

MINUTES
REYNOLDSBURG BOARD OF ZONING
AND BUILDING APPEALS
JULY 17, 2014
6:30 P.M.

A. CALL TO ORDER

1. ROLL CALL

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

2. APPROVAL OF MINUTES OF JUNE 19, 2014

Chairman Rettke: Are there any additions, corrections to the minutes of June 19, 2014? (None.) Hearing none, we'll go ahead and approve the minutes.

3. APPROVAL OF THE AGENDA

Chairman Rettke: Any changes, additions, corrections? (None.) Hearing none, we'll approve the agenda as presented.

4. SWEARING IN OF SPEAKERS

(Mr. Rettke administers the oath.)

5. PUBLIC COMMENT

Mr. Rettke: Seeing no public, we'll go ahead and move to Unfinished Business.

B. UNFINISHED BUSINESS – None

C. NEW BUSINESS

1. **SPECIAL EXCEPTION USE PERMIT, 1314 BRICE ROAD, REYNOLDSBURG, OHIO;** PRESENT ZONING, cc; PRESENT OWNER'S NAME, KADIR ADEM; CONTACT: KADIR ADEM (#165495).

Ms. Moeller: Yes, again, this is for 1314 Brice Road. The application number is 165495, for a Special Exception Use Permit. The location is located on the east side of Brice and Main, south of East Main Street. The existing zoning is CC, which is Community Commercial and it is within the CC overlay district. The request is for a Special Exception Use Permit to operate a daycare within a Community Commercial district. The current use is vacant.

Let's move on to the proposal. Just generally they are proposing to serve children under the age of 6 weeks to 12 years of age. The proposed operational structure is for 9 employees and 49 children. The proposed hours of operation are Monday through Friday from 6:00 a.m. to 10:30 a.m. and 7:00 a.m. to 7:00 p.m. on Saturday.

Now in regards to the area and play area, the structure of the proposed daycare is not projected to be altered or changed. The existing play area was totaled on the proposal at approximately 5' x 6' and is located at the back of the building on the east side. Then there is a direct exit to the play area from the building. An existing guardrail is also being used as the barrier of the play area. So just looking at the existing site and context, the proposed daycare is approximately 31' x 100'. There are approximately 500 spaces on site and some of the existing businesses include the K-Mart, I believe there is a Ramaki Education Center, Dollar General, Cash Advance and a credit union as well as a library just to the south of that property. So here is a picture of the property right here on the end. Here is a couple of the submittals. I will go along with the review and recommendations. Starting with parking and circulation, there isn't completely occupied spaces in the building, but that's something to look at with parking and loading. So looking at the design standards, the Urban Design Standards for EPA recommends .35 spaces per every licensed inhabitant, so there is 49 people, so it roughly comes to 17 spaces. So looking at the demand of parking, this can wax and wane, but this is sort of the standard from the code, is for every retail store or business, service establishment, personal and professional service, it's one space required for every 200 square feet, which there's roughly 96,000 square feet of this area, which would mean that the total parking spaces required would be about 482. So just kind of looking at the parking in terms of what's coming in and what's there and what's the potential there, staff has some concerns regarding the placement of this facility because of traffic possibly going in and out. We have to look at traffic circulation in terms of children going in and out of this facility. There's no crosswalk or anything and it's kind of something that the Board should consider with kids going back and forth. In terms of the play area, the State of Ohio requires that childcare establishments provide a simple play area for children. So in the proposal it was said that the existing is about 5' x 6' and it looks like it's much larger than that, but this is in an area where semis come back to and from and it's kind of something, again, the Board should consider, looking also at noise and odor and things like that, something that should be looked at. And then kind of finally going to the character, staff has concerns that the presence of a childcare establishment

could have adverse affects on tenants in the building. There's a medical facility just below there and it's something that should be looked at. The intent of the commercial office district is to provide a simple place for professional and retail activities, so a daycare isn't exactly the same use as those and it's something to be considered.

So, just kind of going through the recommendations, staff would like the Board to consider the applicant and materials and make a determination regarding the proposed use and whether it meets the Special Exception requirements outlined in Section 1145.09. It is the finding of staff that the proposed location was never intended for use as a childcare facility and is not conducive to the health, safety, morals and welfare of the childcare occupants or surrounding properties. The development was originally designed for commercial and retail and the layout of the tenant space, the property, the drive aisles and the loading zone in the back are all something to consider.

Mr. Rettke: Can we have the applicants come up? State your name and address for the record, please?

Mr. Bruce Gilbert: I am Bruce Gilbert, the managing member of the LLC that owns the Main and Brice Shopping Center, 211 South Dawson Avenue, Columbus, Ohio.

Mr. Kadir Adem: My name's Kadir Adem, owner of the childcare center, the tenant. My address is 1887 West _____ Drive, Columbus Ohio 43228.

Mr. Rettke: Anything you'd like to add? I mean we got your email. I don't think we have to go through all that in depth—

Mr. Gilbert: I, frankly, would like to read the email into the record and also I think some of the information that Ms. Moeller stated is not accurate.

"I respectfully but strongly disagree with the conclusion and recommendation of staff in the Sunshine Daycare Center application for a Special Exception Use Permit on grounds of fairness and logic. The premises at 1314 Brice Road has been used as a childcare center continuously since 2003. No other tenancy has occupied the space over that 11-year span. The space is built out for a childcare center, has previously and will again meet all codes relative to daycare operations. This address has twice previously received a Special Exception Use Permit and the shopping center has received three permits for this childcare use. The Main and Brice Shopping Center is not a high intensity commercial and retail activity. Due to changes that have taken place in Reynoldsburg and its retail market in the last 38 years, it is clearly not a high intensity retail or commercial area in 2014. I have one general retailer, one wholesale retailer and four low density service users, one of which is only open

three months of the year. I also have two vacancies that with one short three-month exception, have been vacant for most of five years. The rear of my shopping center is hardly a place of heavy semi-truck traffic. Only Dollar General and the _____ any semis in the rear lot at all. The area is almost always empty. Noise and odor rarely exist in the rear of my shopping center, because there's rarely anyone there. We have no restaurants, no cars parking in the rear lot, few dumpsters and no childcare complaints about conditions in the rear. It should also be noted that the time children are outside is limited. Staff is incorrect in its measurements of the existing play area. It is not 5' x 6'. It is approximately 28 x 40 and it's the same structure approved in 2003. Staff is incorrect as to the existence of heavy traffic during arrival time. Most children arrive before 9:00 a.m. when few, if any, stores are open. I am concerned about child safety and will install a crosswalk in front of the childcare center leading to its front door from the parking lot. It should be noted that there's a crosswalk about 15' north of there right now." If you wouldn't mind, we'd like to show you a photograph of that crosswalk, because staff is clearly incorrect in this matter.

Mr. Rettke: And that's immediately to the north of—

Mr. Gilbert: About 30' to the north of the front door of this childcare center. It's already there.

Mr. Rettke: So you'd say in front of Dollar General?

Mr. Gilbert: That's correct. And, as I said earlier, almost all of the children arrive at the childcare center prior to any of our other stores opening. Another thing is that children are never released into the front of the center without adult supervision, namely their parents. Their parents are walking them across this fire lane to their cars. So it's not as if they're running out from the entrance of the childcare center. In the 13 years, we've never had an incident of any sort relating to that.

Also, with City approval, I'll establish a loading zone in front of the storeroom directly and that would take care of the problem entirely, and I'd welcome the opportunity to do that if it would make the committee feel better about this. I, as a condition before a previous Special Exception Use Permit, provided guardrails around the south and east sides of the play area. One of them is still in place. The other was stolen. We will be more than happy to replace the guardrail along the southern section. These are major highway guardrails. They're the same guardrails that are used on state highways and, again, I will be willing to provide them. The two sides of the play area will be protected by guardrails. I would be happy to use bollards if the City would prefer that. In addition to that, again, there are no trucks whatsoever from the other two directions. There's just virtually no activity back there at all.

Staff claims concern about the adverse affects that 49 children may have on the medical tenants within the building. No medical tenants are located within the shopping center or on adjacent lots. This location was operated as a childcare center until a few months ago when the operator withdrew for health reasons. We had no noise complaints from the tenant next door to the premises. Additionally, unless I'm mistaken, we are not located on a commercial office district and I suggest that a childcare center is an appropriate use in the community commercial district.

In the beginning I mentioned fairness. Nothing is different this time from the three previous times we came before this Board. It is simply not fair to change the rules the fourth time without some compelling reason and no reason exists. If reasons exist now, they're the same reasons that existed the three other times we received permits. Also the applicant is not an unknown quantity to the City of Reynoldsburg. He's presently operating a daycare facility in the city and he will speak to what he's doing, but I'm not aware of any complaints that have ever taken place.

