



MINUTES

BOARD OF ZONING AND BUILDING APPEALS THURSDAY, JULY 16, 2015 6:30 PM

**PLACE: COUNCIL CHAMBERS
7232 E. MAIN ST, REYNOLDSBURG, OH 43068**

A. CALL TO ORDER

PRESENT: Linder, Donovan, Enfinger, Wallace
ABSENT: Rettke

2. APPROVAL OF MINUTES

Minutes not reviewed by Board of Zoning and Building Appeals. Approval of minutes postponed until the August meeting.

3. APPROVAL OF AGENDA

Agenda stands approved.

4. SWEARING IN OF SPEAKERS

Vice Chairman Enfinger: If you intend to speak at this evening's meeting, please stand and raise your right hand. Do you promise that what you say and present this evening will be truthful? "I do."

B. PUBLIC COMMENT

Vice Chairman Enfinger: Is there any unfinished business. No, then we will move on.

C. UNFINISHED BUSINESS

Vice Chairman Enfinger: Mr. Snowden, is there any unfinished?

Mr. Snowden: I have one announcement. Staff has worked with Dollar General and has been to the site regarding the lighting that was discussed in the May meeting. We will send out a copy of what we have approved, and will inform the board when they have installed what we have requested.

Vice Chairman Enfinger: Thank you very much.

D. NEW BUSINESS

1. ORDINANCE APPROVING SPECIAL EXCEPTION USE PERMIT - (6475 E. Main Street; Proposed Use – Professional Activities); Applicant, Sam Ugbo

Vice Chairman Enfinger: May we have the presentation please?

Mr. Snowden: Thank you Mr. Chairman. Staff would direct that this is item number 2. In the Staff Report: 6475 E. Main St, Stepping Stone Health Services, for Special Exception

Use Permit, Application #169919. The property is located on the south side of E. Main St., between Brice Rd. And Crest St. Existing zoning is RI, Restrictive Industry District. The request is for the Board to review and approve a Special Exception Use Permit for professional activities in the R-1, Restrictive Industry District. The location is an existing multi-tenant, flex-space style, industrial building. I will go to the location now on our mapping system. This is the subject parcel. RI is the more restrictive of our two Industrial Districts. The other would be General Industry. The types of uses that are permitted there per code are light manufacturing, warehousing, and similar uses. This special exception is for Professional Activities. In this case it is a Health Care Organization. This came to the attention of staff by the Fire Prevention Officer, Joe Posey, who made contact with the tenant at the space. In the course of his normal inspections, he found there was a tenant occupying this space. When he contacted me, we determined that this tenant did not have a zoning certificate, or building occupancy, to be in the space. They got in touch with staff. Staff began to make some determinations about the use. The primary purpose of the use, according to information provided by the applicant, is professional services to adults with disabilities. Staff classified this as Professional Activities, and the rationale being that the staff, at this location, are professional caretakers and provide services to these adults. There are no residents at the site. The applicant is not proposing any residential component at this location. The applicant is not proposing outside public access or retail style customer service at the location. Parking per code: this location would require fourteen parking spaces. This is true of previous administrative offices and light manufacturing that were located at this tenant space. Staff did a review of the entire complex. This led to an interesting observation. The entire complex has approximately eighty, I think I listed one hundred, parking spaces. There is parking around the peripheral. As you can see, the anterior of the site has parking. There are delivery locations on the outside and additional parking and loading spaces. Per code, if this entire complex were to be used for manufacturing, light manufacturing, or warehousing, the required parking for that would be over three hundred spaces. This leads staff to believe that either a parking variance was granted previously for this site, or the site was simply constructed before our current parking regulations were put in place. Unfortunately, for a variety of reasons, I do not have a way to verify that information. I also do not have a way to know if a variance was granted for parking. The issue here is that any user at this existing site, is going to be subject to this parking requirement. For example, manufacturing and warehousing are also at one space per two hundred per the code. It is my view that the board not specifically deny the use because the entire overall site seems to have a weird situation for parking, given that the parking requirements are the same. So, for example, if you had a restaurant user that goes to one hundred sq. ft., that is going to require more parking at this space, perhaps addressing or denying that Special Exception permit, may be more acceptable. It is definitely a bizarre situation. My normal experience when I review retail complexes, is that everyone has more parking, by fifty spaces or more. To see something at one third below what is required by our current code, is bizarre to me. Staff recommends that the Board determine if the applicant has meant all the criteria for Special Exception Use, and that the proposed use is not going to have a negative impact on the health, safety, morals, comfort, of general welfare of community. Staff would ask that the applicant representative provide as much information as possible, to the board. It appears that the applicant is having transportation for their clients to the site. Staff would like clarification as to the size of vehicle that is being used, simply because accessing the site for

buses is difficult because there would only be back in and back out maneuverability at a site with this configuration. With that, I will be happy to take any questions from our Board members.

