

MINUTES
REYNOLDSBURG BOARD OF ZONING
AND BUILDING APPEALS
JUNE 20, 2013
6:30 P.M.

A. CALL TO ORDER

1. ROLL CALL

Members Present: Mr. David Stoffel
Ms. Michele Ray
Mr. Patrick Feeney
Ms. Bonnie Armintrout

Members Absent: Mr. Anthony Rettke

Others Presents: Aaron Domini

2. APPROVAL OF MINUTES OF FEBRUARY 21, 2013

Chairman Stoffel: Do we have any additions or corrections to the May 16th meeting minutes?

Mr. Domini: No changes.

Mr. Stoffel: If not, so approved.

3. APPROVAL OF AGENDA

Mr. Stoffel: Are there any additions or corrections to the agenda for tonight?

Mr. Domini: Yes. I'd like to propose that we move Item B5 to the first item under New Business.

Mr. Stoffel: Any objections to that from the Board? (No response.) Anything else?

Mr. Domini: No other changes.

4. SWEARING IN OF SPEAKERS

(Mr. Stoffel administers the oath.)

5. PUBLIC COMMENT

Mr. Stoffel: Is there any public comment before we get to the agenda? (No response.)

Mr. Domini: Those of you who are here from the public, you'll have a chance to address the item that's on the agenda that you would like to address. So this period is really for if you would like to address the Board on something that's not on the agenda.

Mr. Stoffel: Not being anything, Aaron, Unfinished Business, will you go ahead and describe that for us, please?

A. UNFINISHED BUSINESS

1. SPECIAL EXCEPTION USE PERMIT, 6748 E. MAIN ST., REYNOLDSBURG, OHIO; PRESENT ZONING CC; PRESENT OWNER'S NAME, PLAYTIME PRESCHOOL AND CHILDCARE; REQUESTING A SPECIAL EXCEPTION FOR A DAYCARE CENTER. CONTACT: KIM MIKANIK (#159544).

Mr. Domini: This is _____ back on this item. It was requested by the applicant that it be tabled at our May meeting. I think if you read the staff report, there's a reminder I noted some of the items that need to be addressed and that were raised by the Board which was mainly parking and circulation. The applicant has submitted a new drawing. It's sheet #C1.1 as labeled on their plan. They did go ahead and did a nice job of putting together a drawing for the proposed parking and circulation plan for the project. As a refresher, this is the property in question. It's the Marathon Station Center. This is the proposed plan you have in your packet, if you've gone through this. I think the key here was that there was a question on our interpretation of the parking standards that there was not adequate parking. The applicant has gone through and basically done a parking analysis. As you can see on the sheet there, they're saying according to their calculation that the total required is 46 spaces and they're showing 47. I don't have any objection to their analysis. I thought it was pretty thorough. Given that we are making a best judgment call on parking for childcare establishments at this point, I think their proposal was reasonable to provide parking. There's still the question of access and traffic movements on site which they've also addressed kind of showing that one-way circulation plan that was raised by the Board at the last meeting. Other changes – there was question from the Board as to the access to the facility, whether it's from the front or the rear and, I believe they're proposing a new storefront, glass door from the rear of the building as the primary entrance and they have also indicated the new privacy fence around the outdoor play area. So I think they've addressed, in some fashion, most of the items that were raised at the last meeting. And that's all I have, Mr. Chairman.

Mr. Stoffel: Is there someone here to speak? Please state your name and address.

Mr. Todd Dillon: Todd Dillon at 6475 E. Main Street, Suite 136, representing the owner of the property, GBS Reynoldsburg LLC. Aaron kind of went through everything and basically we requested the application be tabled at the last meeting so we could go back and, I guess more clearly identify things on-site and I think working with staff and with the Board, we came up with the best possible situation with the proposed childcare, entering through the rear of the building. It's actually an existing storefront, the main entrance will be and then we're adding a second entrance and that's just for egress from the classroom required by state law out to the playground area for kids under a certain age and I don't exactly remember what that age is. Then denoting what would be considered the front of the building, be just used as an emergency exit only. As Aaron said also, we went out and did a more in-depth analysis of kind of the drive aisle lanes, the widths and to achieve the greater parking count with this application submittal.

Mr. Feeney: I wasn't here last month. I apologize for that. Will all the striping be done prior to opening for these parking spots?

Mr. Dillon: All the signage that we propose and striping will be done prior to the opening.

Mr. Feeney: So there won't be any entrance at all off of Main Street, it's all in the rear?

Mr. Dillon: Yes, correct. The entrance will be off the rear. We'll actually put up the paddle on the backdoor for emergency egress only.

Mr. Feeney: On the layout that's shown up here, the playground area is the little dotted area. Then it says "Existing Fence Service Area." It doesn't look like there's a fence between those two.

Mr. Dillon: Yeah, if you recall this building, there was an addition done to this building many, many years ago and basically that fenced area, I mean it's not accessible by any of the tenants, just basically by the maintenance staff and us and it's basically where all the panels, and meters and everything is back in there. It's completely fenced off from the—

Mr. Feeney: It's completely fenced off from the air conditioning and the machines right next to the playground?

Mr. Dillon: Actually there are some ground-mounted AC, but on the new portion of the building everything is rooftop mounted. Only the old compressors are on the ground.

Ms. Ray: So you're saying there's an air conditioner in the playground area.

Mr. Dillon: No. There's two fenced off areas. If you look – you can see the notes, it says, "Existing 6' high wooden fence to remain." That's adjacent to the carwash bay. That's the whole service quarter. It's fenced off separate from the playground area.

Ms. Ray: So there's no outside gas meter, electric meter, any of that? It's all playground?

Mr. Dillon: Yes.

Ms. Ray: And a new door into that area?

Mr. Dillon: Correct.

Mr. Feeney: Some of my concerns are, well, first of all it's a daycare and a gas station. It just doesn't seem that mixes well with me. But the other thing is you have the carwash bay. I think it's inactive now, but it could be active tomorrow I think as a carwash bay and I just know carwashes and you go through it and a mist comes out and the playground's right there. I don't know that's a safe thing. I know it's just water, soap, detergents. It just doesn't feel right to me to put a daycare and a gas station together.

Mr. Dillon: As the owner of the property, we operated that carwash and actually all of the guts have been removed from those carwash bays. Per zoning, yes, somebody could go in there and put in a system, but at a huge expense. These types of carwashes aren't being built anymore and that's why they're removed now. There is also a 6' high fence around the entire perimeter of that play area and it's privacy fence, so it would, in my opinion, shield any of those activities. And you are approximately 30' away from that first carwash bay from the playground area as well.

Mr. Feeney: How do you figure that?

Mr. Dillon: I just took my fingers. The three parking spaces in front of it are 27' and it's about the same distance.

Mr. Feeney: On the pizza delivery, is the back door their delivery door? Is that where the delivery leaves?

Mr. Dillon: To be honest with you, I took some photos tonight and the only traffic on the lot tonight at 6:00 p.m. was the delivery cars parked and there was one delivery truck parked in the back lot right behind that door and then there was one parked in the front of the lot and another one parked in kind of the middle spot between the middle spaces between the store and Main Street. So I don't think they have a dedicated exit point right now for delivery traffic.

Ms. Ray: What time does the childcare close down?

Mr. Dillon: Six p.m.

Mr. Stoffel: What kind of sound comes from that mechanical equipment that's, again, fairly close to your proposed—

Mr. Dillon: It's a compressor, so there's a fan, you know, typical fan humming sound that would come from it.

Ms. Ray: That is for the car wash?

Mr. Dillon: Those compressors are for the convenience store. There was never any heating or air conditioning in the car wash. Their mechanical room is actually inside the building but, again, everything's removed.

Ms. Ray: Aren't you one that said that you also have one off Waggoner and Broad?

Mr. Dillon: Yes. We have two other centers like this with gas and childcare. One at Waggoner and Kennedy corner in Blacklick and then another one at Stelzer and Agler Roads in Columbus.

Ms. Ray: And they're doing quite well?

Mr. Dillon: Yeah, actually both of them are expanding within the center. The one at Stelzer and Agler just took another 1000 square feet and the one in Blacklick's taking another 2200 square feet in the center.

Mr. Feeney: I sent a request to Nadine this afternoon. It was late. I don't know if she had gotten to you or not, but the question I had was have you heard – is there a report about how many gas stations get robbed and there's also issues with kids loitering and so forth, so on out in front of this place. Have we had any police reports? I don't know if she got back to you. I didn't get it.

Mr. Domini: Nadine actually went home today ill. We haven't done any police reports on the property, so I would feel _____ issue need clarity.

Mr. Feeney: This is something I came up with this afternoon when I was looking this over. Again, gas stations and daycare centers I imagine can work and obviously do at other places, but I'm not—

Mr. Dillon: The big selling point for the time is just the location, the traffic on the street. I mean it's a high use street. There's a lot of activity and it's a desirable place for them. That space was originally a tanning center and, to be honest with you, just the cost of construction a lot of the things inside are able to be reused, the restrooms and whatnot and the tanning space was nicely done and we were able to save a lot of

money by utilizing those existing features so it fits into their model to be a successful center.

Mr. Feeney: Are you going to be the owner/operator of the daycare?

Mr. Dillon: No, just the owner of the property.

Mr. Domini: Mr. Feeney, that's a good question. Mr. Rettke addressed me on that issue and this is actually the representative. The applicant is as listed on the application, Ms. Mikanik. These are special exceptions for the operator, not the owner. The special exception always stays with the operator. So if any childcare facility comes in, they have to reapply because that special exception's for the operator of the establishment, not the property.

Mr. Feeney: But the operator's not here.

Mr. Domini: No.

Mr. Feeney: Do we know the hours of operation and that kind of stuff?

Mr. Domini: Yeah, we talked about that kind of stuff at the last meeting. Maybe Mr. Dillon can address any of those questions. I believe it was closed at 6:00 and I can't recall the opening time. I had it in the last staff report.

Ms. Ray: Seven to six.

Mr. Feeney: It's not going to be one of these 24-hour-per-day operations then.

Mr. Rettke: Can the egress door be opened at all from the outside?

Mr. Dillon: The one facing Main Street? No. The way that that's planned is just actually with the push bar emergency sounding audible signal.

Mr. Rettke: So this is from a safety standpoint that kind of blocks them off from any activity up front.