Finally, the Brice Road retail corridor is suffering and this is, frankly, what I know a lot about. It's day as a vibrant, big box retail area has passed. When this happens, shopping center owners must adapt. My central location works for childcare and they do well. Clearly there's a societal need for quality daycare. The ones who provide it thrive, and the ones who don't, fail. To take the position that a childcare is an important function but not in my community, invites vacancies, lost income taxes for the city. Childcare centers are often among the highest and best uses in those areas where they locate.

There's a little bit about me and my company that I'd like to add to the record here. My company's the Gilbert Group. We do nothing but lease shopping center storerooms. We leased, in the year 2013, about 100 storerooms. We leased one of them in this shopping center, the tenant lasted three months. You would think if I have a company with as many people as I have who do nothing but storeroom leasing, that it would be duck soup, but it is not. I think that the Brice Road corridor is suffering and vacancies are not the solution to the problem. As to the traffic going down this traffic road, most of the traffic along the side of our building that goes by the side of the play area that is protected by this guardrail, comes from the public library. I had granted them the right to use that as an accommodation to the community so that it would be safer for them to exit. It's a revocable right, I guess. I don't think I should be punished for being a good citizen. Are there any questions that anybody might have of me?

Mr. Donovan: I have one. If that road was so valuable to you behind there, how come it's in such disrepair? There's a lot of potholes and everything else back there.

Mr. Gilbert: Well, because we're now getting repairs on all of our shopping centers. We're doing it at one time and that area will be repaired.

Mr. Donovan: I just had one question. As we're flipping through the different pictures, we see different conditions of the play yard. Can you describe that for us, what it currently looks like? Right now this looks like this just has some posts and the other one looks like it has a fence.

Mr. Gilbert: On the very top behind the building is the guardrail and that guardrail will be extended and will go to your right and along the eastern border extending north and south. That had a guardrail on it. The guardrail was stolen. We are going to replace it. The tenant is going to repair areas in that play area. What you're seeing there now is before the play area was put in and the play area's now there and that's correct and we will make sure that it's in tiptop shape.

Mr. Donovan: I presume you have some sort of mulch down or is it just the blacktop?

Mr. Adem: Yeah, there's some mulch down.

(Conversations off mic.)

Mr. Donovan: Are you going to replace that whole fence, cause what's out there doesn't look like it will last.

Mr. Adem: That's the intended plan.

Mr. Donovan: Are you going to have a gate? An emergency exit gate out there and everything else?

Mr. Adem: Yes.

Mr. Donovan: I don't see any entrance between the building and the play area where it's protected. It's just an opening. They have to walk across into that. Are you going to do anything with that?

Mr. Adem: (Speaking off mic.)

Mr. Donovan: Yeah, but right here, those pictures don't show anything.

Ms. Wallace: I think what Mr. Donovan's meaning is the fence in that one picture doesn't go all the way up to the edge of the building, so when the kids would come out there's like an open area before the fence.

Mr. Gilbert: _____ state code. I think, as I understand it, and this is from memory, but at the time that the childcare center

first went in, we wanted to close that off and bring it flush against the building and the state would not permit it, because they wanted children coming out the rear door to be able to go both directions rather than simply one.

Ms. Wallace: In case of a fire, they wouldn't be trapped in the play area.

Mr. Gilbert: So I think that was dictated totally by state code.

Ms. Wallace: My concern with some of the recent pictures is the privacy fence that's up there, you said you're going to replace that. It looks really ratty and really unstable. So my concern would be, one, the surface area on the bottom, on the ground, is it going to continue to be mulch or are you going to use the ground up tires or whatever they are? And to replace the entire fence with a gate so there isn't an opening that the kids could escape out of during playtime.

Mr. Adem: There's going to be an emergency gate and there's going to be like a mulch. Basically what it is is the state comes out every 90 days and inspect this. We're going to replace – I know the fence is beat up a little up, but we're going to replace that as well.

Ms. Wallace: And you also said that you would have a loading zone for the kids. Is that on the front of the building, or is there a side door, or where were you talking for that?

Mr. Gilbert: Well, it's in the – in order to put a loading zone, which I'd like to do, it would have to be in that area in the fire lane.

Mr. Donovan: I was just going to say, wouldn't you have the fire lane before you would have a loading zone?

Mr. Gilbert: Well, I've been trying to get rid of the fire lane, frankly, and put one row of parking in for years and I've met resistance from the Fire Chief and he's always won. But I would think it would be a reasonable request to make that we would be allowed to have a 10-minute loading zone or something like that where the car could just pull right up in front of the door and there would be no problem.

Mr. Donovan: Well, what are you going to do if you've got 10 cars at once? Are you going to be double or triple parking there?

Mr. Gilbert: Well, let me say this: There's a lot of expanse, but—

Mr. Donovan: Yeah, but you know dang well they'll just double park and walk in there in front of the door, when it's raining especially.

Mr. Gilbert: Yeah, but how often – there are how many student kids and how often do people show up at the same time?

Mr. Adem: From morning hours like 6:00 from where we are right now, what we get is that there's like 10-15 minutes in between the kids come in and departing as well. It's very rare that we have two parents at the same time.

Ms. Wallace: My other question, it said your hours Monday through Friday 6 in the morning until 10:30 in the morning?

Mr. Adem: 10:30 at night.

Ms. Wallace: Oh, so it's 6:30 a.m. until 10:30 p.m. for the evening shift workers. Okay. I thought that sounded kind of odd having a four hour daycare.

Ms. Armintrout: Did you say that there were not any semis that go in the back there?

Mr. Gilbert: Yes. Only two of our tenants have deliveries by semis. The area around there is the only area-- Let's see, I'm struggling here. Look at the yellow area there. Directly behind that, extending in that area there, is the area that is my property that is not used as a drive lane. The area back in there has only a very occasional semi driving through it. We only have two tenants that even have semis. If you'll notice from looking at the shopping center, there are no cars parked back there whatsoever. There are basically no people back there whatsoever and it's very rare that anyone goes in there other than the tenants to dump their trash and there's only a few dumpsters and they're generally cleaned in the middle of the night. I just don't think there's any—

Ms. Armintrout: So the Dollar General and Cosmoproof, they're all retail stores. Wouldn't they have—

Mr. Gilbert: They're the only two retail stores and they both have an occasional semi that will come through, but it may be one a day. It's not – they don't have them lined up in any way to provide goods. They don't need it. So one will come, maybe six hours later another will come. It just isn't a trafficked area. Nobody parks back there at all.

Ms. Armintrout: So the people from the library right there, they're not using that entrance right there to go in and out?

Mr. Gilbert: Well, I granted the library the right to park on our property. So what must people do is the people who are using my property for the purpose of parking, they'll come in the west entrance, or one of the two west entrances and they'll park in that row right to the north of the building. Now cars sometimes will come out of the rear parking area, the one that faces east and they will come

around and pull out that way. They also, a lot of them come out the parking area or the driveway to the south. Again, I was attempting to be a good neighbor by allowing them to do that. Again, also, the area there, that entire area, will be protected by guardrails and those are, again, the same guardrails that are on the highway. So if a car, God forbid, hit it, it would bounce off.

Ms. Armintrout: And you've never had that happen in the 11 years you've been operating?

Mr. Gilbert: No, never. We've never had any problem caused by a childcare center where there have been complaints to my knowledge to the city. I've never heard of any and there's never been an accident that I know of back there. I know that no one's ever run into the guardrail, because I'd know about that.

Mr. Enfinger: From your comments and your letter, I take the position that – irrespective of what's happened in the past, we are not really concerned with precedence. Each individual instance and situation has to be evaluated on its own merits. You made comments about the five years of the vacancies and also about the solution to the problem of the area isn't vacancies but, in my opinion, neither is filling all of the space with Special Exemption Use; and we've had numerous, numerous, numerous requests for Special Exemption Use up and down the Brice Road corridor and, had we allowed all of them, we would be full of all Special Exemption Use situations and it would no longer be – and they're Special Exemption use for a reason. So, as zoning, it's my opinion we have to take a long perspective on it. I understand your desire to fill your space, but equal to the fact that there is a problem in the area economically, to fill all those spaces with Special Exemption Use may be contributing to the factor that you're not able to rent space to anything but Special Exception Use. So as far as I'm concerned, part of the solution is not vacancies and I'll grant you that and I agree with you, but either is it filling it with Special Exemption Use.

Mr. Gilbert: Well, are there a number of Special Exemption Uses on Brice Road at present?

Mr. Enfinger: There probably are quite a few and, as far as I'm concerned, they have to make a very compelling case for me to grant those from my perspective. So I just wanted to explain to you there's a number of reasons, the character of the district, if it's all Special Exemption Use, then it's no longer a retail center. It's not what it was originally designed for. And when you give this away, we grant these variances, it's 11 years later and we're talking about again, still, it's going to remain Special Exemption Use. Again, I go back to the statement that I don't think that doing the same thing over, and over, and over again and expecting a different result by granting Special Exemption Uses, is the answer.