Vice Chairman Enfinger: Thank you Mr. Snowden. Is there a representative from the organization here tonight? Before you begin, please state your name and address for the record.

Ms. Malley: My name is Rachel Malley, and the address is 6475 E. Main St., Suite 136 and 137.

Vice Chairman Enfinger: Thank you Rachel. The question I have, it does say that you have been occupying this space, how long have you been there?

Ms. Malley: It was a year in February, so a year and a half.

Vice Chairman Enfinger: At any point in time, were you advised that you needed occupancy permits?

Ms. Malley: No, we were under the impression that everything was fine. When we went to meet with the landlords, who rent the space, we asked them if zoning for the office was going to be ok for the particular need of our agency. We were told that everything should be fine. We were unaware that we needed to get an occupancy permit, change zoning, get a certificate, or anything like that.

Mr. Snowden: Mr. Chairman, Dan and I are finding that this is very common throughout the city. Given that they have been there since February of 2014, it is normal given Lt. Posey's schedule of fire inspections for commercial properties. He tries to visit every site about once a year, so he probably visited last winter and returned this Winter/Spring. That is how the situation arose.

Ms. Malley: If I may, what ended up happening, every three years the state does a review of places that provide Medicaid services, which is what we do. And, we wanted to make sure, because we are running a day program for developmentally disabled adults, that we were meeting all of the requirements necessary. We actually asked Lt. Posey to come and do an inspection of the office to make sure that we are in compliance. That is when it came to our attention that we had all of these things that we needed to do.

Mr. Snowden: We have a cooperative relationship with Lt. Posey. We share information. Although we are not members of the same government entity, I try to ensure I am not making approvals for things that will cause him problems, and vice versa. It is normal communication.

Mr. Donovan: You mentioned earlier that vans are used to transport. How many vans do you use, and are they parked on the property?

Ms. Malley: Yes. We currently have two vans. One is wheel chair accessible, but it is not a commercial or large sized van. It is standard, such as what you or I might own for personal use. The other is the same, it is a Kia. There is nothing larger than a seven passenger van being used.

Mr. Donovan: So there will not be any maneuverability problems on that property?

Ms. Malley: No.

Vice Chairman Enfinger: How many people do you have on an average, at any given time?

Ms. Malley: Client peak is seven, and staffing is four.

Vice Chairman Enfinger: So a potential total of eleven?

Ms. Malley: Correct.

Vice Chairman Enfinger: Most, if not all come with transportation services? Are those primarily provided by you?

Ms. Malley: We have one individual that receives transportation from another agency. We provide transportation for the other individuals.

Ms. Wallace: There has never been any issues or complaints regarding the business?

Mr. Snowden: When staff visited the site, staff found that the parking lot looked a lot like what you are seeing in the aerial image in front of you, which is a few delivery vehicles for existing tenants, and no other folks parked on site. I am not aware of any complaints that were raised in regards to the parking. Usually staff does not see something that is that extreme. Whenever the Board has dealt with this before, it has always been a retail situation where they are required to provide fifty spaces, and they are providing forty-nine, or something to that effect. So to see it that extreme, is what has raised the staff's eyebrows. I have to assume at that point, it was probably a parking variance.

Ms. Malley: If I may, I can offer some insight as to the parking situation. If you are looking at our office at 136 and 137, Garda is to the right hand side of us. They park all of their vehicles in the back and are not taking up any parking spaces. Next to them is space which is being used by the owner for storage, so no one is taking up that space besides an occasional maintenance man. The church is on the left side of us. They are only there on Sundays and occasionally in the evening.

Mr. Snowden: That was Simple Church that was in front of this Board, back in January.

Ms. Malley: We have never had a parking issue.

Pastor Linder: You have a projected max of seven clients? Do you forecast that It could be higher than that?

Ms. Malley: A hopeful forecasted maximum would be in the twelve to fourteen range. Our growth has been so slow I can not honestly tell you what that might be in a few years.