Ms. Ray: So it was kind of nice that the road suggestion last month was to kind of take it one-way and make that emergency access on the Main Street side and use the backside door, which also has a common area in it which also has both restrooms in it, as their landing strip. And it's nice that you are going to replace it with a 6' newer fence and block it all off again, cause I know that was mostly my main concern, cause I have lots of grandchildren and that was as little work from the previous and when I got this I liked it. It looked very nice and you actually went through it and made a lot of changes. It makes sense if you want to drop off your kids, stop for a cup of coffee and get gas, why not do it all in the same place. And if the other two are doing very well

from the sounds of it, it does make sense as long as the kids don't go near the front entrance of the building or the Main Street side.

Mr. Stoffel: Does the Board have any other questions? (No response.)

Mr. Domini: Just so you know, Mr. Dillon, depending on the Board's ruling, this will require Council verification, so Council can choose to introduce the application after the Board makes a recommendation. They don't introduce the item that it stands approved. Okay?

Mr. Stoffel: Would anyone like to make a motion?

Ms. Ray: Motion for it to pass.

Mr. Stoffel: If you could, when you state for the nomination for approval, if you could state the item number as well.

Mr. Domini: It's Application Item A-1 on the agenda.

Mr. Stoffel: I'll second.

(Mr. Domini called the roll. Ms. Armintrout voted "yes." Mr. Feeney voted "No. I don't think it makes me see the harmony of the existing characteristics district. I just don't think it's a safe situation. I can't go with it, no." Mr. Stoffel voted "yes." Ms. Ray voted "yes.")

Mr. Domini: Again, this recommendation goes to Council, they can choose to introduce it and, if so, you'll have another hearing with them prior to final approval. If they do not introduce it after they receive the information from the Board, it stands approved. So I will keep you apprised of that situation.

B. NEW BUSINESS

1. MAJOR SITE PLAN REVIEW APPLICATION, 7601 E. MAIN STREET, REYNOLDSBURG, OHIO; PRESENT ZONING, CC-HISTORIC; PRESENT USE, EATING ESTABLISHMENT; PROPOSED USE, EATING ESTABLISHMENT; PRESENT OWNER, EPICURES, INC. CONTACT: MICHAEL BECHER (#159767).

Mr. Domini: I did ask to move this item up because I know there are number of folks from the general public here and we've already heard a number of items on this application before so, in the interest of time, I chose to move it up to the beginning of the agenda.

All right. This item is for the expansion of the existing parking lot. The lot is currently located on the Pie's property. The applicant is requesting further parking to

the east on an adjoining lot that is owned by Pie's as well. The property is in the Historic District and is zoned R3. The adjacent properties to the north are CC; east and the south are both zoned R3. Here's the location of the property at Graham and Main. Most of you are familiar with this. The request is from the applicant that due to the success of the restaurant, they need additional parking. They were able to purchase this parcel behind the existing strip center. Staff did talk with them at great length about this, about that purchase because they have a lot of questions about the use of the property and that was negotiated with this owner who basically owned this entire stretch there. So there's a parcel here that was owned by the strip center. This parcel was owned by the strip center and then you can see the boundary of, I think there is Pie's here. So they've actually kind of adjoined these two parcels and you actually have one parcel that are joined. So given that the two parcels are by the same owner in front, both Main and Graham, and are within the Historic District, eating and drinking establishments are permitted use within that district. That was a change on the overlay a long time ago. The reason being, those are the types of uses that we want to encourage within the downtown and we did not want to require special exceptions for every new restaurant in Olde Reynoldsburg. So that is a permitted use in the district. The more I look at it, the property is pretty heavily vegetated which makes it difficult, I guess, in some ways to put the parking lot in, but also add screening as you'll see as well.

The picture the applicant submitted to us showing some of the existing conditions viewed to the north of the proposed parking so this is actually the back of the strip center. This is to the east of the proposed parking. This would be back towards some of the existing residential. This is to the south and this view is to the west of the proposed parking lot, some other examples of the existing condition. So if you look at this bottom right picture, the parking actually is, if you follow the cursor, it's going to come back this way right through there. This is an existing building on the Pie's property. I can come back to these as needed as well.

So here's the actual site plan which you have in your packet as well. Here's the existing site and this is the parking that's proposed to be added. I'll give you a really good snapshot of what this looks like so if you see this current utility easement here, that's the electrical easement, utility easement. I go back to this. You can see where those lines come through, so the parking actually kind of does something like that. So everything from basically here down will remain as well as this triangle here. The applicant is proposing to keep as much natural vegetation as possible. I know that's something the Board will like. The approximate setbacks to the east are 35 feet and about 60 feet to the south. I did make a note, I think in the staff report, which I need to make a correction on. Because this is in the Historic District, the minimum setback for parking is only 10 feet. In other parts of Reynoldsburg where we butt up to residential, we have different standards but, because it's in the Overlay, that trumps the underlying zoning. Our code actually reads 1194.06 the minimum setback for parking lots on primary streets is 10 feet. So my determination, this could be justified as being on a primary street, that the whole parcel fronts two primary streets, but that's up to the

Board to make a determination on. Alternatively, if we did not have the Overlay in place, you could reduce that to 25 feet.

Ms. Ray: But as it stands right now it's 60.

Mr. Domini: Sixty (60) – there's approximately 60 to the south and, I believe, 35 to the east at its narrowest point.

Ms. Ray: But code is 10 feet.

Mr. Domini: Yes. And we do also require parking in the Historic District to be located to the side or rear of the parcel which makes this site even more – it makes it – they are kind of forced – they were forced to do this because they couldn't put additional parking on Graham because it wouldn't meet code, because then you have it in the front of the building. We don't allow that in the Historic District. So this is a pretty unique situation for a number of reasons. Number one, they had to buy the parcel and number two, they kind of had to work that deal out with the neighbors. There's existing vegetation which adds an element of complexity. You have residential around but you're in the Historic District where restaurants are permitted, so there are number of moving parts to this. Okay? I underlined there where I did make a mistake in my staff report. I don't believe they actually need the variance because it is in the Overlay and the only point they did meet that 25 feet would be to the west of the property. I think that the existing setback back there now is 10 and I believe that meets code 1194.06. That's my overview. I know the applicant's here and I know there are some members of the public here as well.

Mr. Rettke: Would anyone that's wanting to speak on this item, would you please come forward?

Mr. Domini: Mr. Chairman, would you like the applicant first?

Mr. Rettke: Yes, please. I'm sorry.

Mr. Rob Gordon: You want us first or last?

Mr. Domini: First.

Mr. Rettke: First.

Mr. Rob Gordon: Mike Becher, he's here. I've been involved with him on this process back in, I think, 2007 when it was the We Joy Sing. We converted it to a culinary center. He later wanted to make it into a restaurant. His business is good.

Mr. Rettke: Could we have your name and address, please?

Mr. Rob Gordon: I'm sorry. Rob Gordon, 4585 Austin Grove, Westerville, Ohio 43082. So, anyway, he needed some more parking. We went to the neighbor next door. We tried to work out a lease agreement renting the front part of his parking and that didn't work out, so we bought the back half of his property and, as you can see, Mike's main concern – he fell in love with that parcel back in '07 when it was a beautiful old house. He says, "I want to make it work. I don't want to change anything." So we went through a lot of stuff to get it to maintain that character and do the commercial process there. So we went into the back. We have a lot of room in there to put a lot more parking. Mike's concern was he wanted his impact to be as minimal as possible, so we reduced the parking to kind of go with what he needs. So that's why we have that big open space in the back, which is natural, which we showed you some pictures. Going to the east there, that is pretty much an embankment that you can't do anything with, which is great for screening both sides. The commercial property to the front and the other commercial on Main, they've got like a retaining wall there. It's a steep drop there, so we buffered – that was kind of given to us where we're going to go and then the side requirement is where it lined up with his property and he's already integrating with the property on Graham which is, I don't know if it's zoned still residential or part commercial, whatever. There's two houses there and we're all ready – there's no fencing between his property there per the zoning we originally got. And then when you come down through the back side, there's about 35 feet of open space to the property to the west that we propose we'll do some screening like we'll do to the north with some pines and some mounding. If you look at all the pictures we've given you, Mike's actually trying to hide the commercial property to the north from his parking, not vice versa, which you normally have in this kind of situation. So we'll just continue that down the side as long as we need to do where it's open until you get back into the natural vegetation and forest or whatever you want to call it.

Mr. Feeney: I have a couple of questions. The driveway going from the existing parking area over to the new parking area looks like it crosses over the corner of your property line there.

Mr. Gordon: Yes.

Mr. Becher: What we did is we worked in conjunction with the property owner to the north and the main concern was their parking in the back, we wanted to have enough area to put a mound – just some pines isn't going to do it, so we wanted a little bit of a mound area and the pines and that's kind of where that pushed that there. I mean, there was a lot of thought that went into the location of that drive entrance.

Mr. Feeney: But you can't put your drive over top of somebody else's property. I know it's a small area but—

Mr. Becher: Well, no, we're not over their property there.

Mr. Feeney: It shows the property line and the driveway's just over the corner of it.

Mr. Rettke: Yeah. I'm seeing the same thing. It looks like it's maybe a half a foot but I don't even know – Aaron is--

Mr. Domini: Are you talking about right here?

Mr. Rettke: Yeah.

Mr. Feeney: Yes.

Mr. Rettke: I mean, is the parking setback, is that also a pavement setback?

Mr. Domini: We didn't have setbacks for driveways.

Mr. Gordon: I mean, we're like coming off of Main Street, coming down from the north to the south. There's even a gray area there where the strip mall is on his property, so I think the parking area itself is the thing in question. I mean, we will have, you know, registered surveyors will stake that and the deed – legal descriptions of the deeds will dictate where that property line is, not the drawing of a – you know, the site plan.

Mr. Feeney: But it's the drawing that we're approving here, but I understand –I don't want to say it's okay, go ahead process it and say it's okay to build it this way over top of your neighbors, acquire their lot and then if you have to move it – if you move it you still meet all the requirements, which I think you probably would, because you have 15 feet. You can move it--

Mr. Gordon: If we're on the other property I think that's strictly a graphic mistake, because everything's done based off of legal boundaries and surveys.

Mr. Feeney: Okay. Well, we've had situations where people have come in and say, "Well, I got an okay from the neighbor to drive across his property to get to mine."

Mr. Gordon: Yeah. We've not done – we've not asked anybody. He just went out and bought the property when it didn't work out for us.

Mr. Feeney: What is the dimension between the western edge of your parking lot and the neighbors to the west of that parking lot that you mentioned?

Mr. Gordon: It's whatever the requirements were. I mean, I don't do these drawings. I think it was probably 10 feet, whatever was required.