Mr. Gilbert: The only thing I can say to that is that I think the shopping center works with a childcare center in it. I think that it doesn't, in any way, damage the community. The remainder of my shopping center – you know, I don't have a lot of Special Exception Uses, but I still don't have a vibrant, active, retail shopping center as it was designed in 1989 and the reality is I don't think I ever will.

Mr. Enfinger: Well, I think that if we allow every Special Exemption Use the opportunity to come in, it never will be a vibrant economic area. One of the things we're tasked with as a Zoning Board is to take a look broadly, not just specifically for your area, but broadly across the whole city and what's best for the city. As far as I'm concerned, I think that heading in the right direction and limiting the amount of Special Use Exemption to where it's a small percentage and it's not the rule but the exception, but right now it's been the rule and not the exception. So that's my position and I feel that it's the intent of the area and I do think that it does have an adverse affect on the adjacent properties. That's my opinion.

Mr. Rettke: Do you remember the last time this came before the Board? What year it was?

Mr. Gilbert: I think it was 2011.

(Gentleman speaking off mic responded with 2009.)

Mr. Gilbert: The first one was in 2003.

Ms. Wallace: So the plans would be to repair the fence and the playground and the guardrails and all of that before opening the first day? That would all be required to be done to be up to code and for safety?

Mr. Gilbert: Absolutely.

Ms. Wallace: Do you have an active daycare now in Reynoldsburg?

Mr. Adem: Yes.

Ms. Wallace: How many kids do you have there?

Mr. Adem: Right now we have about 61.

Mr. Rettke: So this isn't going to replace that one? It's going--

Mr. Adem: (Inaudible, off mic.)

Mr. Rettke: It is going to replace that one? So you're going to close that one?

Mr. Adem: Yes.

Mr. Donovan: So you're moving?

Mr. Adem: We're moving.

Mr. Enfinger: I make a motion that we move to adopt Application #165495, Item B1.

Mr. Donovan: I second it.

Mr. Rettke: Moved and seconded, can we have the roll call, please?

(Ms. Moeller called the roll. Ms. Wallace voted "Yes, under the condition that the playground and surface and fence and guardrails are repaired." Mr. Donovan voted "Yes, on the grounds that they make sure that all inspections and permits are received before they open the doors." Mr. Enfinger voted "No, for the reasons that it does not meet the standards of Section 1145.09, Items A & B." Mr. Rettke voted "I'll have to vote yes, and I'll leave it at that." Ms. Armintrout voted "I vote no on Section 1145.09, Item A."

Ms. Moeller: So because there were three that voted yes, it was approved through zoning. Just so you know, it's not completely approved. You have to go through City Council and they'll review it as well and they'll give you their thoughts. So I think you'll get a letter about that though in regards to the follow-up with that.

Mr. Gilbert: How long does it normally take?

Ms. Moeller: I think it's within the 30-day period. From there you'll have to get a zoning certificate for occupancy and signage if you want signage in the future.

Mr. Gilbert: I'd like to apologize to this committee. I've been struggling with this since I read the report from the staff. I'm just very frustrated by this particular asset that I own. It should not be vacant. It is partially vacant. I'm trying to do everything I can to get it filled up and have it be the kind of vibrant shopping center that it was and hopefully can be again. And I apologize, because I think I've – it's clearly bothering me and I think it showed tonight.

Mr. Rettke: That's understandable. The last one we had was the same situation. There's not enough tenants, losing money. We understand and that's kind of the point we made to that applicant was, "Yeah, we feel for you, but two

wrongs don't make a right." It's one of those things we see more and more of is a lot of these daycares wanting to go in every nook and cranny and that's where we struggle. There's not a lot of guidelines other than the safety, health, welfare and adverse affects on the adjoiner. We've asked for more and more help from Council to try and adopt some standards, even if it's the amount of parking. We're using a model set forth by another entity, so if it said it had to have this, that's something we can say, "Hey, you don't have the parking," and a lot of them don't have the parking. If it said you had to have a loading zone or you couldn't cross two lanes of traffic to get to parking, that would give us something definite, but right now we just don't have that. I don't want to say "flying by the seat of our pants," but we have lack of guidance from the city on what they really want to see. So that's where we get into a lot of these issues.

Mr. Gilbert: Would there be any possibility that a loading zone might be approved?

Mr. Rettke: And that's where I struggled to put that as a condition of the approval, cause the fire lane is important and I don't see you getting the Fire Chief to budge. Now if you could put it on the side, I don't know if that's a possibility, but I think you and your client are looking for the best interest. Now another issue we've always had is a guardrail acceptable or a ballasts? The last lady said the state requires the ballasts to be placed. So that's one reason I didn't want to make that a condition upon his motion for the guardrail or anything like that was because I don't know what the state says you have to have. So that's something you're going to have to come up with. A lot of times in the past four years I've been involved, we've put more emphasis on the state controlling that, because they have the guidelines on how that has to operate, how it has to be – the conditions in the center.

Mr. Gilbert: Well, we'll definitely comply with whatever they want.

Mr. Rettke: Yeah, or else you aren't going to get your license. Like I said, I'm torn between it. I struggle every time we have one of these in front of me. I hate to see you lose a tenant that's been operating the same sort of business for 13 years and that's what I told Dan. You've had it there, we've approved it before, whether right or wrong that doesn't exactly make it correct, but I struggle with what Mr. Enfinger had to say. You could be in business another 12 years. Does that make it right necessarily? I don't know. So I wish you all the luck. Hopefully Council – I think it is 30 days that they have to pick it up. If they pick it up, they can hear it before Council and you'll be notified.

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

Ms. Moeller: This is for 7088 E. Main Street. It's a Special Exception Use for U-Haul Rental for Ace Hardware. The application number is 165300. The property is located on the northwest corner of East Main Street and Aida Drive. The existing zoning is CC Community Commercial and it is within the CC overlay district. The applicant is requesting a Special Exception Use permit to rent U-Hauls from their property located within the CC district. Current use is retail.

Moving on the proposal, they propose to rent out 5-6 U-Haul equipment including trucks and trailers per week. They propose to have 2-3 additional trained employees to manage the extra business, and they propose to use the 19 parking spaces located on the east side of the property along Aida Drive to stage the U-Haul equipment. Looking at the existing site in context, the properties to the north are zoned R-3, single family residence; and the properties to the west are zoned AR-2 which is multi-family residence. Other businesses at this location include the Kroger and I believe there is an Aaron's Rent. I believe it's going to be at this row right here, these 19 spaces right abutting Aida Drive. Here's their submittal as well, so this is reflecting that on there.

So moving on to the review and recommendations, I don't really think parking is going to be an issue with something like this. One thing we are looking at thought is setbacks. The proposed location of the U-Haul display would be approximately 38' from the residential properties to the north and abutting the property line along Aida Drive. So looking at Section 1175.08 of the code, it states that all commercial related uses must be 120' from residential properties and it can be reduced to half that distance if they provide appropriate screening and buffering. Another portion of the code is Section 1195.05 that states that when primary activities occur predominantly outside of a structure such as car sales and things of that nature, the setback for such activity shall be a minimum of 25' along a primary street and a minimum of 10' along any other public way. So I think we would kind of consider this a "public way," but it's something to be looked at as well.

Staff has concerns regarding the residential setbacks for the commercial properties. Currently there are no variances allowing that setback to be as close as it is, so it would be sort of advancing that degree of non-conformance and noncompliance.

So moving on go the recommendations: Staff would like the Board to consider the applications and make a determination regarding the proposed use and whether it meets the Special Exception requirements outlined in Section 1145.09. If staff finds the proposed use meets the requirements of Section 1145.09. Staff recommends that the proposed location of the U-Haul rental be moved further away from the residential development to conform with the setbacks and character of the district.

Mr. Rettke: Will the applicant please come forward? Please state your name and address for the record.

Mr. Bill McCarthy: My name's Bill McCarthy. I the store manager for Ace Hardware. I currently live at 801 Whistlewood Drive, Reynoldsburg 43068.

Mr. Rettke: And just a few confirmation of the facts: You're looking at having basically 5-6 vehicles, whether it be a truck or trailer.

Mr. McCarthy: Correct. I probably over-requested the parking spots just based – because I went out there and counted. But after discussing the U-Haul today, who was going to come here but they were unable to come to the meeting, basically would not need 3-4 tops. They would not let me keep more than 3-4 vehicles on-site. They would continuously rotate them out and move them to other areas as needed. So we would be able to accommodate the request to move it maybe further back. There are spaces kind of centrally – there's nothing parks on that whole side of that building, nothing; but there are center parking spaces. Yeah, the center ones back, we could use those without interfering with anything. About the only thing I ever see over there occasionally is a semi-truck or a police cruiser hanging out, but, otherwise, there's not really anything. We can keep them towards the front, which would be the south end of the building there where it would not be interfering with the residential housing area back there.

Mr. Donovan: Are you going to have any kind of mechanical equipment there to work on these trucks if there's a problem with them?