Mr. Snowden: Do you foresee yourself looking for additional tenant space in the same location?

Ms. Malley: No.

Vice Chairman Enfinger: What does a day look like for one of your clients?

Ms. Malley: They arrive around 10am. We have a schedule we try to stick to. We do have some physical fitness equipment, like a treadmill, so they work out a little bit. They play pool. They play games. Arts and Crafts. They are recreational and somewhat educational activities. We go on outings.

Vice Chairman Enfinger: What is the level of disabilities, for the folks you serve?

Ms. Malley: It's varying. Everyone is ambulatory. We have two individuals that attend that are profoundly developmentally disabled. And then, we have individuals that can cook and clean for themselves. They are more high functioning. It's a wide array.

Ms. Snowden: What are the characteristics of most of your employees? Are they registered nurses, social workers? What is their background, in general?

Ms. Malley: The state has specific requirements that everyone has to meet. Everyone has to pass a background check. We do checks on them every year; sex offender registry, attorney general. Myself, I am an STNA, I'm certified to pass medications. We also have other individuals that are certified to pass medications. Everyone on staff has first aid and CPR. Everyone gets other training annually. The Usual Incident training which is required by the state

Vice Chairman Enfinger: Is there any type of risk for some of the ones that are more challenged, as far as someone walking out and leaving? Do you lock doors behind everyone? Do you confront Alzheimer's or different situations?

Ms. Malley: No, we can not lock anyone in anywhere. You have to have specific authorization to do that and we do not have the need. We have never had anyone run out.

Mr. Snowden: Is there any other outdoor storage or play area outside?

Ms. Malley: No. We keep all of our outdoor activities off site. We go to parks, the Y, or somewhere else to do activities.

Vice Chairman Enfinger: How has your experience there been overall?

Ms. Malley: We have had a really positive experience. The only issue we have had is that people have a hard time finding us.

Vice Chairman Enfinger: Well it sounds like you guys are a good fit. I am just disappointed to hear that it takes over a year to find out that proper authorizations and inspections need to be done.

Mr. Snowden: Mr. Chairman, allow me to interject here. As I have stated, this is sometimes a problem city wide. We have seen it in front of this board many times. Dan and I have reached out several times to property owners and managers of other multi tenant, especially retail tenants, to make them aware that Dan and I are here to assist them and find appropriate locations. It is something we try to address. Obviously, we have a lot of properties in the city.

Vice Chairman Enfinger: Right. I understand. I do recall that the Simple Church was also in a similar situation. They were in there for a while. Is there potential that we need to reach out to this tenant (owner)? Are they possibly thumbing their nose at the authorities?

Mr. Snowden: Dan I would not have a problem. It happens once, it is a mistake and we go to educating, but maybe if it is happening twice we assume it is an indication that the property owner does not know the process. Dan and I will be happy to get in contact with them.

Vice Chairman Enfinger: I appreciate that. Are there any other questions from the members of the Board? I make a motion that we move to adopt Application 169919.

Ms. Wallace: I will Second.

Mr. Snowden: Very well. Ma'am, the Board has approved your Special Exception use Permit. I am going to read what is under "Next Steps" in the Staff Report. I send this information out as a letter on the day following the meeting, to the address provided. So, you will receive a copy. I believe Sam was your representative. He has already submitted for your zoning certificate, which is basically just the administrative approval which comes after you get this approval. I will contact you as soon as that is ready. Once that is secured, you will want to contact the building division and submit plans for building occupancy. I have discussed this with Sam. What he will need to submit is a layout, including the furniture. I think he already has that, but it is something he should do as soon as I contact him. Once that is done, Lt. Posey, and Mr. Slota, our Building Official, can return to the site to give you the final occupancy, and take care of things with the state.

Ms. Malley: Thank you very much for your time.

Vice Chairman Enfinger: Thank you Rachel.

RESULT:	REFERRED TO COUNCIL [UNANIMOUS]	Next: 9/14/2015 7:30 PM
MOVER:	Aaron Enfinger, Vice Chairman	
SECONDER:	Libby Wallace	
AYES:	Linder, Donovan, Enfinger, Wallace	

2. 2277 Taylor Park Dr.; Application #170167; Major Site Plan Review

Vice Chairman Enfinger: Can we have the presentation please?