Mr. Domini: Yeah. I'm looking at it now and I don't think it is 10 feet. I think you have a couple of options. I think you can shrink that drive aisle. I'm guessing it's like 8 and I need to see the dimension of it. We just need to see the dimension on the zoning certificate. You can shrink that drive aisle to 20 feet and push that parking back a little

bit so you'll get that 10 feet, or you could drop these two spaces and just push that over more to get that in there. Because I think, in looking at it now, it does look a little tight and we just need to be sure that you have 10 feet there and I don't think you do on this drawing.

Mr. Gordon: Well, again, it's a drawing and we're dealing with legal descriptions on deeds, on where the pins actually fall, but we've already looked at where that drive comes in and makes a turn. We might lose a couple of spots because there's a couple of nice trees on that parcel that the owner really likes and we don't want to lose those. But, with that said, we want to work within what the legality is on what we're allowed to do and then he can always pull a parking spot out or two to save a tree, which he's already commented on, but we don't want to make that part of this.

Mr. Rettke: No. But you see where we're coming from because we're trying to make a determination on setbacks and requirements, trying to grant a variance and, you know, we're looking at something that graphically is telling us that that's not acceptable.

Mr. Gordon: I agree with that, but I'm not worried about graphics. I'm worried about what's legal and what the legal descriptions are. We will meet your concerns there based off the code.

Mr. Feeney: That's your major site plan review, that's what – so it's got to be accurate. I mean, accurate within, you know, it can't be just say, "Well, it's about 10 feet." It's got to be 10 feet, you know.

Mr. Gordon: Well, I know that, but we're here in cooperation so we're all on the same page. We just need to, you know, he's mid-summer on his business and we just need to get going on this and, like I said, he's actually looking to contract on some of the parking spots to keep some of the nice trees there. So I think you can tell that's why I incorporated some of his pictures of his existing property. He's really done a good job of meeting your whole Overlay of the Historical part of Reynoldsburg. I mean, I get a lot of stuff in the Short North and Harrison West and I've never seen an actual application overlay a written text of a planner like this piece does. It really fits every aspect of what they call out on that, parking in the rear, bringing the restaurant people back into town, etc. But I can't comment on a drawing that shows, is it 5 feet, is it 2 feet, is it 4 feet. If you guys tell us tonight it has to be 10', that's what our intentions were. We're fine with that. Our goal was to meet—

Mr. Domini: We would be more comfortable if there's a recommendation for approval, that that's a condition that you show us the dimension on your zoning certificate. I approved that.

Mr. Gordon: That's fine. We're fine with that.

Mr. Domini: And that either means that, in my opinion, I think it's a little tight. I think you have to potentially shrink that drive aisle to 20 feet to get an extra 2 feet and I

think that will probably give you 10 feet. There's lots of ifs and buts but, ultimately, the final zoning certificate needs to show 10 feet. I think, as far as—

Mr. Gordon: Ten (10) feet on the—

Mr. Domini: On the west side.

Mr. Gordon: Okay.

Mr. Domini: As far as complying with the code, that's really my major concern.

Mr. Feeney: Yeah.

Mr. Domini: Because I believe on the east side this larger area is to remain; that meets our setback requirement and meets it to the south and it even meets it to the north between the parking lot and the strip center, so that's really my major concern and Mr. Feeney, you bring up a good point on that corner there. We don't want to approve a drawing that shows there's a drive on the other property, so we need to make sure that's ultimately fixed as well.

Mr. Stoffel: And I really like it, I really do. It's just things like that, I look at things and, for instance, I look at the parking there that's going along the south and you could probably – it's a little bit of a tricky situation, people backing in. You know how it's striped there? Makes more sense, at least to me, if where you have the seven parking spaces you would add two or three more to the west and remove the one or two running along the south side of the west edge. You know what I'm saying? Does that make sense? Where it says seven parking spaces?

Mr. Gordon: Well, our goal is the footprint here and Frank Lloyd Wright, who was a great architect, he did a lot of work for the University of Florida and he laid out the complex of the University, and he didn't put in any sidewalks. And they said, "You didn't put in any sidewalks." And he goes, "Well, I don't know where they go yet. The students haven't come here." So parking works itself out, so where it would make sense to utilize that envelope, which is all we're asking for tonight, will be what we'll do. And our goal was to maintain 10 feet on that side. So if he didn't put the dimension on there that's fine. We'll add that.

Mr. Domini: Is the Board comfortable with the existing vegetation as a buffer?

Mr. Feeney: I think so. The pictures that you have looked like it was pretty thick back in there.

Mr. Stoffel: The only part that's hard to see really from the pictures is what's the vegetation along the property line, at the west property line? From the homeowners on the west—

Mr. Gordon: The one picture shows kind of the openness and then from there behind that garage there's like a car that's been there for awhile and then there's the garage and then once you get past that garage, the vegetation slams right up to the back of that driveway. There's some junk back there. I mean, I took a lot of pictures. I didn't know how much you guys wanted to see, but they're good neighbors to Mr. Becher, so we're not complaining about their property, but we will screen what is open to make it work. And you can tell by how he's done it so far. I mean, he's gone above and beyond trying to make this place a spotlight.

Mr. Domini: The Board thinks it would be reasonable to do some kind of – I think once you get in there and you move that dirt to get that parking lot in, you're not going to have much vegetation between the parking lot and the property to the west.

Mr. Gordon: No, we're not going to have any vegetation where the parking is to the west. That's why I said we'll do the same screening that we're doing to the north--

Mr. Domini: Okay.

Mr. Gordon: --along the west there.

Mr. Domini: Do you know what species of pine that is?

Mr. Gordon: No.

Mr. Domini: Pine tend to get pretty leggy. You don't get the foliage until 8 to 10 feet up.

Mr. Gordon: He's going to have—

Mr. Domini: The spruce is different.

Mr. Gordon: Windscares has done his landscaping there since he took it over so it'll be – he's screening himself against his outside which is rare in commercial. Usually you're screening yourself for the other people, so it'll look nice.

Mr. Domini: I would recommend that any condition of approval that it's continuous evergreen hedge at a minimum height of 3 feet mature height, the maximum mature height. Typically, we see like a taxus arborescens in there or a spruce, something that's going to give some mass, add some mass to it.

Mr. Gordon: Depending on the dirt we pull out and how the mound is – 3 feet – we'll definitely be over 3 feet.

Mr. Domini: So you're proposing a mound on the west side?

Mr. Gordon: The north side. I don't think we can mound much on the west side due to the natural drain. We'll probably just make it a little more dense there with the pines on their spacing.

Mr. Domini: The City engineer is here. I don't know if he has any comments. Pat, do you have any comments on this application?

Mr. Pat _____: I would just say that I think you gave me the Plot Grade Utility Plan (speaking off mic - inaudible)

Mr. Gordon: We just wanted a footprint that we could work with them to get working on it.

Mr. Pat _____: (speaking off mic - inaudible)

Mr. Gordon: It was our understanding we had to submit a construction plan.

Mr. Domini: Yeah. So what I hear being discussed by the Board is obviously your drive can't be on the property to the west. We need to be sure we have at least a 10-foot setback from the property to the west and we want some type of continuous evergreen hedge or hedgerow for opaque screening between the parking lot and that property, which sounds like you were already going to do anyway.

Mr. Gordon: Yes. To the – going south.

Mr. Domini: Right.

Mr. Gordon: Yes.

Mr. Domini: Right here.

Mr. Gordon: Correct.

Mr. Domini: This side.

Mr. Gordon: Yeah.

Mr. Feeney: I have another question. This major site plan review we're looking at doesn't have any lighting. You're supposed to have lighting. If you're going to have any it should be on these plans, too.

Mr. Gordon: Well, we didn't really know until we got back there. There's a major pole lighting the back of the existing commercial piece and we're thinking that – and we also have electric to the garage there, so I think we're looking at a footprint here on zoning and then we'd move forward with the construction plans on where that-- We

do plan on having some lighting back there, not a lot of lighting. You don't want to light it up.

Mr. Feeney: Yeah. I don't want to be a stickler but it's – we're supposed to be a major site plan review and that's the stuff we're looking at. Because some of the things we look at is what type of lighting you're going to have and with being covered with residential all the way around, we want to be – we don't want spotlights—

Mr. Gordon: The engineer, we told him to make sure it's compliant. So could it be that we don't have to have lighting back there? I don't know. He was just told to make it compliant and then we can always make it better.

Mr. Feeney: You don't have to have lighting.

Mr. Domini: We don't require lighting.

Mr. Feeney: We don't require lighting, but if we approve this then you'll have lighting--

Mr. Gordon: Right.

Mr. Feeney: --then you don't have lighting.

Mr. Gordon: Right. We understand that and we understand that'd be part of the actual construction drawings and--

Mr. Feeney: But we don't – I wouldn't want to approve this and then you're building it and you put the lighting in anyway--

Mr. Gordon: Oh, I hear you.

Mr. Feeney: --and we didn't know about it, then we get complaints from all the residents.

Mr. Gordon: Yeah. Well, I don't think – your goal is more safety, not to light it up like a Walgreen's parking lot. So if you want to make a notation to this approval, I don't know how you guys notate lighting in your zoning, but if we do—

Mr. Feeney: We don't dictate the lighting. It'd be what you want and you would give us a wide variety of types of lights and kinds of lights, and amount of light and that kind of stuff.

Mr. Gordon: Well, I'll say at this point we'll say no lighting and then we'll come back once we have a construction drawing. It's easy to come back for the lighting approval, I would think.

Mr. Domini: If they want to add lighting they're going to have to go back before the Design Review Board.

Mr. Feeney: Right.

Mr. Domini: Again, you're in the Historic District, so you're not putting up shoebox lighting or anything like that.

Mr. Gordon: Say that again, I'm sorry.

Mr. Domini: If you decide to put in lighting, it'd have to go back and get approved by the Design Review Board.

Mr. Gordon: Well, can we just state the same type of lighting that's already on the existing parcel to the north?

Mr. Domini: I don't know what that is.

Mr. Gordon: It's a pole with one—

Ms. Ray: Street light.

Mr. Gordon: It's something you'd see on a pole barn or a building, just one commercial bulb.

Mr. Domini: I don't think I'd be comfortable with that because of the residential surrounding that.

Mr. Gordon: Well, I think our goal is more landscape type, low key lighting.

Mr. Domini: Yeah. I mean, if you have a decorative pedestrian scaled light that's maximum 8 to 10 feet or an ornate kind of thing.

Mr. Gordon: Yeah.

Mr. Domini: I think we'd be comfortable with that but we can't approve it if we don't see it.