Mr. McCarthy: U-Haul takes care of all that per the agreement I signed with them. We are not responsible for any mechanical repairs, tune-ups and so forth. They take care of all that. They will do that on a regular basis with whomever they've already assigned to take care of that. So if a vehicle is brought back to me and it's broken down or damaged, U-Haul will take care of that. So I'm not responsible for that at all. All we're responsible for to maintain is when a renter picks up the truck we inspect it, and when they return the truck we inspect it, and we just make sure it's in the same condition that they rented it in when they return it, otherwise they pay a fee for repairs. Myself and my assistant manager DuJuan, will be the two that are getting trained to handle all this there on-site and then I'll probably get a part-timer also.

Mr. Donovan: What's this 2-3 more employees that you said would be hired? That's not the case then?

Mr. McCarthy: I think maybe I missed – there will be 2-3 employees, currently staff, that will be responsible for that rental, the handling of it. And from what I understand from the U-Haul representative, Brian, it's pretty simple. We

will have-- If you've been in Ace Hardware, we have a hub in the center and that's where they'll come and we'll have it right there on our computer. We just do it up, it prints out, they sign it and we send them on their way. So it won't be a real intrusive process to handle the few – the couple 2-3 vehicles that we'll have renting there.

Ms. Wallace: Are you planning on parking them up against the sidewalk?

Mr. McCarthy: That was my original proposal is have them out there by the sidewalk so they were not up near the building. That way they're out of the way, nobody uses the spaces and it would just be those first three right near that entrance, three or four there where they'll be parked.

Ms. Wallace: The one thing that I can think of-- First of all, I think this is really needed, because I rent U-Hauls a lot and you have to drive a really long way to get one, so I was very excited on this one. But having them that close to the street, I think you might be dealing with blocking some lines of vision, maybe kids on bikes. So, for me, it seems like it would be a better choice to put them closer to the building. I don't know if you're allowed to move them back in that little notch there in the back of the building?

Mr. McCarthy: Well, the back of the building, there's not a lot of room back there. That's all fenced in currently.

Ms. Wallace: Like maybe closer-- I don't know what the regulations on that would be, but closer to the building or even that center, like right there – that row right there—

Mr. McCarthy: That's what I was proposing.

Ms. Wallace: I'd hate to have vision blocked, especially cause there's a lot of kids and I know tons of kids come out of that neighborhood. They riding to the pool. They use that sidewalk. And if there's any kind of blockage of the vision of the sidewalk, somebody might be coming on a bike and I think that truck might block the line of vision if somebody's pulling out. So, for me, for safety reasons, I'd prefer them to be in that second row, not along the street.

Mr. Rettke: And your deal with the owner doesn't restrict what parking you use? You have blanket parking?

Mr. McCarthy: No, sir. Actually I met with Tom today, Tom Schottenstein, and he gave me his blessing. He said good luck meeting with you guys and he was – as a matter of fact he's pretty excited because there's a wings place going in next to us, so we're finally getting that shopping center starting to fill up again. They're proposing to remodel that Kroger there and everything, so it's kind of a neat situation going on there. But I feel, as part of Ace Hardware,

and I love Ace Hardware and I'm glad we're here, that that's just a great service for the residents moving into Reynoldsburg as well as those unfortunately who do have to move out, but I love the incoming people. You get them, they can drop off and have a convenient location. It's just an additional service that we can offer the community.

Mr. Rettke: So next question will go to staff. If he moves it to the interior lot on that same side, on the east side, that would take away the setback from the primary way.

Ms. Moeller: Yeah, I think as long as you moved it almost all the way to the end, those last few spaces.

Mr. McCarthy: There's two sets in that center, so if I take the west side, the far west side spaces in that section, that would plenty within that.

Ms. Moeller: Yeah, there would be. I don't think there would be a big measurement problem.

Mr. Rettke: What was the distance from the residential to – what was the residential setback?

Ms. Moeller: It's 120' or 60' if it's properly screened with something.

Mr. Rettke: Is there screening back there?

Ms. Moeller: I don't think there is.

Mr. McCarthy: No, not on that side. It's up against the building. I believe we're well more than 160' though at the spaces that we would be using.

Ms. Wallace: You'd have space left over for the people that are needing to borrow the truck. They could have space to leave their car there without causing any problems with the other tenants up front? They could leave their car on the side and—

Mr. McCarthy: Right. And South Beach, which is going in on the other side of us here coming up soon, they don't have any problem at all, because they'll be using all the front spaces which are a ton out there in the front, south end there.

Mr. Enfinger: Staff, do you happen to have a scale with you, a ruler, or anything?

Ms. Moeller: I do not.

Mr. Enfinger: My only concern is just short of the one-ton pickup version, the 1995 model, when you get into that one that's more of the larger truck, that won't fit in one of these spots.

Mr. McCarthy: That would probably take two spots.

Mr. Enfinger: Well, I think length-wise too, it may cause a problem, because those are fairly long.

Mr. McCarthy: Would the proposal to part them vertically in those spots be more-- Chances are I probably wouldn't have something any longer than about 32', I imagine as the worst case scenario, because I think that's the biggest they make.

Mr. Enfinger: Is a typical parking spot 9 x 18? So, yeah, a 32-footer you're coming out 14'—

(Gentleman speaking off mic – inaudible.)

Mr. Rettke: I've got a Reese hitch on my truck that I never take off and it's a knee-buster. So I'd hate to see that along that narrow sidewalk without some sort of screening. Interior I'd be fine with, probably up to the light post. I'd say any further than that, you're kind of getting in that setback. If the client parks it there, you guys go out and move it and tuck them together, I don't see a big problem with that. I'd prefer them there as opposed to storefront, cause I forget who all's even there anymore. You've got the Sunoco and whatever's in that old bank and Massey's. But the wing place would probably not like you to park there.

Mr. McCarthy: No, I can assure you we will keep the vehicles there, because we know we're not going to be intruding on anyone else's parking.

Mr. Enfinger: At a quick look, the reason I'm asking, because we're still at the 120' because we don't have proper screening. It looks like, and that's why I asked for a scale. That's not the type I'm used to reading so I was struggling with it. It looks like you might still be really short of space on that if you – you only have a few spaces there. You could potentially pick up four, depending on where that property line is, so you'd be looking at about 3-4 spaces. So if we're not looking at in front of the structure and we're looking at that one parking aisle, you're really actually limited to just a few spaces.

Mr. McCarthy: Correct. And that's the one thing I discussed with U-Haul, was if I end up all of a sudden got five trucks returned in one day, they would, the next day if not the same day, depending on the time of day, the next day come and pick up those trucks and move them to other facilities, especially their main location down on Morse.

Mr. Enfinger: So what happens when you have 3-4 people then that need to pick up and you have a couple dropping off and you have 6, 7 or 8 trucks there maybe during the real busy moving season? Do people order trucks and then U-Haul brings them to you so you have them there? You maybe have 1-2 just sitting around but, other than that, people will order it, they'll deliver it to you and then you rent it out, is that the way it goes?

Mr. McCarthy: Right, or I would – if the customer walked in and said, “I need a 32-foot truck,” I would then go online and look and see if we had one, either send them to that facility, or arrange to have it delivered, but it would be for that one use and purpose only.

Mr. Enfinger: But my concern here is you're operating with very, very narrow margins to stay within zoning code, because all agree that right up against the sidewalk in the parking area that they really aren't a good place for them there. So if we're talking 120' and that's just even taking a line from – I don't know where the actual property lines would lie – but I think before we make any kind of decision tonight that I'd want to know for sure where our 120' line setback on that.

Mr. Rettke: Do you have Streetview on there?

Ms. Moeller: Yes.

Mr. Rettke: Can you go up there around that property line and see what kind of screening there is? I'd say he's got the screening. With the screening, what's the setback?

Ms. Moeller: 60', cut in half.

Mr. Enfinger: But is the screening the responsibility of the property owner or is it the residents? To me it would see like that has to be on – the impetus has to be on the applicant, the property owner, and we can't just default to whatever the neighborhood has.

Mr. Dan Havener speaking off mic: I would agree with that. I think it falls back on the property owner. It's nice that the fencing is there, it's convenient.

Mr. Enfinger: But they could take it down next week and then we wouldn't have screening there.

Mr. Havener speaking of mic: So I think it's really up to the center to provide the screening.

Mr. Enfinger: And that has to be a 15' buffer zone, correct? Fifteen feet and that cuts into that whole entire parking area there. So that's the reason why I ran through all of that and that's why I felt that the 120' was probably going to be the number we were working with. We're operating with very, very thin margins there and I think before I say one way or the other, I certainly need to see what those property lines are and exactly where that 120' line lands on that.

Mr. McCarthy: Is that something you want me to take care of and provide that information?

Mr. Enfinger: I'm not going to do it. I don't know who that would be. I think that would come as part of the plans that you would submit, correct?