Mr. Snowden: Thank you Mr. Chairman. 2277 Taylor Park Dr., the applicant is Wesley Ridge Residence Corporation, and the representatives are Michael Healy, Ph7 Architecture, and Mr. Ryan Aiello of Dinsmore's Attorneys. It is for Major Site Plan Review, Application #170167. The property is located on the west side of Taylor Park Dr., just north of Taylor Rd. I am showing you the location on the screen in front of you. You can see it is in our St. Rt. 256 Commercial Corridor, immediately to the west of the Reynoldsburg-Baltimore and Rt. 256 thoroughfare. The applicant is requesting the Board approve a major site plan for a new fitness center facility on the campus of a multi-building residential care facility. The existing zoning is AR-3, Multi-family Residential District. Current use is Residential Care Facility, and you can see Mr. Healy's name listed there, and the remainder of the applicants. The site was recently rezoned, within the last two months, to AR-3. The portion of the property we are looking at is currently undeveloped. The property to the south abuts commercial business in the CS, Community Services District of the city. To the north it abuts the existing care facility buildings. The entire residential care facility complex is adjacent to park land along the west. Along the east side of Taylor park Dr., you can see it is developed there with a McDonald's, AT&T, a small multi-tenant commercial building, and a Shell gas station. So there is some auto oriented commercial directly in front of the site. The proposed building site, which you are seeing mostly brown in front of you, is an approximately 2.61 acre parcel. As part of the rezoning last month, the applicant rezoned these two parcels that exist in this area here, as well as, two other small parcels as part of their overall complex. So, what has happened over the years, is that the Wesley Ridge property, that appears to have started development in 2001/2002, has slowly grown and they have acquired some other small properties from neighboring property owners. Staff was approached by Mr. Aiello earlier this year regarding this project, and staff encouraged him to rezone the entire property to AR-3. The rationale behind the rezoning, although that is not what the Board is considering tonight, the Planning Commission and City Council approved that, was to get all parcels owned by Wesley Ridge into one zoning district and to make them all one site that works together. Residential care facility is a permitted use in our AR districts. AR-3 is the most intense. It allows the highest building, the most number of units, and so on. It also made the fitness center an accessory use to the existing facility. The idea being that the fitness center, as part of this complex, exists primarily for the benefit of the residents on the site. The applicant can give you more of an idea as to what the long term plan is for this particular proposal. Turning to my staff review, and the zoning district regulations and characteristics, you can see that they are meeting the regulations there, however staff would like clarification as to the building height, which was not indicated on the plans. The minimum rear yard depth is not being met. The point is that they do not really need to meet that because they are within their own complex. They are only at a thirty

foot set back from the lot line that exists where the fence is. Although there is a lot line there, that is an accessory building to the entire complex. They do not need to meet the set back for that. The minimum would be fifteen feet separation between accessory buildings. The idea there is that there is some sort of minimum fire block that stops fire from passing between. That is for residential, but it is a good rule of thumb. The architectural detailing, per code, anything in AR-3 has to be at least 75% natural materials. Looking at the proposed drawings, there is brick and cement board siding, glass walls, and a standing seam metal roof system. They have easily met their 75% minimum, of the natural material requirement. The applicant, upon study, was not required to provide a traffic study because it did not meet the threshold for minimum number of new trips generated. The applicant is proposing forty-three parking spaces as part of this project. If the facility was a stand along facility, seventy parking spaces would be required. This goes back to the point that I made about use. Staff is viewing this as an accessory use for residents that already live at the site. As stated in Section 1179.03 of the Code, the Board is able to approve parking plans with less parking than required by code, when you are dealing with a mix of uses on one site. And, that is what we are dealing with here. There will be residents that move about the complex on foot. There does not need to be a parking space at the center and a parking space in front of their units. The applicant can speak more to this, but it is staff's understanding that although initially the project will only be open to Wesley Ridge residents, they would like to use this in the future for members of the public who meet their age demographics. When that happens, they will need to do a minor site plan, if not return, to get approved for the additional parking needed to do that. I made a note in there, ie...swim meet. With a 6,000 sq. ft. Pool, a request may come from the Reynoldsburg High School Swim team to use this facility. I understand that is not their plan, but that is something that could theoretically happen. When that time comes, they may need to add parking. That does not mean the Board can not approve this as proposed, it just means that the applicant needs to be aware that if there is a change there, they may need to add parking. Or, provide staff with a statement of how much parking there is on the entire site, and prove to staff they can accommodate what they are proposing, if it changes. Landscaping, the applicant is meeting the minimum requirements for the exterior. The applicant needs to provide a fifteen foot buffer along the south side of the property, which fronts this commercial property. The reason for that is, that property is already developed. The code says that anytime a multifamily or residential use abuts commercial, a fifteen ft. Landscape buffer, with a six ft high berm fence, hedge, etc..., must be provided. Staff recommends the Board require that is provided as part of their zoning certificate, so staff can confirm it is there. They propose to take down the fence on the rear, obviously they do not need to screen the mainlander of their complex from themselves. The applicant will need to install street trees there per the code, approximately one every 35 ft., or one every 45 ft., depending on the type of tree they use. That should also be shown on the landscape plan. Staff would recommend that the board, as a condition, state that they need to provide a new landscape plan, and staff can review that for minimum compliance with the zoning certificate, if the Board is comfortable with that. Utilities, the applicant is going to have to go through a plot grade utility review, as you can see from page 2 of the plans, providing there is an existing storm water line, from when this was set up for development for retail sales. The City's Engineering review is basically to determine whether they can accommodate and comply. For example, with stormwater, can they handle the stormwater? It has come to staff's attention that there may be an agreement