Mr. Gordon: Okay.

Mr. Domini: That's the problem.

Mr. Gordon: Well, I'd say we'll just come back—

Mr. Domini: I think if you're — in the interest of your time—

Mr. Gordon: Yeah.

Mr. Domini: --you don't -- we're not approving any lighting. You'll have to go back to the Design Review Board to get that approved. But we're pretty sensitive to these neighbors. We don't want flood lights back there.

Mr. Gordon: I've lived next to a parking lot and had the big lights and you were awake 24/7. And this is actually overflow, so, you know.

Mr. Stoffel: The Board have any other questions?

Ms. Ray: Well, I do. As far as the lighting goes in the back. Supposedly you have some kind of form of electricity back there, is that correct?

Mr. Gordon: Well, we have lighting to the garage. We have a pole in back of the main building. There's a pole just 3 feet, I think, to the north that I think that's within the easement to the commercial piece to the north, but we're probably going to come off of his already existing in the garage, go underground, do some landscape stuff.

Ms. Ray: Okay. So most of the vegetation that you have back there, is what you're planning on trying to keep as much as possible because of the neighborhood, the residents, right?

Mr. Gordon: Yes. Well, and it costs him to take that out, too. There is some expense of tearing all that out of there. For tonight, yes, he wants to keep it as—

Ms. Ray: As much as possible.

Mr. Gordon: And really in this case he does. He's given us his vision from the get-go back in '07 so this fits with what he wants.

Ms. Ray: Okay. And I do have concern about it being -- I mean, 35 spaces, 30 to 35, let's go there, spaces and away from the main building and you're walking into the back whether it's a neighborhood or a residence or whatever. I understand the concern as far as me, or maybe not so much you gentlemen, but—

Ms. Armintrout: I have the same concern.

Ms. Ray: Yeah. There are so many different types of lighting out there that I think that if you could even do it as far as a timer or a switch based on the season, the timing of the day, you know, you can buy some really nice -- I don't want to call them string lights but, you know, something of that effect where you can light it up a little bit but yet have it more low key and be able to have pathway and safety for—

Ms. Armintrout: To get to the cars.

Ms. Ray: --your customers, your patrons, but not offend your residents.

Mr. Gordon: They're already very cognizant of—

Ms. Ray: Right. That's what I'm saying. I'm just offering some kind of other option other than putting up a pole light.

Mr. Gordon: It would not be a pole light. It would be—

Ms. Ray: Or a security light on the side of your garage. I have one and it's very glary and it's solar and it drives me crazy and I'm still doing this and it's in my own back yard.

Mr. Gordon: Yeah. But it'll be ground landscape type.

Ms. Ray: Yeah, maybe – yeah, so good luck.

Mr. Stoffel: And if they decide to come back for the lighting, like Aaron said, they'll have to come before the Design Review Board and they won't allow that.

Mr. Gordon: We'll note what we talked about today when we go to staff and say, "Here, based off of the meeting today, here's what we want to do." We don't like re-inventing the wheel either, so.

Mr. Domini: Rob, would it be reasonable if they want to make a recommendation for an approval but upon a condition that you appear before Design Review Board within the next two months to get that approved. I'm hearing that they don't want it without lighting.

Mr. Gordon: You know what. We want lighting and you want lighting. I don't like all these conditions going on. I think we could approve it as is. We've done everything we said we've done throughout this process here.

Mr. Domini: But you're not, number one, you're not meeting the code because the dimensions aren't in the plan so we have to approve it with that condition. And, two, if they're concerned about safety-

Mr. Gordon: You want to do that? I mean—

Mr. Domini: If they're concerned about safety all they're saying – I guess what I'm recommending is that you need to light it. It sounds like they want you to have some lighting, but they're not approving lighting without knowing what it is.

Mr. Gordon: I know that, like we applied – we just missed the cutoff in May. Now we're at the end of June and now we're going into July. So my concern would be we'll get our construction drawings to the engineering department so that gets all

approved so we can start construction on the parking lot. As long as we can do that simultaneously I don't think we have a problem, but I don't want to have building permit for a parking lot held up because we can't meet until August.

Mr. Domini: Your approval from the Design Review Board for the lighting, I would bet you would definitely be done before he gets finished his review on the construction drawings.

Mr. Gordon: Well, we're – what are we at, the 20th? It says June 20.

Mr. Domini: Yeah. The 20th.

Mr. Gordon: Okay. So let's just walk through the dates so I know. The 20th, let's say – I mean, we haven't gone full on our drawing of course until we got zoning, so we can get drawings done in a couple of days.

Mr. Domini: Now what would be your review process for the construction site?

Mr. Stoffel: Well, to best answer that, when is the next Design Review that the applicant could submit to?

Mr. Domini: July 11th.

Mr. Stoffel: It'd be hard-pressed to have the construction drawings approved by July 11th. So I think if it's just about lighting, concurrently I don't really have a problem with that. Both applications can be done at the same time. That's not a problem. How soon can we get the construction plans in?

Mr. Gordon: Well, we're meeting the guys out there Tuesday at 5:00 based off of today. And I've done it concurrently with Columbus and other municipalities. I don't have a problem with that. I just don't want it to be a—

Mr. Domini: I'm not even recommending that you have all the approvals from the Design Review Board, just that you're in the _____ motions of getting your applications in and you're going to be going before the Board. So that is not going to hold you up from your progress.

Mr. Gordon: So we can take tonight with the condition of lighting to engineering and submit construction drawings to get started with that condition of lighting, which I agree with him. I think they'll fall within. I mean, and that's done at the end and that's like with the landscaping, so I agree with that as long as that's continuous. Does that make sense?

Mr. Domini: It would happen simultaneously.

Mr. Gordon: Okay. I'm okay with that if you're okay.

(someone speaking off mic)

Mr. Domini: We're sensitive to your issue of timing, but I think these two issues of setbacks and screening and lighting are of importance. So if we get those ironed out and we request that you turn in the application to be on the next earliest scheduled Design Review Board meeting no later than, let's say, August and it's not a condition that you get that approved before construction is sent.

Mr. Gordon: Well, can we just make it July 11th?

Mr. Domini: If you can get the materials in, then yes.

Mr. Gordon: He'll be through his busy season if we let it drag out and I understand your calendars, but—

Mr. Domini: It could actually work out that you'd have Design Review Board done before the construction—

Mr. Stoffel: Does the Board have any other questions for us? Is there any other public comment? Could you come forward, please. State your name and address.

Mr. John Brown: My name is John Brown and I live at 7626 Broadwyn Drive. We've lived there since 1998. So the southeast corner of the proposed parking lot is that hypotenuse there, that's pretty much right up against my back yard. We're glad to see that a business in Reynoldsburg is doing well and wanting to expand. A few things crossed my mind. The gentleman mentioned earlier in his talk that they talked about using the front parking in front of where the strip mall is. All of those buildings except for Classic Pizza, the stores there close around 5:30 and I counted about 30 parking places in the front that typically go unused except for people that go to Pies and park there and just walk across. So I hope the Board would consider any other possibilities or alternatives. It's a beautiful buffer between the commercial and the residential. Living just back on Broadwyn, we do have a lot of noise, traffic from Main Street and the buffer does help to keep that down, too. We'd appreciate your consideration there in looking for alternatives and the best fit and we wish you well. Thank you.

Mr. Domini: I can address that, Mr. Chairman, because I've been involved with the applicant and the adjoining property owner trying to help with negotiations on a shared parking agreement. The owner of this commercial strip center to the east was not interested in the shared parking area. We had a lot of conversations with them on that and this was the best arrangement the applicant could get with that adjoining property owner. I would agree that was the ideal situation and you have parking not during peak hours at that site that's not being used; but, for whatever reason, that owner was not interested—

Mr. Gordon: And the most expensive to this landowner, because he didn't want to have to buy that property, but they didn't want to budge.

Mr. Domini: We did look into a number of shared parking arrangements. Thank you for your comment. It was a good comment and we did really try to make that happen.

Mr. Stoffel: Is there any other public comment? Would you come forward, please?

Mrs. Melanie King: I hadn't actually planned to speak, but I'm Melanie King. I'm your neighbor directly to the south and I really do like what you've done with the property. I appreciate tonight that you're being so conservative about this. Obviously I probably have the least reason to complain, because I have the largest buffer. The vegetation is actually pretty low to the ground. It's a lot of viney, scrubby sort of stuff, some fallen trees. There are some bigger trees, but it's not – you can see through it and in the winter when there's no foliage, we can see all the way to Main Street. So it bothers me that we're going to take part of that out, even though it's not a beautiful park-like setting, it's natural and it is a nice buffer. I guess my biggest concern, I'm not happy about losing the deer. They have their babies in my back yard every year and mommy and the baby are still out there. So I love that. I think one of my issues is a security factor. If this presents a security issue, nobody wants to traipse through that muddy mess most of the time, but now that that vegetation buffer is going to be smaller, am I going to have a bunch of drunks stumbling into my back yard at some point? If that happens, would you be willing to put up a fence along that back corner?

Mr. Becher: I'm Mike Becher. I own Pies. I think that's to the south where you are. The odd shaped piece that we're not touching. As you're looking from your place, where we're putting the parking lot right now is mainly just grass. Most of the vegetation and the tall stuff is behind that, so we're really not cutting much of that at all, so you're still going to have – if I had my druthers, I'd keep every single tree that I could there. It's what makes my property, I think, unique. But most of the vegetation again to the south is going to remain. Right now it's just the grassy area that we're going to take out.

Mrs. King: That's good to know.

(Gentleman speaking off mic - inaudible) There's still a ton of property to the south of that.

Mrs. King: Well, my back yard is the one that's shaped funny. John adjoins my property. He's the sort of odd triangular shaped one to the upper right. I'm the lower left. So you can see that almost my entire rear lot line is your back yard basically.

Mr. Becher: If you're facing northwest, with the overlay that we're proposing, I doubt you'd even notice.

Mrs. King: I'm hoping you're right.

Mr. Becher: (Inaudible)

Mrs. King: And you guys have been great neighbors, seriously. I don't think any of us really have any complaints and you have done a wonderful job. It's beautiful. You've made some huge changes and, as neighbors, we appreciate that. My biggest concern was okay, what's going to happen? If your business grows are you going to add onto the building and the parking lot and—

Mr. Becher: We can only handle the customers we have now, but we have to do something with the parking.

Mrs. King: And we understand that. We see everybody park in the grass.
(Inaudible)

Mr. Stoffel: Is there any other public comment? Yes.