Mr. Havener speaking off mic: (Inaudible)

Mr. Rettke: And identify the possibilities of where you're going to put them.

Mr. Havener speaking off mic: What you really should do is have somebody lay out (inaudible) and mark them clearly (inaudible)

Mr. Rettke: Cause if Option A's not going to work, then we need to know what B is.

Mr. McCarthy: Okay. And then just for the sake of coming back again, I would say have Option C.

Ms. Wallace: Can that middle row of parking spaces be moved? Can it be moved closer to the building so you'd have more area here? Like if you could pull the trucks up closer to the building like if there were not those parking spaces? Move that row – not necessarily the whole row, but move part of the row up against the building?

Mr. Enfinger: That wouldn't change 120' though.

Ms. Wallace: No, but then he wouldn't have to park the trucks vertically in that parking zone. Am I making sense? If he could take like from the light pole forward to the front of the center and move that set of parking up against the building, he'd be able to back a 32' truck up with the backend up against the building and have the ability to park three trucks there, or is that allowed to have that thoroughfare—

Mr. Rettke: Well—(inaudible)

(Conversations off mic.)

Ms. Wallace: It would change the direction that the trucks would have to park and give you at least more room, because you'd only go on the width of the truck instead of length of the truck.

Mr. Enfinger: So we're not – we don't have adequate screening here existing and we have this building pushed up against the residential area. The building itself is not within that 120 or 60 for that matter and it says that there are no variances that are currently, so is all this just grandfathered in prior to the zoning was enforced?

Ms. Moeller: Right. This is right now an existing non-conforming—

Mr. Enfinger: Am I – is my point moot because of that? Would this be grandfathered in or—

Ms. Moeller: No, I guess that's something for you to look at. If it would be closer than that 120' that's sort of exacerbating that degree of existing nonconformance. So that gives us something to look at. The building itself is okay. Anything additional now that the code has been put in place.

Mr. Rettke: But we would have the right to say that 15' affects the flow of the building because now the 15' is out in the drive lane, you almost would have to grandfather that, so-to-speak. It has to be 15' from the property line. You couldn't bring that side into total conformance.

Mr. Enfinger: But any changes made have to then become—

Ms. Moeller: Correct.

Mr. Enfinger: What about parking them with-- Well, I just answered my own question. Never mind. So what's the idea of the Board? Do we want to ask if you would like to table it for further discussion or do we want to have a vote? Otherwise it would require a table then, right, for them to make the changes to the prints and the plans and come back with some more precise information?

Ms. Moeller: You could either do that or approve it with conditions, whatever you would be more comfortable with.

Mr. Enfinger: In my opinion, I'm inclined to vote no simply because as currently as we've been discussing using the front of the building as sort of not an option, the side of the building where we're talking about right here, right now, you've only got three spots and any conditions that we would allow certainly the conditions would be we're not parking the vehicles in the front of the building or out in the parking lot closer to any of the other structures. So this is a potential area, but then the 120' foot setback comes in, so maybe speak with-- My point is we're working with very small margins and I'm uncomfortable with that. I'm

uncomfortable with that, because initially your information that we received said that there would be 5-6. I know you said you spoke to them, but you spoke to them today and they said it was going to be 2-3 vehicles.

Mr. McCarthy: Well, no, I spoke to them some weeks ago. We've been waiting for the confirmation of when tonight was going to happen.

Mr. Enfinger: Well, no, I understand, but it just seems like we don't have all the information we need to make a really informed decision.

Ms. Wallace: I would say table it until he can get a revamped parking plan for the side of the building where the trucks could fit and stay within that 120.

Mr. Rettke: I'd say here's your options: You can ask us to table it, you know what direction we're going. Staff would be able to assist you, come up with alternate ideas and then come back and present that; get their opinion on whether you could apply for a setback variance to reduce that setback of 120' because of the nonconforming site with the existing rules. That could be another option. Like I said, I think you know where we're going with it, what we'd like to see. I definitely would like to know how many parking spots, because scaling it in, I'm getting about 3-4 spots and I don't think that's sufficient enough. I don't know that necessarily front parking is out of the question necessarily, so that could be your other alternative.

Mr. McCarthy: I was going to propose that since Aaron's, they part their trucks out there.

Mr. Rettke: So that could be another option. You just say, "Well, we're going to take these amount of spaces and that's going to be what we're going to use. I think you've got enough information you can come back. And looking at a picture she's just showing, that RV's about the size of your big truck, so it's going to take up two spaces. So I don't know if that side is going to be sufficient enough.

Ms. Wallace: Unless they're allowed to move that front end of the parking strip up against the building to back the trucks up against the side of the building. That would be the only option.

Mr. Rettke: That's sort of my feeling on the matter is to ask us to table it, regroup, come back with a little bit more detail of where the trucks can be, what kind of trucks you're going to be able to house. I imagine you'd want a variety, one big truck, one medium size truck and a van. The big truck is what scares me. There's no way that big truck is going on that side—

Mr. McCarthy: 32' is big. It's a big truck and you've got to add some other factors in there too as well. I'm okay with the tabling it and providing additional information needed to make this make sense. I can also have U-Haul with me as well, a representative that can answer some of the questions that I will not – am not as privy to answer.

Mr. Rettke: I'm not going to say that they don't have to be here, but my question is just putting them there. Do you have enough space and are they going to fit. I don't think on the side they're going to fit though. But Megan can relay to Justin what our concerns are and I'm sure Justin will have some ideas for you. We're not against it. We've just got to get it in the right spot.

Mr. McCarthy: Do I have to reapply? How's this process work?

Ms. Moeller: Basically what you'll do is you'll be working with us directly. So you can submit further plans. You won't have to fill out another application. It won't be a different application number or anything like that. You'll just basically come back with your updated information. We'll provide that to the Board and they'll be able to make a decision. Just so you know, once this next meeting comes up, they're going to have to vote a certain way towards it.

Mr. Rettke: We have 45 days to act on it.

Mr. McCarthy: Fantastic. I do appreciate you taking time to talk with me.

Mr. Rettke: I move that we table Item B2, Special Exception Use Permit #165300.

Mr. Enfinger: I second.

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

Mr. Rettke: It's tabled. So, like I said, you know what direction we're going, you know what to convey to them. I think you've got some good direction.

Mr. McCarthy: Oh, absolutely. And I'll work with Tom and them to see what we can do.

Mr. Enfinger: We're not adverse to it. We just want to make sure it's safe for everybody.

3. **MAJOR SITE PLAN APPLICATION, 8915 BROAD ST., REYNOLDSBURG, OHIO**; PRESENT ZONING, CS; PRESENT USE, VACANT;

PROPOSED USE, DOLLAR GENERAL RETAIL STORE; PRESENT OWNER, CHUCK WARNER —CHUCK WARNER & ASSOCIATES. CONTACT: MARK BUSH – REYNOLDSBURG DG, LLC (#164595).

Ms. Moeller: This is for 8915 East Broad Street. It's a major site plan review. This is for Application #164595. The property's located on the southeast corner of East Broad Street and Annette Drive SW. The existing zoning is Community Services. The applicant is requesting a major site plan review for a proposed Dollar General. Currently it is vacant and/or undeveloped.

So I think we kind of know what they've been proposing. They've come to us several times, so we kind of know what's going on with the existing site and the context. I think what I would like to mention is what's happened since then, what we have approved. There were variances that came through here, so I'm going to sort of mention what the variances were and what was approved and not approved and the changes that have been made since those variances have been approved.

So the variance from Section 1175.07 to expand the maximum driveway entrance from 30' to 36' was approved. The variance from Section 1175.06(a) to reduce the required front yard setback from 40' to 5' was approved, and the variance from Section 1179.03 and Table 1179 to reduce the required minimum off street parking spaces was reduced from 46 to 30. So those are the three variances that were approved.

So looking at the changes that have been made, the building was relocated to the north side of the building. The parking was all moved to the west side of the lot. The incorporated – they incorporated a second entrance from Summit Ridge Drive which is coming up over here. They moved the stormwater retention area to the north side of the site. It was originally on the west side. And they are now – they've included additional sheets for the major site plan submittal.

So let's go into the proposal. The landscaping and buffering: The applicant proposes to remove trees at the southeast corner of the site. A 6' privacy fence is proposed to be constructed along the property line abutting the residential properties to the south. Applicant proposes to plant deciduous trees around the perimeter of the property as well as plant evergreen and deciduous shrubs along the perimeter of the proposed parking lot. In addition, the applicant has proposed an island-type landscaping within the proposed parking lot.

So looking at lighting, applicant proposes to install lighting towards the northern entrance on the west and south side of the property and on the west and south face of the proposed building. The staff would like the Board to consider the level of lighting proposed at the south property line and the impact it

could have on the residential properties. Even though there's a fence there, just any possible lighting coming through is something to consider.