coming together to utilize that storm drain, or not. Ultimately, that is not something that the city really concerns itself with. Underground utilities are not being approved as part of this major site plan. But, they will have to go through a PGU. Staff recommends that the Board determines if the applicant has met all the criteria for major site plan review and approval, as outlined in the prescribed section, and determine whether or not the site plan proposed will have a negative impact on the public health, safety, morals, comfort, or general welfare. Staff's recommendation, if the Board chooses to approve, would be that it be specifically states that changes in the facilities use by external customers be subject to a new zoning certificate, and that the applicant provide a new landscape plan showing that they meet the minimum requirements of the buffer and the street trees. I will be happy to answer any questions and turn things back over to the chair.

Vice Chairman Enfinger: Do we have representatives from the organization?

Mr. Aiello: My name is Ryan Aiello. Address is 191 W. Nationwide Blvd., Columbus. I am an attorney and I represent Wesley Ridge. Eric did a good job explaining the project. Our architect is here, Mike Healy for PU7, as well as Brian Quakenbush from EMH&T, to explain or give answers to the site and how it is laid out. As you know, Wesley Ridge is a senior care facility, that deals with multiple levels of aging. It is an aging place facility. We feel the aquatic center is going to be the new front door for the facility and will greatly enhance the experience of the residents there. To touch on the point that Eric had mentioned, we do envision that non-residents will be using this facility in the near future. I think after two months, but we don't expect that to be a very intense use, and that the parking we will be providing will be adequate for those additional users. The point of that, is to introduce people that are thinking about coming and living at the facility. It is a soft introduction and a way to get them to see the services there and to meet people. I will be happy to field any questions you have.

Ms. Wallace: Are you looking to promote to the Reynoldsburg and Pickerington Senior Centers?

Mr. Aiello: I don't know that we are specifically targeting centers, but it will be open to the elderly population of Reynoldsburg.

Mr. Healy: PH7 Architects, 330 W. Spring St., Columbus, OH. I don't want to mislead you. Outside the Wesley Ridge community, use is very small. We did a comparable facility for Wesley Glen, which is also owned by Methodist Elder Care, at their Clintonville location, and there are less than ten users from outside of the facility. They do not target and market outside of the community. They just want to let the public know that it is a soft sell. People that are 65 and 70 years of age, don't want to work out in a fitness gym. Every senior facility has its own personality, and if fitness and wellness gets popular, and the use is internal, they are not going to worry about the external use at all.

Mr. Snowden: Mr. Chairman, and other members of the Board, I do not want to belabor the point with the parking. Staff would be comfortable if the applicants could show that no more than 50% of their usage was from outside, and that they are at about 50% of their parking.

Staff would be comfortable with that. We do not differentiate between types of recreational facilities. For example, it's one per 200 sq. ft. for a golf course. That would be calculated based on the size of the Pro Shop or the main building. Well the Pro Shop could be a 2000 ft. Pole barn and then they would not be required to have much parking, I believe 6000 sq. ft. Is the pool facility, which is a very large room. But, it has a limited capacity because of swimming lanes and so forth. There are finished classrooms but there is not an assembly space. I am comfortable, if the Board is comfortable. If the Board would like to see more parking, that is up to you.

