other, I think prior to the annexation. So did the strip mall that's there fall under those guidelines or what's the difference, because there's very little tree on the front part of the lot and essentially it was a parent parcel with a bunch of tree cover. Do you guys remember that?

Mr. Feeney: Vaguely, yeah. I just remember it was a vacant lot. What I'm looking at is it looks like they're putting quite a bit of trees all the way around the property.

Mr. Brusk: Are those new trees that are shown on the outer perimeter?

Mr. Robbins: Yes. They have proposed 22 trees.

Mr. Rettke: Do we have an idea of how many are going to be cut down?

Mr. Robbins: No.

Mr. Rettke: Because it says for every one removed, they have to replace one, so I think it's a moot point if you've got less than 22 trees, correct?

Mr. Feeney: I don't think you could put as many trees back because that _____.

Mr. Rettke: Not on a one-acre lot, I don't think you'd have that.

Mr. Domini: The Code 1180.05 B2 states that the site cannot be arranged in a manner to avoid removal of the tree(s) at the same time, permitting the desirable logical development of the lot. So there is some flexibility in there and I think that the intent of this section of the code is to ensure that we have good urban canopy in the community. So I think this is one of those situations when we have to make judgment calls of Board as to what's reasonable for the development of the lot and what's reasonable to add to and protect urban canopy in the City.

Mr. Stoffel: Just looking at the grade and the utilities going in, it looks to me like they're going to whack every tree. I don't know if they can save maybe a tree or two? Just looking at the grading on the east and west side, it looks like those are probably 3 to 1 slopes coming down off of there that they're showing trees. It'd be pretty tough to save anything that's going on in there, that grading. It's possible, but I'd like to see them obviously save or do whatever they can. By looking at that overhead, it looked to me like there were some really big ones in the back. And we're not going to resolve anything tonight as far as tree counts and numbers and ratios and that, but I'd like to see whoever's overseeing that as it's happening, that there's a real concerted effort wherever they can be saved, that that's done. And if that means tree wells or tree walls, I'm all for that. And if we're interested in them meeting a ratio, and I think they need to do whatever they can to come close to that, there can certainly be trees added there along the south part of the parking lot between where that drive is where they're

protecting now where that T-turnaround's at. There's certainly room in there to put all the way along the south part of that and as it's wrapping around down toward the basin and toward Main Street there on the east side of that drive there's room for trees to be added too. So I think there can be more of an effort to have trees added. And one other thing, I would assume that this has been worked out with the adjacent property owner, but with that T-turnaround there backing up against the property line, I would assume there are no setback requirements; that there's an agreement between the two because they're also – as you can see on the grading plan, they're grading onto their property. Again, I would assume that's all been worked out, but that that's something that, again, if there are trees right around there real close I would want to see some kind of effort made to protect whatever they can protect. This plan looks to me really kind of vague and it has to be really until there's a real tree count made, but I would just really want to see a strong effort made to protect whatever they can.

Mr. Brusk: I agree that we should look at protecting what we can, but we also have to look at the long-term potential problems and that is older trees, mature trees that are going to be there that may pose a danger if – with a storm and they come down. So I think we have to look at from that. I don't know how to phrase it or even enforce it, but I think that Creative Housing should be aware that we do have a concern about that and a promise of protecting as much as feasible without interfering with the actual building.

Mr. Rettke: Could you come forward and clear up some issues? If you would, state your name and address, please.

Ms. Connie Klema: I'm Connie Klema and I'm the attorney for Creative Housing. Everything you've discussed, of course, is what we have discussed as we put together this plan and with Aaron. In regard to the turnaround, the T-turnaround that you asked about, it has been worked out with the adjacent property owner. They're with the seller, and they definitely want us to work this out. The buffer zone that is hashed, that is there is under protective zone already. It could have been part of our lot. We didn't make part of our lot. It will be preserved. In regard to the building site, we understand under your code that you have to at last have a space where you can build, so you have somewhat of an exception under your code. At the same time, Creative Housing, because these are going to be residences and they want them to be nice, very definitely want to preserve what they can and will do that in that buffer zone and also will be adding the trees. They're basically showing the trees they're adding just to assure you that they have that intention. I want to make one correction on the site plan, the landscape plan that you were submitted. It shows that there's a fence on the north side and on the east side and on the west. There is no fence on the west. The fence cannot be there; that's a drive-in and also where the City of Reynoldsburg has a large sewer easement and we're not wanting to, of course, go over that so if you can make that a correction for the record. But as far as the buffering and all that, we want the beauty of the lot to remain. That's one of the reasons why we're really happy to have this lot and have been going through the exercise of developing a site plan and also getting the lot split.

Mr. Brusk: Thank you. I think I'm pretty well comforted by that statement and that being said, I'm all in favor of going forward with this.

Mr. Feeney: Yeah. I like the site plan, the layout, different trees. I thought they did a good job. Especially you have the hatched area that's reserves and that's—

Mr. Rettke: Any other concerns from staff or the Board as a whole?

Mr. Brusk: I'm happy with it.

Mr. Feeney: I'm good.

Ms. Klema: (speaking off mic) That sidewalk's vital to our development given the fact that we will have residents that need to walk. Another reason why we want to be in the City of Reynoldsburg, because of having access to buses, that type of thing and we want to make certain that you're aware of that so if the site plan is approved, we will have the assurance at least that we will be able to put the sidewalk in. Thank you.

Mr. Feeney: Has a split occurred yet?

Ms. Klema: Yes.

Mr. Domini: I just have one additional comment. Just for the record, I believe this to be true but I don't see it on the plans, that the 6-foot wood fence is kind of a solid opaque fence. It's not a split rail or anything of that nature.

Mr. Rettke: There's a sketch on page two of it.

Mr. Stoffel: You may have-- At least the site plan I have, the landscape plan doesn't show the fence that she was referring to on the west side, so maybe yours isn't – maybe you don't have that detail, Aaron, of the fence.

Ms. Klema: (speaking off mic)

Mr. Stoffel: Yeah.

Mr. Domini: Yeah. I have it, thank you.

Mr. Stoffel: I'll make a motion that we approve Item B2, major site plan application 32-MS.

Mr. Feeney: I'll second.

(Mr. Robbins called the roll. Mr. Stoffel voted "yes." Mr. Brusk voted "yes." Mr. Feeney voted "yes." Mr. Rettke voted "yes.")

C. OTHER BUSINESS

Mr. Rettke: Any Other Business coming before the Board?

Mr. Robbins: No.

D. ADJOURNMENT

Mr. Rettke: Having no Other Business, I guess we'll go ahead and adjourn.

The meeting was adjourned at 6:50 o'clock p.m.

Anthony Rettke, Chairman

Justin Robbins/Aaron Domini

This document was transcribed by:
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