Mr. Brown: Just one other thing that I was thinking of too. It's good to see the growth, but if there's 30-35 additional cars in the parking lot, can we equate that to 100 people and is there room fire code wise, safety wise at Pies to support that number of people?

Ms. Ray: What's your capacity at your restaurant, sir?

Mr. Domini: Their Certificate of Occupancy is covered by their building permit, International Building Code. The building department issues all those Certificates of Occupancy, they have a safety inspection by the fire department.

Mr. Becher: We had to have egress access to the west of the building, so whatever it is, it is. Reynoldsburg's looked at it very closely. We don't know what that number is off the top of our head.

Mr. Domini: The parking lot increased their capacity.

Mr. Stoffel: Is there any other public comment? (No response.) I guess the only thing I would add – I'm sorry, I forget your name – but to the south maybe we could – I think there's such a good will going on here between Pies that when the construction does occur and it's all done that you could maybe work together and if there is some kind of extra pines that need to be thrown in to kind of satisfy the two homeowners, I think that would be great and I know you'd do that.

(Several speaking off mic.)

Mr. Feeney: I make a motion that we accept the Major Site Plan Review, B1, 159767 with the exception that the plan shows that the driveway does not cross over

the neighbor's property and that the dimensions are shown properly on the drawings and that there is a 10' setback on the west side of the parking lot, and there's going to be additional screening which is evergreen type screening on the west side in that 10' strip. Is there anything else?

Mr. Domini: The other item was that the applicant initiate application to Design Review Board at the next earliest schedule meeting for lighting.

Mr. Feeney: Yeah, for any lighting if you choose to add any.

Mr. Stoffel: I'll second.

(Mr. Domini called the roll. Ms. Ray voted "yes." Ms. Armintrout voted "yes." Mr. Feeney voted "yes." Mr. Stoffel voted "yes.")

2. VARIANCE APPLICATION, 7007 SHAULIS DRIVE, REYNOLDSBURG, OHIO; PRESENT ZONING R-3; REQUESTING AS VARIANCE FROM TABLE 1175.03 AND SECTION 1175.03 OF THE ZONING CODE TO REDUCE THE REQUIRED 8'0" SIDE YARD SETBACK TO A PROPOSED 2'0" SIDE YARD SETBACK, AND TO REDUCE THE MINIMUM SUM OF SIDE YARD FROM 18'0" TO A PROPOSED 12'0". CONTACT: MIKE CHEKANOFF (#160278).

Mr. Domini: If the applicant's here for this application, now would be a good time to come up before the Board. Basically what the applicant is proposing to do is install a carport on the side of the property. The last image there is the best. It shows the existing house and drive and shows where they're going to extend that carport to. It is my understanding this will attach to the house and once installed the setback will be 2' from the side property line. Our staff, primarily Mr. Robbins, has been in contact with the applicant. I don't really have much overview on this application. I think it speaks for itself. I don't think, and again this is Mr. Robbins' analysis, that there is a true hardship, but the strict interpretation of the code in this area of the city has prevented homeowners from reasonably using the property. We've seen these type of applications on a number of occasions in this neighborhood and each one's different. So I don't think we necessarily oppose it, but I think we would like you to consider it carefully and make sure that-- I think the neighbors are informed in this instance. Obviously we've had neighbors informed for the last applicant and, because of the degree of the encroachment, I think we're a little bit more sensitive. We're not talking about going to 7 or 6, but considerable reduction of setback. I don't really have a strict recommendation other than I think there needs to be some type of letters of support from the adjoining property owners.

Mr. Stoffel: Thank you. Can you state your name and address, please?

Mr. Mike Chekanoff: I'm Mike Chekanoff from APCO Industries, 777 Michigan Avenue, Columbus Ohio 43215.

Mr. Feeney: So you're the contractor?

Mr. Chekanoff: Yes, sir.

Mr. Feeney: So does this have any sides to it at all? It doesn't appear that it does.

Mr. Chekanoff: No, just support posts connected to the house and then supported at the – I believe it's the west side. So just four support posts along the sides. There's an existing concrete driveway there now and so we'll be going directly over the top of that.

Mr. Feeney: Is it going to look just like 6993's?

Mr. Chekanoff: Yes, sir, they're very similar.

Mr. Stoffel: How far off is that concrete pavement now from the setback? The required setback is 8' side yard. Where is the edge of that concrete now, do we know? Cause I'm guessing that's encroaching already.

Mr. Chekanoff: Yeah, I would imagine most of it's encroaching, but in order to fit one car in, we determined, you know, to make this a reasonable space for him, that we needed to make the size of the projection from the house that we did, regardless of how far the concrete goes.

Mr. Stoffel: But it's already a reasonable space, correct? They are parking on that.

Mr. Chekanoff: But it's not covered parking.

Mr. Stoffel: So when he states the variance will allow practical use and eliminate the need for more dangerous on-street parking, really the carport doesn't—

Mr. Chekanoff: Well, what we're meaning by practical use is to be able to protect the vehicle. This is a single car garage on a lot of these Huber homes in this community and, as we know, society has changed and we're dealing with multiple cars. And to be able to put a simple aluminum awning over top of your vehicle to keep your car protected is, we feel, a reasonable request. I'd like to also state that we do have a letter that's attached from the adjoining neighbor that it is more than okay with the process of doing that and that his particular property, if you looked at the overhead view that shows the adjoining neighbor, his house is kind of turned away and set back away from – it's not like the houses are shoulder-to-shoulder to each other.

Mr. Feeney: In the top picture there, it looks like—

Mr. Chekanoff: Yes, the houses are kind of staggered from each other.

Mr. Feeney: So there's probably what, 10' in there?

Mr. Chekanoff: At least.

Mr. Feeney: It looks wider than the actual driveway. In this instance you have a letter from the neighbor.

Mr. Chekanoff: Yes. It should be the last page of those nine documents I turned in.

Mr. Domini: Was that submitted to Justin after you submitted the original application?

Mr. Chekanoff: That's correct. Justin contacted me saying I needed – he suggested that I include these items.

Mr. Domini: That's why he made that recommendation and we got the letter after the fact.

Mr. Stoffel: I'm just curious. How long's the homeowner lived here, do you know?

Mr. Chekanoff: Since 1985.

Mr. Stoffel: We don't have construction drawings, but the posts for that carport sit maybe, what, a foot outside the existing concrete? How much farther beyond the concrete – we don't really know what that is, but how much farther will those posts go beyond the concrete?

Mr. Chekanoff: They're not. They're sitting on the concrete.

Mr. Domini: As the drawing's shown there, they're not extending beyond the property line and we have to assume that at this point in time that's how it's going to be installed.

Ms. Ray: You will drill right through the driveway to put the posts in.

Mr. Chekanoff: The posts sit directly on the existing concrete and they're connected with mechanical fasteners and brackets to the concrete. I also want to state that we made an effort to set the carport, slide it to the rear of the property as much as we can to make it not as "on top of you" so-to-speak as we could have requested.

Mr. Stoffel: Is there any public comment? (No response.) Does the Board have any other questions? (No response.)

Mr. Feeney: I'll make a motion to approve item B2, Variance for 7007 Shaulis Drive, #160278.

Mr. Stoffel: I'll second.

(Mr. Domini called the roll. Ms. Ray voted "yes." Mr. Feeney voted "yes." Ms. Armintrout voted "yes." Mr. Stoffel voted "yes.")

Mr. Domini: Thank you for getting the letter. I think you would have had a hard sell without it. I want to remind you that you do need to submit permit for a zoning certificate and check with the building department for any necessary—

Mr. Chekanoff: I've already submitted those, so do you guys communicate then with the building department?

Mr. Domini: If you've already submitted your building plans, I'll let them know that the variance passed and then they can get the paperwork moving, cause they won't move it until you get the variance approved.

3. VARIANCE APPLICATION, 750 GILMORE DRIVE, REYNOLDSBURG, OHIO; PRESENT ZONING R-3; REQUESTING A VARIANCE FROM SECTION 1171.06(a)(3)-C OF THE ZONING CODE TO REDUCE THE MINIMUM ACCESSORY STRUCTURE SETBACK FROM THE PRIMARY STRUCTURE, FROM THE REQUIRED 15'0" TO A REQUESTED 5'0". CONTACT: PAUL STAMPER (#160273).

Mr. Domini: I'll go rather quickly here. Interesting situation here. We didn't have any record for any variances on file for this property. This situation somewhat already exists, but the placing, expanding, changing, nonconforming use without having record of any variance on file, we didn't feel in good faith we could approve that. So that's why this application is before you. So this applicant actually already has a detached accessory structure that does not meet our current code; but, to make sure it does meet the code, we asked him to come before you to make sure that was approved as it wasn't approved before. Mr. Stamper is here. Come on up, Mr. Stamper. I talked to Mr. Stamper a number of times about getting a good plan in here. This is the last one that was submitted and, depending on the Board's ruling tonight, when you submit the zoning certificate, you're going to have to have the clear dimensions so we understand where the property lines are, what the setbacks are. So for this accessory structure, and I believe you meet this, because I'm just looking at the drawing. You have to have at least 3' to the side property line for an accessory structure. That's the standard. And you need 6' to the rear, which you obviously meet just looking at this drawing. So the real question in my mind is if you will grant the variance to increase that level of non-conformity to expand the structure towards the house 5'. I don't have an issue with that. I think he's addressed the fire law rating issue. That's the main concern and that's why we have the 15' setback for fire reasons. I think traditionally it was acceptable, especially in historic areas, not that this is in an historic area, but to have that accessory structure close to the house. I know my garage is right next to the house, so I don't

have a great concern with that. I do need a better drawing if the Board makes a ruling that that 5' is okay. That's all I have for this application.

Mr. Feeney: So the garage is already there, but you want to modify it?

Mr. Stamper: No, sir. I want to tear it down and build a new one, cause that one, I don't think, meets code.

Mr. Feeney: Okay, so you're going to tear the existing one down and then rebuild it exactly in the same place.

Mr. Stamper: One foot over. It's about 4' from the house now and I'll make it 5' from the house and 4' wider than what it is now. The garage will be even with the back part of the house the way it is now, only it will set forward about 4' to be even with the house.

Mr. Feeney: I don't have any questions. It's there. If you're going to tear the old one down and put a brand new one up, you know fire codes. We've had issues a couple times before about wanting to build something right next to the house, sheds to store paint, gas and stuff like that in there, but it's a shed.