Mr. Donovan: I have a question for you. The picture you are showing there has a completely different colored roof than the rest of the buildings in the complex. Is that staying that way?

Mr. Healy: There is an ongoing theme at the campus. There are accent roofs that are standing seam metal. And the main roofs are dimensional asphalt shingles. We started the design with a completely metal seam roof. We are still exploring the possibility of value engineering, and to take a portion of that to dimensional asphalt shingle with the accent roof being standing seam. The idea is, this is a campus with campus architecture. We are picking up all of the existing materials and using them with the same kind of palate, same kind of vernacular.

Mr. Snowden: Mr. Healy, could you tell me how tall the building is? I want to make sure you are meeting that minimum requirement.

Mr. Healy: The mean height of the roof, the hip roof, over the fitness area of the building, is 24 ft. The apex of the curve of the barrel vault of the aquatic center.

Mr. Snowden: We would calculate the height off that small copula that is at the center there.

Mr. Healy: The top of the copula is 45 ft.

Mr. Snowden: The code states that the height limit is 40 ft. I can look to see if Wesley Ridge had variances for height, but, if they did, it would be for the main complex and not for this portion. Is the copula a required element, or is there a possibility of reducing height to avoid variances.

Mr. Healy: I would be happy to comply to 40 ft.

Mr. Snowden: Let me check this to verify. I do not want a small technicality to hold up the Board's ability to approve the site plan.

Vice Chairman Enfinger: To review, it is currently drawn at 45 ft., and the code is currently 40.

Mr. Snowden: That is correct. Let me check two definitions. In the past, we calculated height off the highest architectural point, but not aspire, but let me see how the definition reads to see how to calculate from that ridge line. The top part is an architectural detail.

Ms. Wallace: Is that just a decorative piece?

Mr. Healy: It is. It is not functional. It really is the smallest building on campus so we are trying to give it vertical nature. There is an eight, two, and four story building. We are just trying to give it a presence because it is the new front door for the community.

Mr. Donovan: People outside the complex, attending there, are you going after the silver sneaker people.

Mr. Healy: They really aren't. I think this is an issue that we really don't want to talk about. The focus is internal. And the hope is, once the facility is up and running, fitness and wellness will become a culture within the community and the independent living population is going to take up all the time that could be possibly used out there. The High School swimming team would not ask to use this pool. It's maximum depth is four feet. You can't do competitive swimming in that water depth. This is really about senior water aerobics. There will be a couple of lap swimmers that will swim the perimeter of the pool. It is only a 50 ft. Pool so it is not conducive to competitive swimming.

Pastor Linder: Does your staff have access at off hours?

Mr. Healy: It will depend on their programming and the popularity within the community. Every community ebbs and flows, as new residents move in, old residents move on. Right now they have a single Wellness Director. They will be limited on the programming, and if it takes off in popularity, they may extend their hours.

Mr. Donovan: Have they seen the staff at the other location using it heavily?

Mr. Healy: They don't. The other facility is focused more on therapeutic aquatics and they have a much larger fitness center. This fitness center only has eight pieces of equipment in it and then what we call the fitness gym can seat twenty-four residents doing light aerobics.

Vice Chairman Enfinger: How many residents total do they have on campus?

Mr. Healy: They serve a little over two hundred residents and a full continuum of care. They have independent Ridge homes. They have independent living in the Park Side apartment building, assisted living, memory care, and a rehab nursing center. The big issue is there is not going to be the independent living residence.

Mr. Snowden: Mr. Enfinger, and other members of the Board, if you look on your screen, that is the independent living facility, the smaller homes, what we think of as condos, and the independent living patio homes. Mr. Healy, what is the height of the ridge line on the main fitness center part?

Mr. Healy: I calculated the mean height, it is about 36 ft.

Mr. Snowden: As I stated, we were at forty. I am going to read from section 1175.10B of the code, "accept as otherwise provided in the code, the height regulations prescribed herein, shall not apply to television, radio towers, spires, belfries, copulas, antennas, monuments, etc..., placed above the roof level and not intended for human occupancy. So provided that this ridge is at 40, I'm comfortable we have met the minimum requirements of the zoning code.

Vice Chairman Enfinger: For a point of clarification, the approval of a major site plan encompasses that?