Looking at the front setback, a variance to reduce the front setback was approved in June. Staff would like the Board to consider the adjacent properties along Broad Street in comparison to the proposed site plan. The existing buildings are set back about 70-90' from the right-of-way and although the building setback is reduced to 5', they're proposing approximately 40' of landscaping between the structure and the right-of-way, so they're about 45-50' away from the street. So, you know, just kind of looking at that in comparison to other sites off of Broad, something to look at.

Looking at the stormwater basin, applicant proposes to drain stormwater into a basin at the north side of the property and staff would like the applicant to address the stormwater management on site, just what they're going to be doing there.

Looking at the truck activity, the proposal includes the use of a residential street for the ingress and egress of delivery trucks and maintenance related vehicles and staff would like the applicant to describe the activities regarding the truck delivery times with the consideration of residential activities, so when these guys are coming in and out, if that's going to be late at night, if that's going to be affecting residential properties.

Then looking at the tree replacement, too. Section 1180.06 of the code states that each existing major tree removed pursuant to Section 1180.06 during the course of the development of a lot shall be replaced onsite with one tree having a minimum caliper of 1-3/4" as measured 1' above ground level. The applicant is proposing to plant 41 trees equaling a total caliper of about 85" and, based off of that code, they would be permitted to remove 23 trees at the 1-3/4" caliper per tree. That's sort of a measurement. Staff finds that the applicant should provide specific details regarding the proposed tree removal as a means to determine if it meets Section 1180.06 of the code.

Then, finally, I wanted to mention the façade. Applicant submitted the additional information a little bit later, but even though the applicant is required to have approval from the Design Review Board, staff would like to note that Section 1195.07 of the code states that building frontage that exceeds a width of 50' shall incorporate articulation and offset of the wall plane to inhibit a large expanse of wall and add interest to the façade. So even though it does have to go through DRB, I would like to hear from the Board how they feel and their thoughts about the façade as it is.

So going to the staff recommendation, it is recommended from staff that the Board table the proposed major site plan so the applicant can address the following concerns: onsite stormwater management approach, the proposed

schedule for truck deliveries and maintenance vehicles; a little bit more detail of tree removal plan; and just a little bit more in addressing the lighting going into that residential properties.

Mr. Rettke: State your name and address for the record.

Mr. Jacob Horvath: Jacob Horvath, 7588 Orchard Hill Avenue, Kalamazoo, MI. I would like to ask to address the staff's recommendations rather than table the project at this time, or the submittal.

The stormwater management concerns, we certainly understand that and I think, perhaps, we didn't do a good job of clearly identifying our strategy there. Originally the previous middles, we had planned to do an above-ground basin on the west side of the site. Since then, not being able to make the site plan work in that configuration, we had to reconfigure the site based on the variances that were granted last month. So we did so and essentially had to move all the parking to the west side where the retention pond was planned. Because of that, we don't have room and also move the building away from the residential area so that we can provide both the 15' buffer zone as well as the 25' setback for parking that we previously didn't provide with the other plan. So that was kind of the focus as well as the 60' building setback from residential with the 6' screening that we're proposing as well. So this layout is focused on providing those setbacks from the residential properties both the buffer zone, parking setback and building setback which we both address in the site plan layout. So, by doing that, parking is now in the place of our previously proposed detention area, therefore we are proposing a concept now to utilize an underground stormwater retention essentially in the same location in that parking area. And if you do look at the utility plan which is up there, there is a rectangular area on the previous sheet that was just up, there's a rectangular dashed area surrounding essentially the middle parking spaces there, so the exact size and configuration hasn't been determined. We haven't gone through the stormwater design 100% at this time. But the plan is to utilize an underground detention facility, essentially the same thing we were going to do above ground with the pond. We're just going to put it underground and control the release to the ditches as was previously planned. So, in concept, we didn't change anything. It's just going to be buried in a tank as opposed to being exposed on the ground surface. Any questions regarding stormwater or should I move on?

Mr. Rettke: No, I'm fine with stormwater.

Mr. Horvath: The lighting, our lighting engineer that did the photometric plan that you see there, in discussing it with them they certainly understood from our previous experience here the concern with the residential adjoining property there, so they did what they could to minimize the intensity of the light at that property line, but they also have to provide a minimum-- I'm not a lighting expert, but I believe it's around two foot candles of power or intensity in the parking and

drive area for safety. So in order for them to provide enough lighting to the edge of the pavement essentially, there is some residual that – there's a couple of areas you'll know where it does proceed five foot candles of intensity at the border there, but it is a very – just a small percentage of that overall property line. The large majority is well—

Mr. Donovan: Will these lights be on all night long from dusk to dawn?

Mr. Horvath: I don't believe so. I believe they're on a timer. Well, you know what? I shouldn't speak out. I honestly don't know the answer to that question, but I can certainly find that out and get back to you. I'm sure at least the lighting for the parking lot area, I'd assume they may want to keep the building perimeter lit in the evening, but we may be able to consider timing or something like that if that's a concern as far as some of the lights that are actually in the parking area.

Ms. Wallace: You said the light posts that are along – closest to the properties behind, there's a very minimal area that would actually have more than—

Mr. Horvath: If you're looking at all those little numbers and those dots on that plan there, that is the intensity of the light. According to staff the ordinance is 0.5 foot candles at the border. Unfortunately, the way the grid kind of lays out, there's a spot on the commercial side and then there's a spot on the residential side – they're not exactly on the property line, but if you look at the intensity on the residential side of the property line, the large majority is at or below the 0.5 intensity. There are a few areas that do get above that, but the large – the significant majority is at or below that threshold.

Mr. Rettke: Yeah, immediately right behind the house. That's the bad part.

Mr. Havener: I have a question for you regarding the site lighting. I just noticed that on the luminaire schedule on the wall packs you have the full cutoff wall pack and on the parking lot lighting are those divided with full cutoffs also?

Mr. Horvath: I'd have to get back to you on that to be honest with you.

Mr. Havener: (speaking off mic - inaudible)

Mr. Horvath: Yeah, certainly, might reduce it.

Mr. Havener: I don't see any indication that's noted on the schedule- maybe it is I don't know.

Mr. Horvath: It might be an easy solution though. It's certainly something I'll look into, absolutely. Any further questions concerning lighting? (No response.)

I'd like to discuss the delivery activities. The truck deliveries occur during normal store hours. The store has to be open in order for Dollar General to receive deliveries. The exact days and times vary depending on the schedule. My understanding of their schedule is a driver may have a number of different stores that they visit on a couple a day route, so it kind of depends on where they are in the route as far as the time of day. But they do have to be there when the store's open in order to have access to the building and assistance in unloading materials. The typical store hours, I can't say for certain what are planned for this facility, but typical store hours are 8 a.m. to 9 p.m. Monday through Sunday, that's seven days a week. So I wouldn't anticipate they'd have many friends if they showed up at 9:30, 9:45 regularly for deliveries. So I think it's safe to say that most deliveries will be—

Mr. Donovan: So there's no cutoff time during the day then? There's no deliveries after 5-6 o'clock in the evening. Regardless of that whatever time they get there before they close?

Mr. Horvath: That's my understanding, but I don't know for sure. I could find out for certain, but I wouldn't anticipate many deliveries after 9 o'clock.

Mr. Donovan: You never know.

Mr. Horvath: Sure, sure. Well, 9 o'clock is probably when the store will close, so people will be going home after that so they can't deliver after 9. As far as frequency, the gentleman that was here earlier apparently has Dollar General as a tenant and, as he attested to, typically they're about 2-3 day intervals as far as deliveries go at their stores. So, at most, you might see one every other day or one per day at most. There's not going to be heavy traffic. The access off of Broad Street there, the residential drive, the property east immediately opposite off Summit Ridge Drive there, is another commercial type use, so it's not residential right there on the corner where they would be making their turns.

Mr. Rettke: Who controls that Broad Street right there? Is that Pataskala or us or ODOT?

Mr. Havener off mic: That would be state.

Mr. Rettke: And they're fine with the left out there? I know the gas station is right in/right out. There's no left, but that's because they're at the corner of Taylor there. I think you guys are just not that much farther back.

Mr. Havener off mic: I'm not sure about that.

Mr. Rettke: That's where that taper starts. Has ODOT been brought into the mix on that?

Mr. Horvath: We've had discussions – we went back and forth with ODOT when we were trying to figure out where the right-of-way actually was along Broad Street. The area was kind of a mystery for a while and they saw our plan many times. It was never mentioned. We honestly never discussed it though.

(Gentleman speaking off mic – inaudible.)

Mr. Rettke: I'd say if they haven't brought it up by now that you're pretty safe.

Mr. Havener off mic: That's a good point. The other point I'd like to just throw out there is that the drive to the east, Summit Ridge Drive, that's actually not in the City of Reynoldsburg. That's Pataskala.

Mr. Horvath: I think everything around this property is, right? To the south as well, I believe.