Mr. Domini: This is over 200 square feet, I believe, so it's going to require a building permit. The building department's going to have to make sure that it's fire rated. My main concern is when you submit your final zoning certificate, you get a better drawing that shows the clear dimension on the property to your west, just to show that that is clearly 3'. I believe if you're only increasing 4', that it'll meet that threshold, but we just have to be sure. The variance is really for the 5'. I will administratively approve the final location, make sure it meets all setbacks. I don't have any questions.

Mr. Stoffel: Is there any public comment? (No response.) I'll make a motion we approve Item B3, Variance Application #160273.

Ms. Ray: Second it.

(Mr. Domini called the roll. Ms. Armintrout voted "yes." Mr. Feeney voted "yes." Ms. Ray voted "yes." Mr. Stoffel voted "yes.")

Mr. Domini: The next step is to submit a building permit.

4. VARIANCE APPLICATION, 1340 CREST STREET, REYNOLDSBURG, OHIO; PRESENT ZONING R-3; REQUESTING A VARIANCE FROM SECTION 1175.08(a) OF THE ZONING CODE TO REDUCE THE SIDE AND REAR YARD FROM THE REQUIRED 50'0" SETBACK (25'0" WITH CONDITIONS) TO A REQUESTED 10'0" BETWEEN A PARKING AREA AND A RESIDENTIAL DISTRICT. CONTACT: DAN HAVENER (#160333.)

5. MAJOR SITE PLAN REVIEW APPLICATION, 1340 CREST STREET, REYNOLDSBURG, OHIO: PRESENT ZONING, R-3; PRESENT USE, CHURCH; PROPOSED USE, CHURCH; PRESENT OWNER, REYNOLDSBURG CHURCH OF THE NAZARENE. CONTACT: DAN HAVENER (#160332)

Mr. Domini: This is for the Reynoldsburg Church of the Nazarene on Crest Street. They are also proposing to expand their parking. Here's the location of the property, just to the west of Rosehill. We have two items here. I propose that we review and approve them together with the variance being the first and the major site plan being the second. So here is the existing property. There was actually a structure there at one time to the south which has been raised by the church and I know they're trying – they also are going to expand their parking to the south. Here's another look at the property. I can come back to these in a minute. But I believe you're adding two rows of parking, right? So you have – this row exists, so you're adding two rows to the south. I think you're making some improvements along this edge as well. Is that right? But you're not expanding that way? (No.) So there's no expansion to the east; all expansion is to the south. I believe there's 40 additional spaces that are being proposed. I am received some phone calls from our neighboring property owner. He raised some concern about the expansion primarily due to noise and I talked to them about that. The application is really for the reduction of the setback, the side and the rear from the 50' to 25' to a request of 10'. That's all I have, Mr. Chairman.

Mr. Stoffel: Would you state your name and address?

Mr. Dan Havener: Yes. Dan Havener and I live at 2835 Woods Crescent in Grove City, Ohio 43123.

Mr. Domini: They're adding an additional island and they have shown in the landscape plan a continuous evergreen hedge along that boundary, and a lighting plan. The species of installation is, I believe, taxus or arborvitae, evergreen. Looking at the application, my only comments, if the Board does approve the variance that the hedge be installed at 36" of height when you install it. I think the plans note 24-30" in height. I think we need to be sure that that's a reasonable height for screening, especially for headlights; or, as an alternative, you could put a solid fence there. My recommendation in the staff report was actually for a fence. You just never know with the – in this instance because of the residential nature neighborhood, the condition of the plant material, make sure it's in good condition. If you install a fence there, it's there. Actually I think some combination of both might be more attractive, because it's in a residential district.

Mr. Stoffel: So there's currently no screening at all between the parking and Rosehill, or Crest, I'm sorry?

Mr. Domini: No, there's no screening. I'll show you this picture. This will help you. There's the house that used to be there. That's not there anymore. Is that correct?

Mr. Havener: That's correct.

Mr. Domini: Okay. And they're expanding this way. They own that property, I believe. They're expanding this way. There's no screening there now. But if they're going to extend that parking lot that way, I think we need to do our due diligence to protect that homeowner.

Mr. Stoffel: Is that tree by the house, is that still remaining?

Mr. Domini: No, it's down.

Mr. Havener: I'd like to point out also that the house to the south, there are two parcels that incorporate that parcel for the house. There's a 50' parcel just to the north of the house that's basically just yard space and then the house itself sits on another 50' lot just to the south, so there's a nice buffer also space-wise between the proposed parking lot and the house.

Mr. Stoffel: Do those properties to your east, are those currently fenced?

Mr. Havener: Yes, they are.

Mr. Stoffel: And those are the – those fences are the property of the individual homeowners or is that your fence?

Mr. Havener: No, individual property owners' fences.

Mr. Domini: There you can see the actual boundaries.

Ms. Ray: So at the house at the south, that's completely gone?

Mr. Domini: Yeah, that's gone.

Mr. Stoffel: Is there any public comment? (No response.) Does the Board have any other questions? (No response.) I guess I'd agree with you, Aaron, that there should be some kind of screening to the south and that it is a minimum of 36" height.

Ms. Ray: And from the south property line to the next house, residence, how much distance?

Mr. Havener: You've got an empty 50' lot and then I assume the house is probably 5-10' off the property line, so 5-10' beyond the 50' empty parcel, so you're looking at probably 55-60 feet to the house from the south property line of the church.

Mr. Domini: So this property is not owned by the church but by Diane Fells.

Mr. Havener: That's correct.

Ms. Ray: And does she own the house that's south of that?

Mr. Havener: No, I believe that's owned by another individual.

Mr. Domini: So we can measure this. That's approximately 50'.

Mr. Feeney: Fifty feet and then you've got 10.5' for a buffer.

Ms. Ray: To the other house, so it's almost 60' from the property line of your property line.

Mr. Havener: Correct.

Ms. Ray: Do you know what Diane's going to do with that property?

Mr. Havener: Right now the property's being rented out to another individual, so I assume she's going to maintain it for rental property.

Ms. Ray: But there's no house on it.

Mr. Havener: Oh, I'm talking about the existing house. Yeah, the vacant? I have no idea. Right now, again, she's just renting out the existing house and maintaining the two lots, so no plans that we're aware of right now. (Speaking off mic – inaudible.)

Mr. Stoffel: I'm good as long as we screen with the landscape plan, everything looks good to me. If there's no other questions, I'll go ahead and make a motion – well, do we want to do it all in conjunction, Aaron? Do we want to do Item 4 and 5 together?

Mr. Feeney: (Inaudible)

Mr. Domini: I do like your choice in lighting.

Mr. Feeney: I was going to make a comment about the lighting too. I saw the foot candle power (inaudible). Are the lights going to be on every evening or just for services?

Mr. Havener: Basically every evening.

Mr. Feeney: Dawn to dusk type of thing?

Mr. Havener: Yes. The timing can be worked out. They are going to be on timers, so if there's any concern we can work that out.

Mr. Feeney: There's hardly any spillage if there's any at all.

Mr. Domini: It looks like they have a total of five lights going in. I don't think that's too significant. It's actually less than half a food candle on the property line.

Mr. Stoffel: I make a motion that we approve Item B4, Variance Application #160333.

Mr. Feeney: I'll second.

(Mr. Domini called the roll. Mr. Stoffel voted "yes." Ms. Ray voted "yes." Mr. Feeney voted "yes." Ms. Armintrout voted "yes.")

Mr. Domini: Motion for Item B4 (#160332).

Ms. Ray: I move we approve Item B4.

Mr. Stoffel: I'll second.

(Mr. Domini called the roll. Mr. Feeney voted "yes." Ms. Armintrout voted "yes." Mr. Stoffel voted "yes." Ms. Ray voted "yes.")

Mr. Domini: You need to see Mr. Lambert as well for your construction set on the parking lot, okay?

6. SPECIAL EXCEPTION USE PERMIT, 1922 BRICE ROAD, REYNOLDSBURG, OHIO; PRESENT ZONING, CC; PRESENT OWNER'S NAME, DIMCHE KUZMANOVSKI; REQUESTING A SPECIAL EXCEPTION FOR AN EATING AND DRINKING ESTABLISHMENT. CONTACT: MARCELLA CROFT (#160350).

Mr. Domini: Again I'll note because it's a Special Exception, the applicant is Marcella, not the owner. I think we've seen this Special Exception for this property before. Again, Mr. Robbins had been dealing with this applicant primarily, so I don't have the full history of the dialogue, but I do have my review. So this is in an area that a Special Exception is required for an eating and drinking establishment, zoning is CC representing properties that are commercial. This is what I call the Big Lot center. This is the location, I believe that's indicated in the application for the establishment. There's the application we saw before with the name crossed out. All About Music is the application. It's proposed activity is a restaurant and they are indicating it's based on the model of the Hard Rock Café, so music, food, good times, fun. I guess the key here is the hours of operation. That's what I kind of was hung up on. My major concern, if you read the staff report, was noise and traffic. Thankfully they indicated that the hours of operation were 8-5 and then Friday and Saturday until 3. So my main concern was that if was, in fact, a nightclub staying open until 3, what kind of noise issues will we have down there and safety concerns. I don't think it's out of character of the district for that type of use, but I do have some concerns.

Ms. Armintrout: On Saturday 3 a.m.?

Ms. Ray: The bar closes at 2:30.

Mr. Domini: Friday and Saturday. That's what they indicated in the application, but the applicant's here so they can address that. Obviously parking's not an issue in this center. Ingress/egress is not an issue. This is an existing commercial center, so I didn't give a whole lot of scrutiny to that element of the application. I was more focused on the compatibility issue and actually didn't really make a recommendation. I just ask for you to consider those items.

Mr. Stoffel: Will you state your name and address, please?

Ms. Marcella Croft: Marcella Croft, 2857 ___field Drive, Columbus OH 43232.

Ms. Ray: I think my first question is if this is a restaurant/music venue type establishment, why are you only open until 5:00 Monday through Thursday?

Ms. Croft: I didn't remember putting five. I don't know if that was an oversight, but it would be until midnight.

Ms. Ray: And you're opening up at 8 a.m.?

Ms. Croft: No – well, when I say "open for business," we'll be in there preparing, but as far as actually opening for business wouldn't be until like lunch time. So I wasn't sure if I should put from the time we'll be in there until the time we'll be out.

Ms. Ray: Okay, so Monday through Thursday you're going to be open from – for business, for the public—

Ms. Croft: Eleven a.m. until 11 p.m.

Ms. Ray: Eleven p.m. or 12?

Ms. Croft: The last time for actual serving—

Ms. Ray: When you lock the doors.

Ms. Croft: Twelve a.m.