Mr. Snowden: It does. The situation now is there is nothing preventing the Board from approving this. There are no variances required. Mr. Healy if you could help me, when you supply the plan with the zoning certificate, note that on there, so I have something to go back on. Include the maximum height of the building, the ridge height, and the copula height.

Pastor Linder: Eric, I am comfortable with what they feel the use will be by external individuals, but do you need a communication when it reaches past that 50%?

Mr. Snowden: What the code says is that I am involved issuing zoning certificates. Any time a "use is change, expanded, reconstructed" per the code. So, if they wanted to change that, let's say everything this evening is accurate, and the staff reevaluates in five years, they would just have to meet with me, and we would reevaluate at that time. The only thing that we would most likely be looking at, is adding more parking. The nice thing is, that gives them options. Adding parking is not such a huge deal. Other options would be having a parking agreement with one of the neighbors. How much parking they had to add would mean whether they had to come back to the board, or whether I could approve. They have multiple options and are not getting locked into any one thing. They are just getting approved for what they have requested this evening.

Vice Chairman Enfinger: They are requesting that it is used exclusively for the residents, and then if they look outside to bring in individuals, does that have an impact on what we are discussing now?

Mr. Snowden: If it became at any future date, more than 50% of the facilities used, the representatives, or the applicants of the site, should contact me, and we can deal with it then. I think if it is less than 50%, it is almost like an accessory to an accessory. It is not all or nothing, and we have to allow some level of use there. Once that becomes more than 50%, that's usually a good standard and you could say, " this is now the primary use. If you have more than 50% of the people using the facility room outside, we are now not an accessory to a residential care facility, we are just a free standing fitness club and that changes how we are going to look at it.

Vice Chairman Enfinger: Is that verbage in the presentation or documentation? Or is that in the current code?

Mr. Snowden: That would be something that is the code right now. My point for bringing it up is to mainly make them aware of it. Again, we are expanding a complex rather than building a free standing structure.

Vice Chairman Enfinger: That is fine. I want to make sure we didn't need it stated anywhere or need something implicit.

Mr. Snowden: The board could do that if they were more comfortable Mr. Chairman, but it is not required. Anytime a use is expanded like that, it is a pretty normal standard of what I would look for.

Vice Chairman Enfinger: Any further questions from the board? Ok, I make a motion that we move to approve application 170167, Major Site Plan Review, with the following provisions... I remove my motion. We did not discuss the landscape questions.

Mr. Snowden: Mr. Chairmen, and other members of the Board, are there any concerns with that? The applicant, in brief conversations with staff, has understood that they were comfortable. It seems that they were comfortable with adding that. Would you like me to go over more in depth what they would like to see, specifically?

Ms. Wallace: Have they met requirements?

Mr. Healy: As far as I am concerned, we are going to make those revisions contingent on your approval.

Mr. Snowden: If that is what the Board is comfortable with. I will explain what I would want to see Mr. Healy, and members of the Board. As you show me the landscape plan, on page 4 of your submission, redo that landscape plan, and send that in with your zoning certificate approval. Basically, you are sending me the same package, just updated with these details. Show me on there that you are adding street trees, per the code, at 25, 35, or 45 ft., depending on the height of the tree that you are picking from our table. Then, show me that you are giving a 15 ft. landscape buffer, and your choices there were bound, hedge, continuously landscaped tree line, and fence. Obviously, I am more supportive of more landscape material and fewer fences, as is practical. I just want to see that, and as long as I could say it was on the plan, I could approve it, if at that point, the Board was comfortable.

Vice Chairman Enfinger: So again, I make a motion that we move to approve application 170167, with the following conditions: Staff reviews a revised landscape plan, and that any changes in future use be approved by the Board of Building and Zoning Appeals.

Mr. Donovan: I second it

Mr. Snowden: Mr. Spears represents the property owner to the south. As I explained in my statement regarding utilities, they are going to have to get a Plot Grade Utility approval. If you would like to discuss this gentleman's concerns, that would be up to the Board.

Mr. Spears: Does Site Plan approval include the underground utilities?

Mr. Snowden: It does not. The underground utilities can move around. The point of the underground utilities being included in the requirements for submission, is so Staff and the City Engineer can begin the process of looking at exactly where they are going to be. There is truly nothing that gives the Board the authority to say where the underground utilities are going to go.

Vice Chairman Enfinger: If you would like to speak on the record sir, absolutely go ahead.