Mr. Havener off mic: So Pataskala has to approve access to that road. I'm not sure how that comes into play.

Ms. Moeller: Yeah, if it's technically out of Reynoldsburg jurisdiction it's sort of also out of our call. We can't really determine what they would be allowed to do on that street.

Mr. Rettke: Well, typically, you'd want a letter from them in support or okaying that. Yeah, any time you're entering somebody else's roadway, they'd have to give you their blessing, cause they – different municipalities around here have access management and they may not like your trucks coming down that road.

Mr. Havener off mic: Yeah, that's what I'm saying. You might just want to touch base with the City of Pataskala and share your plans with them also.

Mr. Rettke: They may have a line-of-sight that isn't typical. You just never know with some of these people.

Mr. Havener off mic: And, again, I know we were just talking about access, but while we're talking about the right-of-ways, the landscaping, the trees that you have proposed on the east line of Broad Street (inaudible).

Mr. Horvath: Okay, we understood the ordinance to recommend or require that.

Mr. Rettke: But not within a public right-of-way.

Mr. Havener: That's not our right of ways.

Mr. Horvath: I certainly understand that. We found it a little bit odd. We probably should have had a discussion on that.

Mr. Havener: This is a very odd, complex site because there are so many jurisdictions involved- especially now that you're coming in and out of that east drive there. Before you just had access to Broad Street but now-

Mr. Rettke: Yeah, the normal for Ohio is basically you don't put anything in the right-of-way.

Mr. Horvath: That's typical of anywhere I've ever worked, so we should have discussed that.

Mr. Rettke: It looks nice but -

Mr. Havener: It looks like the trees along the east property line; you could probably pull those into the property enough where_____.

Mr. Horvath: There's overhead there. That's the concern. There's overhead electric. There's an existing easement that runs along the property line there.

Mr. Horvath: Well, in order to develop the property as proposed, we pretty much have to clear the majority of the property. And, as you can see in the landscape plan, we have a landscape architect on staff that put together the plan and she said any more trees it would just be overly crowded, it would be all for naught and not really provide much aesthetic improvement. It would be – she felt strong that this plan met the intention of your ordinance, although it may not meet every little requirement – every single requirement.

Mr. Enfinger: So hearing that, I don't really see the point in tabling this. Am I right in thinking that? I guess if we table it, then we're just looking at this set of plans. Am I correct in thinking that?

Mr. Rettke: He could still revise them.

Mr. Enfinger: Yeah, you're right, never mind. It's the application.

Mr. Horvath: I would ask the Board to approve the project under conditional approval. Everything we've discussed here makes sense to me and I know my client will be on board to address these issues. I think maybe the landscaping is maybe the only one we kind of need to work through. But, really, the fact that this is our third time here has really got the schedule of this project in quite a pinch. Whatever the Board feels is necessary to be an adequate site plan, I'd prefer to address those conditions and allow us to move on to DRB.

(Gentleman speaking off mic – inaudible.)

Mr. Rettke: Without you having to spend the \$375 or whatever this was again, I would strongly -- \$500 -- I would strongly recommend the tabling action, because -- I would like to know has ODOT given you right in/right out and is the City fine with that access point -- City of Pataskala. So those are two major issues. If you don't have a right in/right out, now that funnels traffic to the south and if Pataskala says no, your site plan's no good. That's the major sticky point. I'm not happy with the lighting, especially since the one existing residence is where the density is the greatest over the .5. Truck activity can be easily explained. I think it's reasonable to say those trucks normally run routes. They're not day sleeps where they're going to pull in at 9:02 and say, "Shucks, they're not here. I'm going to sit and idle all night long till they get here at 8." You know, it's not your over-the-road. It's a local delivery route. The trees, I'm fine with that, but that count includes those in the right-of-way, which should not ever be put in the right-of-way, so that's going to severely negate, I'd say, half of what you've proposed. So I think the tree section's applicable and the building façade, if I had any say in it, under the 1195.07 with the 50' shall incorporate articulation and offset of the wall plane, you're looking at 130' of pole barn. Now I know that's Dollar General's motif, but I'm going to hold you to that. I don't want 150' of saw-colored metal siding. You know what I mean? So I think the landscape plan falls short because of the trees in the right-of-way and you need something to break up that 150' of metal siding -- or 130', excuse me, 130' of metal siding.

So I think you have good instruction. I hate to delay the project and maybe it's something we can work with staff in getting a -- not waiting a month. If you can pull all this together in that time, we could try to set another date if it's acceptable to the other Board members and I can't say that, because I'm out of town for two weeks. But, like I said, I think there's several major questions. First and foremost is ODOT and Pataskala on your access points. We need something from them saying those are acceptable.

Mr. Horvath: Well, let me ask this question. If we don't get that approval, our project won't be able to be built, correct?

Mr. Rettke: Yeah, cause you need to have access, guaranteed access and you need two points. You're not going to get two points on Broad Street, naturally because of the spacing and your building takes up half the site.

Mr. Horvath: My comment to that would be that during the submittal process for a major site plan review and variance requests we were not made aware of that requirement at this stage of the project and, therefore, we did not prepare those approval letters for this.

Mr. Rettke: I don't think anybody saw it, because traditionally you're working inside the city, you're not on that borderline. But Dan did raise the point and I was thinking it too, coming from a county aspect, nothing gets built until you get approval, because they could say, "Our code doesn't allow you to _____ 29', it's got to be 30'. So right there your site plan that we've approved is invalid.

Mr. Horvath: There were preliminary discussions. There was a preliminary investigation that the developer had done touching base with ODOT and the county would have been part of that process. I can't speak for certain, but typical projects that we've done would not have moved forward if we did not receive—

Mr. Rettke: I can see the ODOT. I just don't know about Pataskala. I don't think anybody ever touched base with Pataskala. I really don't. That doesn't really appear on your drawings very frequently for somebody to say, "Hey, what about Pataskala?" And that's something we run into all the time at the county is they're entering our right-of-way. Some of these major site plans, they're in the city, but they touch a county road here and they touch a state route here. You've got to get all three on board before really anything moves. We now have access management in place where you have to prove line-of-sight, distance between and submit all that ahead of time for approval.

Mr. Horvath: To the Board?

Mr. Rettke: No, to the county, so then we can review it. Years past, we'd just look at it and say, "Yeah, that makes sense." But we're getting strict, so I know we're not the first. I'd be cautious of what Pataskala's rules are. So if you call for a vote, I think you're going to get a lot of nos, because there's a lot of what-ifs and "I don't knows" and I could find that out, but I think tabling is the only way to go.

Mr. Horvath: Okay, can I ask what specific concerns – obviously the lighting—

Mr. Rettke: Well, she laid it out here nicely for you at the end. The level of lighting. The front setback was not an issue, correct?

Ms. Moeller: No, huh-uh.

Mr. Rettke: Storm water basin, you've addressed, but I think there needs to be something shown a little bit on your drawings. Truck activity, I think we've fairly got that somewhat addressed, but corporate could say, "Normal delivery times are between 8-9." Tree replacement, like I said, I think half of your tree count is gone because it's in the public-right-of-way, so I think that has to be reviewed and revised. And the building façade, I just don't think Design Review Board's going to appreciate that. I know I don't like it. So I think you're going to have a major hurdle there and I think you should work with staff on that to see. They know how that Board actually goes through. But I know before this newer Board came to be, you wouldn't have gotten very far with 130' of metal siding and I'm not looking at the side, "This is what you're going to see driving down the road." This is on the side. This is what you're going to see is 130' of two colors. So if I had to vote on 1195.07, I'd say you've got to do something else. And he does have your Staff Report, right?

Ms. Moeller: Yes.

Mr. Rettke: The only thing it doesn't include is the ODOT and City of Pataskala.

Mr. Horvath: I guess I would ask for some help in specifics as far as what I need to provide. I was not aware that anything regarding ODOT or Pataskala was required for major site plan review.

Mr. Rettke: Yeah, and I don't know if that was an oversight by staff or—

Mr. Donovan: Well, they weren't going into Pataskala until they had to do the new driveway.

Mr. Horvath: And that could be, too. It's also not on the checklist or any of the materials that—

Mr. Rettke: Well, like I said, normally you're entering and exiting Reynoldsburg roadways, so they can control that.

Mr. Enfinger: You're asking for some specifics. You could reduce the size of the building by about a third or more, that might help resolve a lot of these problems, but I know the applicant's not going to move on that. We'd probably make a lot of headway on all this entire issue if they'd be more flexible with that. We're putting 10 pounds of stuff in a 5 pound bag.

Mr. Rettke: That was similar to the same issue we had with Family Dollar wanting that one site, taking half of it instead of the whole. You know, 20 variances for a site just wasn't going to cut it. So, like I said, you've got the Staff

Report. The only thing that's not on there is getting an okay from ODOT and the City of Pataskala. I'd say your best option is to table it. If not, then you do have to refile it or you can take it to Council, I guess, right, and let them vote on it. But I still say Design Review Board's going to give you some fits too.