Ms. Ray: And then Friday and Saturday, I'm assuming 11 a.m. Friday and Saturday till 2:30 a.m.

Ms. Armintrout: When you say music entertainment is that bands? What kind of music entertainment?

Ms. Croft: That's it. There will be no dancing. That's why I stated it wasn't a nightclub. It's just live music. So there will be bands, singers, that type of thing but no – and that's just special events, not an everyday thing.

Ms. Armintrout: So the bands would not be Monday through Sunday?

Ms. Croft: No.

Mr. Domini: We just have to have your name for the record.

Mr. Greg Croft: Greg Croft.

Mr. Feeney: Is this place already remodeled and set up like this?

Ms. Croft: We'll be doing no additional changing of anything. That's why I didn't do any additional things to the plans. That's exactly the way it is, the only thing will be new furniture.

Mr. Stoffel: Is there any kind of restriction as far as noise levels that can come from there?

Mr. Domini: We have a nuisance abatement clause in the Code of Ordinances in Chapter 11. We look at the conditions for special exceptions, it talks about noise, vibrations, that kind of thing. We actually don't have an ordinance in Chapter 11 that deals with noise. I think that's actually the safety section of the code. But what you need to be looking towards is your standards for approval of special exception, which does address that.

Ms. Ray: Okay, wait a minute. I'm looking and it says "business is prepared to operate both as a daycare, catering and a restaurant?"

Ms. Croft: We never said nothing about a daycare.

Mr. Domini: That could be my mistake.

Ms. Armintrout: I didn't understand about the noise, because there is a residential section that's sitting right behind them. So this is not the place to talk about that? Is that what you're saying?

Mr. Domini: No, it is the place to talk about that, because if you look at your standards for review and I include them in the staff report. It does address noise, vibration, that kind of thing for special exceptions. We don't have a threshold to measure noise. That's in the nuisance abatement section of the code book. You just need to make sure that in your interpretation it's compatible.

Mr. Stoffel: And based on what they're telling us, they're saying it's not going to be a nightclub, just music and, I would guess, probably closer to the acoustic type of, you know, just a little bit of jamming and no rock concerts.

Mr. Croft: No, nothing like that.

Mr. Feeney: Will you have music on the patio?

Mr. Croft: No. There's not a patio there now. It's set up for one in the plans. You can put one up there, but we don't have one there now. There's no plans to put it in right now.

Ms. Armintrout: So it's modeled like the Hard Rock Café.

Mr. Croft: What's that place opening in Gahanna?

(Several talking at once.)

Speaker: It's called F&M.

Mr. Domini: I can tell you about that off the record, but it's close to my office. I think from staff's point of view, I have great concerns for a nightclub going in this area.

Mr. Croft: It's not going to be a nightclub.

Mr. Domini: I know you say that, but it's hard to really measure that by your application.

Mr. Croft: Well, it had daycare center and we're definitely not doing that.

Mr. Domini: That's my fault. I did get the hours right. That's what you stated in your application. I don't know how we can ensure that it's not a nightclub.

Mr. Croft: What do you mean by a nightclub?

Mr. Domini: You can't define it. You know what I mean? That's my challenge here, Music, food, hours of operation, that can be one of many different things.

(Speaker – inaudible)

Mr. Domini: So I guess what I'm trying to say is a restaurant that plays music that's low key, great. A nightclub that's drawing people from all over the city, large crowds of people, I think we have concern for that because this area of the city we have – it is the area of the city that has the highest public safety concerns. We get the highest number of police reports from this part of town and we don't want to add

additional activities that accentuates that problem, because it's a strain on city resources. I would be remiss if I at least—

Ms. Armintrout: Here's my concern. You did state that across the street there's nightclubs. Well, you're open until 2:30 and a lot of these people, when they come out of the bar, the club or wherever they go to eat, they're going to be traveling across the street where there's another bar adjacent to Screamin' Willies and then all around the corner, so it is going to draw attraction. So that would be my concern.

Ms. Croft: But at 2:30, we're close and they're closed.

Ms. Armintrout: But if they were out at 1-2, they're going to gather all around, so it can be considered a nightclub if we're not careful.

Ms. Croft: It says right on here, this is not considered a nightclub. It's a restaurant like Roosters, with a little bit of live entertainment every now and then.

Ms. Ray: I mean there's been other places very similar to this in there from my understanding. I've never been to the establishment before that, before yours. I guess one of my main concerns would be to-- How do I put this? It takes a lot of hard work. I've been there. I know. What style of food?

Mr. Croft: It's a soul food restaurant.

Ms. Ray: I think the other -- maybe -- can they adjust their hours to start and then change them later or does it need to be-- I mean they can set their hours let's say from 11-12, Fridays and Saturdays till 2:00 and make that your basis. Does that make sense to you?

Mr. Croft: Fine with me. I just want to get it open. This is taking forever. Whatever you guys come up with, we want to do, within reason.

Ms. Croft: So what are your proposed hours? Those are the hours we set, correct?

Ms. Ray: You can have your proposed hours. Business hours 11-2:30, but you can close down at any time, as long as you open at that time. So if you have no business after midnight, you're paying your help and you and everything else, you can close it. Do you see what I'm saying? But then, on the other hand, if you don't remain open and your hours are posted, that will also hurt your business. So it's—

Mr. Domini: Ms. Ray obviously has a history.

Ms. Ray: I do, very many long years.

Mr. Stoffel: It's a gray line. It's kind of going to be a nightclub cause typically if you're out past midnight, you're not looking just to grab a sandwich. So it is kind of a nightclub. It's a real gray area here for me, too. I'm really struggling with it, because if you're intending it to be kind of a nightclub kind of deal, you probably wouldn't be open until 2:30 in the morning.

Mr. Croft: That's just because of the liquor license.

Ms. Armintrout: What's the hours of most restaurants?

Mr. Stoffel: Midnight.

Ms. Ray: So that's what I'm saying. Do you see what I'm saying? You could maybe even – till midnight is your hours, but you have the capability to stay open till 2:30. So if you have customers that walk in at 11:55, you're going to serve them dinner and if they want a drink, you're legally able to do that and you can still keep doing it. Do you see what I'm saying? So like Roosters and all them others, they close either at midnight or 1:00. So you have the capability of staying open later, but – then on special occasions or Friday or Saturday night, if you want to have bands come in or a band – I don't want to keep saying a band – but music, you have that opportunity to stay open till 2:00. Cut off is at 2:00, last call anyways. So you have that option, so that's something to think about.

Ms. Croft: And that's exactly what I meant. We would be able to have the opportunity to stay open if we needed to be open till 2:00.

Ms. Ray: Right. If you get 15 people in at 11:55, what are you going to do? "Sorry, we're closed." That ain't going to happen. So it's nice that you do have a liquor license. Is it a D2X?

Mr. Croft: (Off mic – inaudible) It's the whole package of licenses.

Ms. Ray: Off premise and carryout. It's a D2X. It'll say it on your license. So they can actually buy. They can pay your price to carry out. So if a beer's \$3, you can charge them \$3 per beer per 6-pack if you so choose. That would be my suggestion cause I've obviously been there and worked in this restaurant for 30 years – in a restaurant, so I know. You can post your hours, because of the liquor license, but you could also adjust that per your clientele.

Mr. Croft: Yeah, we don't like to be out that late at night—

Ms. Ray: Well, then don't open a restaurant.

Mr. Croft: We knew Reynoldsburg was going to do that, so we already knew what we were getting into.

Ms. Ray: Yeah, Monday through Thursday you could close at 11 or 12. Try it for a couple, six months, winter's coming. It'll be hard. So you could stay open maybe later on Friday and Saturday nights till 2:00 and serve limited food, but then you've become a bar.

Mr. Croft: Definitely don't want a bar.

Ms. Ray: So you need to try to maybe go till midnight or one and be done. That's my suggestion. I'm done.

Mr. Croft: That's fine.

Mr. Domini: What's your suggestion?

Ms. Ray: Hours of operation.

Ms. Armintrout: If it's going to be a restaurant, I would say 11-midnight, in that vicinity and see how that works.

Ms. Ray: Monday through Thursday? What about Friday and Saturday? If they get 15 people walking in at 11:55, what are you going to do? Are you going to say, "Oh, I'm sorry, I close at midnight?"

Ms. Armintrout: Well, if they're already in, you can lock the door, cause they are closed--

Ms. Ray: Well, per their liquor license, they can't do that, because they actually are serving – able to serve till 2:30. So you can have serving food until a certain time. You really seriously just might want to rethink your hours. If you just want it to be an actual restaurant, where you come in, listen to some music, things like that, midnight, one o'clock, be done. On special events, on a Friday and Saturday night, you might be able – is it possible to extend – I mean they have the license and the capability to stay open until 2?

Mr. Domini: We can put the conditions – we can make those recommendations. I think the challenge is enforcement.

Ms. Croft: Well, there's not going to be live entertainment every night, just on special events.

Ms. Ray: I'd change your hours. If you don't want to be out late, I'd change your hours or operation and you'll be okay with the limitation of special events if they have any.

Mr. Feeney: Yeah, just change the hours and then any special events, again it's enforcement and how you do that, how you control it and how you – you know, the

burden's on him and the burden's on us. I think if you just say 11 a.m. to midnight Monday through Sunday.

Mr. Croft: What if we wanted to open for breakfast or something like that? We're able to do something like that - so we might want to start serving breakfast earlier.

Mr. Domini: The condition is on the close, not the open.

Mr. Croft: Oh, okay, gotcha. We will just make the hours as stated, Monday through Sunday 11-midnight. Does that sound about right?

Ms. Ray: I'd shorten the Sunday hours until 8 or 9.

Mr. Domini: I think the recommendation is maximum closing time during the week is midnight.

Ms. Croft: So no matter what, we have to lock the doors at midnight? Do we have to be out by midnight?

Ms. Ray: No. If you've got clients inside the building by midnight and you are still serving them, you can finish serving them.

Ms. Croft: But no one in addition can come in?

Ms. Ray: Correct, unless you're having a special event.

Mr. Domini: What we're saying is those are operational hours of a restaurant, not a nightclub and we don't want to see a nightclub because of things that are associated with nightclubs. We like restaurants. We just have a real concern because of history with certain types of uses like this in that district. It's caused problems and, quite honestly, it's a strain on the city, it's a strain on the tax base. It's very expensive to patrol and have police calls and go down there. We're doing our due diligence to protect the residents of Reynoldsburg and their tax dollars and the life, safety and welfare of people that live here.

Ms. Croft: So I need to be clear. If they're already in there, so we have to – because of the liquor license – we just lock the door at midnight, but they can still stay in until 2, correct?