Mr. Spears: I'm Frank Spears and I represent the owner of the neighboring property, Taylor Park Centre. I have been involved in it for over ten years now. Our main concern obviously, is the drainage of the site. It goes under our site and passes through our system.

Mr. Snowden: Excuse me, Mr Aiello, I received that earlier from you. Can you move the drainage board a little closer so the members of our Board can see it? I don't think this is something they have seen. I want them to understand what we are really talking about. In the process of the rezoning, the applicants to the south raised some questions, which in the opinion of staff, are something that need to be addressed between the two property owners. There is not a whole lot that the city can address for them. But I think that is what Mr. Spears wants to speak about.

Mr. Spears: This property was originally a part of Taylor Park Centre, when it was first assembled. Now it has become a separately owned parcel. We have a drainage system. We are starting to talk about how that will be handled, but have not come to any conclusions. So I just wanted to make sure that was not part of this approval of the site plan. And, if it's not, that's fine.

Mr. Snowden: this Board has never been specifically approving the below ground structures of these plans. Now, when the Board approves things like parking lot locations, and building locations, there are certain utility decisions that have to be made because of that. My understanding is that, from an engineering standpoint, the applicant would like to tie into the stormwater system that is there on the property already. If the applicant chose to do that, it would be fine based on the approval you already gave. If the applicant needed to utilize another stormwater system, or construct additional stormwater systems in other locations, as long as they were not digging any additional ponds, and it was all underground and going to other collection points, that would be acceptable. If for some reason, this goes through the process and folks decide they need to add another pond, then we are looking at modifying the site plan.

Mr. Spears: That was my main concern because it is on the site plan now, that it was not a part of the approval process.

Mr. Snowden: What will happen now after we are finished, the applicant will submit a Plot Grade Utility Plan. The Plot Grade Utility Plan is the City Engineer's review of the site. But what the city will be doing, the city's consulting Engineer, EMH&T out of New Albany, they will be specifically reviewing how they are accommodating the stormwater. The applicant has to accommodate the stormwater somehow. They cannot simply build asphalt, and allow that water to flow into the City's system. The City's stormwater system exists to drain the city streets. So, they are going to need to accommodate that somehow. Whether it is on the existing line that goes into the southern portion, or in some other way, is immaterial to the City. It just needs to be accommodated. So if there is a question about this, it is something that needs to be worked out between the property owners. Even though it is shown on the plan, they are not committed to put stormwater that way. My strong suggestion is to work that out before the Plot Grade Utility Review is submitted. Because that will commit them to the utility. That is what Mr. Andrew, our consulting engineer with EMH&T, reviews. So, he cannot review, approve, and then have a different stormwater system installed. That would not make sense.

Mr. Spears: The other concern we have is connectivity between the Centre and the aquatic center that is being built. I could not tell if there was a sidewalk along the front. And here again, that may not be a part of tonight.

Mr. Snowden: If we are talking about the site plan, there is already an existing sidewalk. So as far as the parking lots, they are getting approved for that. What you saw in the previous plan, did not show a parking connection to your property. That means, in order to change that, they would have to come back through me.

Mr. Spears: We are not asking for that.

Mr. Snowden: I'm saying, if theoretically things were to change in the future, that would need to come back through here.

Mr. Spears: The main thing I was talking about, is there a sidewalk on Taylor Rd.?

Mr. Snowden: There is already a sidewalk there. That is the City's land. The City installed that sidewalk with TIFF money from when this complex was built.

Mr. Spears: It goes all the way to 256?

Mr. Snowden: It is owned by the city, but the property owner is responsible for maintaining.

Mr. Spears: That was my two concerns. My concern is, can you walk right out of the center and into the retail centre?

Mr. Snowden: The City is not going to allow someone to remove an existing sidewalk. It is on both sides which was required when it was built. The Staff did some research and it looks like the street was built in approximately 2007. They would be permitted to make a curb cut,

which is what they are showing on the plan. But, they will not be permitted to remove the sidewalk.

Vice Chairman Enfinger: Any other public comments on that issue?

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Aaron Enfinger, Vice Chairman
SECONDER:	Richard Donovan, Vice Chairman
AYES:	Linder, Donovan, Enfinger, Wallace

E. OTHER BUSINESS

Vice Chairman Enfinger: There is no other business, but I would like to welcome the newest member of our Board, Pastor Linder. So welcome Pastor Linder, and I look forward to working together in the future.

F. ADJOURNMENT

Chairman



Planning and Zoning Administrator