Mr. Horvath: These plans are not ready for Design Review Board.

Mr. Rettke: I don't think they're ready for BZBA, to be honest with you. Cause, like I said, there's too many what ifs, especially with the landscape and the tree count. That's kind of important. That also goes to that 10 pounds of stuff in a 5 pound bucket. If you reduce the trees in half, you're right about the correct number, but now you've got half of the amount. Where are you going to put the extras? That's consideration that the Board can give you leeway as long as it's looking nice, but now you've got nothing in front of the store and 130' of the same color metal siding.

Mr. Horvath: That was going to be my question. Would the Board prefer us to meet the requirements and just get the plantings on the site or—

Mr. Rettke: I don't know that you have to – I know we struggled with this with one of the apartment complexes. As long as you're trying to meet the intent of the code and I'm fine with that. If it says you've got to replace 36 and you can legitimately fit 32 on there, I'm not going to hang you up over forty-one includes everything – half the property's in the right-of-way which you can't plant in the right-of-way, that's a big problem.

Ms. Armintrout: So if we table the plans tonight and he were to gather all of his information, then how does that work? Can he – is there a special meeting—

Mr. Rettke: Staff could call a special meeting and see what works for everybody's schedule. I know personally I will not be back. I will leave Saturday and not be back until August 4th. That would be the earliest my schedule.

Ms. Armintrout: It may take a couple weeks to get what you need as well.

Mr. Horvath: I'd like to turn this around fast. I guess my biggest concern is wanting to come back with everything we need and having clear understanding of what we need to provide. I can assure you that we're not going to be able to meet the number of trees—

Mr. Rettke: Like I said, the trees are not a big concern. My biggest concern, do you have access – are they going to allow those two entry points, because it's out of Reynoldsburg's control. The lighting, you've got to tone it back on that existing house. I'm sure that guy's going to come unglued the first

time you fire those up, because they exceed that well into his property and he is the closest house. So you've got to get creative on that. And what he was talking about, some dampening devices on the light may help, I don't know. I don't know what your light guy put into this.

Mr. Horvath: I think that's something we can address.

Mr. Rettke: We're not really showing anything drainage-wise. I know if Mr. Stoffel was here he'd be all over that. That's his forte.

Mr. Horvath: Is there more detail required? We certainly could have provided it. It was our understanding that you needed to understand the concept of the stormwater management plan and we showed the catch basins, the piping, the detention location and the controlled outlet to the ditch.

Ms. Moeller: Yeah, I don't think zoning's going to have any issues.

Mr. Rettke: Is it on here?

Female: Yeah, it's on there. I saw it. It's an underground thing underneath the parking lot.

(Several people talking at once.)

Mr. Rettke: So, yeah, that should be sufficient, I guess. So I would call her first thing tomorrow and she can give you the list.

Mr. Horvath: So regarding landscaping, if I may, I'd like to ask for a little bit of direction here, what your opinion is. Obviously the planting outside of the right-of-way is—

Mr. Enfinger: I think that this speaks to the whole problem. You can't meet the requirements for the tree replacement. You can't meet the requirements for the setbacks until we change everything. You can't meet anything until we make tons of accommodations. And what accommodations has the applicant been willing to make in respects to the size of the building, which would then allow them to make some accommodations?

Mr. Horvath: Unfortunately the building is not something that we're – we don't work directly with Dollar General. We work for the developer. So we're kind of stuck without being able to have direct discussions. But it's our understanding, our direction that the size of the building is not adjustable, they have their own set store layout and the way they do things.

Mr. Enfinger: In my opinion, if that is an immovable object, then my perception, or my vote will be that I'm immovable on that. I have a problem with a number of things and making special accommodations, I view very skeptically.

Ms. Wallace: I was looking at the tree plan here. The ones that are under the right-of-way in front of the actual building, there's like eight of something across the front. Could those – I was brainstorming – those move right up against the building and that would help break up your expanse? Maybe have, not necessarily like climbing ivy, but something tall and narrow, or ornamental grass or something that would break up the expanse of that building with some color on it and movement and then you'd have more numbers for your—

Mr. Horvath: We can certainly do landscaping there and plantings. I don't know that we could do trees. There's overhead in that area as well.

Ms. Wallace: There's some plants and ornamental grasses that grow 15' high but don't have the root system that would mess up the base of the building.

Mr. Enfinger: But the tree replacement specifically talks about the caliper of the tree and that's what you have to be conscious of.

Ms. Wallace: But is there leeway on that as opposed to-- I mean if you can't fit trees or if it would look horrible just to make the number of trees match, is there a way instead of a tree-- If we call for 20 trees and 20 trees would look horrible and look worse than 10 trees and 10 ornamental grasses, is that something that we have the ability to say, "We don't really need 36 trees. We can get by with 15 trees and—"

Mr. Rettke: There is a hardship clause on there.

Mr. Havener speaking off mic: Yeah, we can definitely entertain something like that. I think a compromise would be to work with your architect.

Mr. Rettke: Yeah, cause any wooded site, you're never going to get the same amount of trees on with the parking lot.

(Mr. Havener speaking off mic.) (Inaudible) By doing that, with that and a combination of foundation plantings (inaudible).

Mr. Rettke: Yeah, I just don't want 130' of metal siding.

Ms. Wallace: Or 50 trees where only 20 fit to match the code. That's why I was asking is that was something we could say—

(Mr. Havener speaking off mic – inaudible.)

Ms. Moeller: If the intent is there, that's sort of what we're looking for.

Ms. Wallace: It's about appearance is what the whole façade and landscaping is about appearance.

Ms. Moeller: And that's going to be something that the Design Review Board is going to address anyway.

(Mr. Havener speaking off mic – inaudible.)

Mr. Rettke: But just know that is a sticking point. So your landscaping could help us with that.

Mr. Horvath: So am I correct in saying that the lighting and the landscaping are the two sticking points?

Mr. Rettke: Lighting, landscaping and access.

Mr. Donovan: Access is your key right now, because if you can't get Pataskala to go along with it, you're in trouble.

(Mr. Havener speaking off mic – inaudible.)

Mr. Rettke: It's not a great road necessarily.

Mr. Donovan: Huh-uh. I went by there yesterday and it's just a two-lane road. It's a regular city street more or less.

Mr. Rettke: Yeah, like a township road, no curbing and I think open ditch. I think your best bet, I mean just short of paying the money again and then you don't get the possible special meeting with the new application.

Mr. Horvath: I would be in favor of tabling it if you think it's possible to get together in the interim.

Mr. Rettke: She knows everything that we're talking about. Justin's been through many of these. He knows exactly the way the Board leans on these things, so I'm sure – and, in the future, you come into Reynoldsburg again, that's the first step I'd always go to, say, "Give me everything you've got," float it off them, let them see it. They can pinpoint a lot of issues.

Mr. Horvath: Thank you.

Mr. Rettke: I move to table Item B3, Major Site Plan Application, 8915 Broad Street, #164595.

Mr. Wallace: I'll second.

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

Mr. Rettke: And, again, like I said, I think the record clearly shows what we're looking at, staff report omits the two access issues. I'd address those and I think it can be done. I don't think anybody's against it. On a major sit plan, we can't have what ifs and conditions. We've learned from the past that if it has conditions they get lost and not fulfilled and it needs to be exactly how we want to see it or it's not going to go. We can make small things, like applicant has agreed to move the dumpster to the southeast corner. That's not a big deal, but more than one, it gets to be a big deal.

Ms. Wallace: Can we pick a tentative date for a meeting now? Can we or do we want to do that?

Mr. Rettke: I would let him notify staff, staff sends out an email asking for a range of availability as long as we have a quorum that can commit. Cause you don't know how long ODOT's going to take or the City of Pataskala. I can see Pataskala taking every bit of the two weeks.

Mr. Horvath: What exactly would you feel is sufficient? Next time we come here, what do we need to obtain.

Mr. Rettke: I'd have a letter of consent to the access.

Mr. Horvath: Something in writing from ODOT and Pataskala?

Mr. Rettke: Yeah, that they have seen the plans marked, whatever, and access at that location is sufficient, we won't have-- Something that basically says you can access that. ODOT shouldn't be too hard. You've already got a contact there. Finding who at Pataskala, whether it's the Street Commissioner— Again, like I said, I apologize, but that's the nature of a site plan it seems like.

Ms. Moeller: Yeah, definitely feel free to email me, give me a call and we can try to figure out a time that's most appropriate.

Mr. Horvath: I'll try to get an idea of a good guess of when ODOT and Pataskala will be able to review things and get back to us. There's no sense in setting a date for two weeks from now if we're not going to hear from them for three. Okay, thanks very much.

C. OTHER BUSINESS – None

D. ADJOURNMENT

I move for adjournment at 8:31 p.m.

Anthony Rettke, Chair

Megal Moeller, Planning

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