Ms. Ray: Right.

Ms. _____: My name is _____. I'm the realtor for both the owner and the tenant and I also manage the Reynoldsburg Center or manage by lease the Reynoldsburg Center. I manage for the Anderson's five centers. I have Scarborough Square, I have Sycamore and I have the _____ Center. A couple things. One is

BW3s was also a restaurant, but you allowed them to stay open. They were next door to you in the Schottenstein Center for over 17 years and they were a good establishment. You haven't seen what they've done, so you don't know if it's a good establishment and they do have good credit and they do have a great idea, what they're trying to do. Secondly, I just want to say that this is becoming really hard for this landlord. He has an 8000 square foot bingo that's empty. He has a 4000 square foot restaurant that's empty and it's becoming really hard, no matter who comes in there, that we have to come down and go through this process. I do understand the process, but they're not coming in as a nightclub. They are selling alcohol. So if they're selling alcohol and they can stay open until 2:00, I don't see that as a problem. I think that you have a good landlord here that would _____ before anybody else would. He has an Odd Lot center in there, he has a grocery store in there, so we're very particular about who we put in. That's why the last tenant is no longer there. It wasn't by anybody's choice but the landlord's. So we do care about the community, but we're in a position on that street – I don't know if you're aware across the street it's very vacant and that area's becoming more vacant and towards Meijer's is becoming vacant and it's very hard – I agree with you 100%, we shouldn't have a nightclub, but we get good tenants, we have to make some money and, to me, I don't see it being a hindrance if it's not a nightclub. F&M in Gahanna's a good idea. They are a restaurant. You can go there. It's very upscale. They've had no problems. It's very classy and the town loves them. I think BWs in Reynoldsburg is another one over there by Olive Garden and that's why we lost them over here. But I mean I think it's up to the landlords too. I think people like Schottenstein, I think people like Demo Cuzman who owns Classic Pizzas, he owns _____, and I think they do care about who they put in and what's going on and I think that shows. I just think it's becoming really difficult and I'm being honest with you. I lease 13 centers and it's very hard, because not everybody's general business – and I do understand the reasoning for it, but I think we've got to kind of help each other. If they're willing to do something things, they we should be willing to do some things. We should work it out. But I don't think it's fair for some people, for national tenants, but not people who are mom and pops. I wanted to tell you how I feel and that I'm concerned about the area. I'm very concerned about the area and I know from trying to lease these properties how difficult it is and I'm trying to get even a daycare – I mean who can take 8000 square feet other than a bingo. And if I divide it up even at 5000 square feet, there's very few tenants that I can place with Odd Lots. I don't have many choices. I can't put Dollar Stores, I can't put furniture. So if I look to a daycare, I look for them to have to go through this process again and a lot of people aren't like these people who can come in and say, "Look, we're wide open here." You know what I mean. So I just want you to understand that I think we've got a good landlord that does care about it. He took the last place out because he didn't like what he saw happening and I think he would do that in an instant if it happened again. But I also think they have to have a chance. I don't know about you, but a restaurant's not going to pay \$4,000 a month in rent and they are going to have to make some in the alcohol. As long as they're having nice shows and nice entertainment and people are coming, it would be a great thing for the community. I personally like the idea of some of the stuff he's talked about with me. I just think that it depends on each circumstance. I'm not trying to say that you shouldn't have what you need to do in that area, but I also

think you should give people a chance too and see how they do. And we can't make it right for some and wrong for others.

Mr. Stoffel: I appreciate your perspective and I hope you appreciate ours. The implication that we don't encourage and embrace mom and pops, that's not true. We've had several mom and pops come through here and we've really encouraged them. I think if you were listening with our discussion and questions, we're definitely moving toward helping do whatever we can for them. So I appreciate your perspective, but appreciate what we're saying and what Aaron's saying from our perspective that I don't believe these tenants are that, but just to fill space, that's what we're guarding against and I don't feel that's happening here. Again, I appreciate your perspective and I understand where you're coming from, but understand how much due diligence means to us too, as residents of this city. Thank you.

Ms. _____: I do and I understand the problems across the street in Columbus, but it feels like, to this landlord, the shopping center next to you and the shopping center across the street from them, they're allowed to take anybody in and we've gone several times and come through the system the right way and I honestly feel that we're not going (inaudible). But to hinder them on hours, I think that's a little bit restrictive. I think it's better to say, "You know what? You're a restaurant and we want you to be a restaurant. If we find out you're otherwise, then—" That's what I feel.

Mr. Domini: Every _____ restaurant has to come through this Board with the exception of the Historical District. So Schottenstein's center next door, the eating and drinking establishments come through this Board.

Ms. _____: But it's a fact that BW3s were open late and they were a good restaurant for 17 years here.

Mr. Domini: It is a fact. But they had to come through the Board. That's a different district. It was looked at in the context of where it was at and we're looking at this location and the context of where it's at in the city and the history of eating and drinking establishments we've had in this part of the city. One of them you mentioned. So we're safeguarding ourselves to ensure that we get quality tenants that'll do the right thing, that don't contribute to issues that we are dealing with. So that's all we're saying. And it's not the property owner. It's more a function of the history of the district. If this was on 256, we'd look at it differently, because we don't have those problems over there. We're working really hard in this part of town to do the right thing and to make improvements. We have a \$3.6 million improvement project happening right now, so we're making an investment too.

Ms. _____: We're not disagreeing with you that it should be a restaurant. We're 100% agreeing with you, including the landlord, but what we're saying is don't restrict the hours of the alcohol, because it's not restricted anywhere else in Reynoldsburg and it hinders them from making money. We have vacancy all around there and I'm not saying to fill the vacancy. We've been particular too. We have been very particular.

We've had Odd Lots in there and they've been highly successful in there all these years. We have a grocery store there that's doing very, very well. But, at the same time, we can live within the guidelines but, at the same time, don't restrict them from making money or we're not going to be able to get anybody to fill these spaces and that's what's happening in that part of the area right now. I understand what you're saying, but restrict it at restaurant only, don't restrict on hours where they can only make their money at.

Mr. Domini: I can't, as the administrator, recommend staying open until 2:30 in the morning. I just can't do it. I don't see how that is going to help this part of town. I hear your concern. I know what you're saying, it's not going to be a nightclub, but my job is to safeguard this community and I can't recommend those hours. I just can't do it. I wouldn't feel comfortable.

Ms. _____: So if you can to a jazz show that started at 10 and it finished at 11:30 or 12:00 and you might want to stay around with your friends till 1:00, you're not allowed. That's what I'm saying. It makes it extremely difficult then for me to bring in any type of—

Mr. Domini: Here's what's going to happen. The Board's going to make a recommendation, whether the condition's on there or not. If you don't like the condition, you can appeal to City Council and have them overrule this Board. It could be that City Council _____ the application anyway. They have the opportunity to introduce the application if they want to hear it as well. So you have, just like we have checks and balances, you have checks and balances against us and you can always appeal to Council, appeal a decision just recently. It'll be on the next regularly scheduled Council meeting as soon as they get the minutes from this Board, usually within 30 days. If you want to appeal this decision of the Board, depending on how they rule. So there are checks and balances.

Mr. Croft: (Off mic – inaudible.)

Mr. Domini: As long as Council does not introduce the item. So as soon as they get the minutes and records from this meeting, they can introduce the item. If they do not, then it stands approved. Okay?

Ms. _____: Wouldn't it be easier to restrict them as a restaurant, saying we don't want any nightclub type activity, no huge dance floor, whatever, like you did with Mama_____, than restrict them on—

Mr. Domini: That didn't work.

Ms. _____: What do you mean it didn't work. It did work. There were other reasons why they were evicted, not because of any kind of nightclub. They never were a nightclub.

Mr. Domini: What were their hours, do you recall?

Ms. _____: I believe they were allowed open till 2, but I'm not 100% sure. I don't have it in front of me. But, at the same time, that's not why they were evicted.

Mr. Domini: I don't serve on Council, but I can almost assure you that if there's no restriction on hours, they will introduce this item. History repeats itself. They're going to want to take a look at this too. I think the best chance you have to not go before Council is to have a restriction on the hours which would expedite your process.

Mr. Croft: (Off mic – inaudible)

Mr. Domini: I can't make a judgment call on that. I'm only advising you as a staff member. I think that at the Council level you will have concern about this location and the potential for a nightclub. You seem like good people. It's a good application. Without that restriction, I believe that there's a good chance that they're going to want to introduce the item, which means you have to go before another Board. I think if there are restrictions on the hours and they see that this is more of a restaurant type use, you have a better chance of it not getting introduced. I don't know how they will rule if they introduce it, but I think at both levels there's been concern in the city for nightclub establishments in this area. I'm not a voting member. I only advise this Board on the rules and regulations and I guess that's my advice to you as the applicant.

Ms. _____: Most of the problems that happened, happened in the Columbus area, not in the Reynoldsburg area. We have, in the shopping center in Reynoldsburg, a small one, and we also had BW3s and even when we had Proud Mary's in that location that he's interested in at one time, we never had problems. Most of the problems you had were in Columbus and most of these landlords are very strict that I work with.

Ms. Ray: But wasn't it just right across the street from where he's talking about?

Ms. _____: Right, but that was Columbus.

Ms. Ray: But it was across the street.

Ms. _____: Right, but you're penalizing landlords in Reynoldsburg for something that would never happen in their centers and I know that for a fact. It wasn't tolerated in the Schottenstein Center and it wasn't tolerated in with Mama_____. It was not tolerated. So I just think that any person that's going to try to make money as a restaurant is going to need to be open until at least 1:00, especially if they have night shows, especially if they have a saxophone player or guitar player, whatever they have. I appreciate your time.

(Inaudible – off mic – going over hours again with owners.)

Mr. Stoffel: Unless you're planning on being a nightclub, the saxophone player isn't showing up at 12:05 for a gig. If he's there at 10, he's probably not going to go for more than two yours. I agree with Aaron. I think I'm a little bit hung up on midnight and, again, you're welcome to take it up with City Council if we vote that way. If you're open until 2-3 in the morning, that's a nightclub.

Mr. Croft: Can we try for another hour until 1:00 or is 12:00 kind of set in stone here?

Ms. _____: I would invite you to come in once they're open and if you like what you see and if you don't like what you see, I'll give you my number. You call me, because the owners care just as much about where they're at and the tenants around them more so than I think some of you, because they want to make sure they've got good upstanding tenants. That's why the last tenant's no longer there.

Mr. Feeney: It might be in the best interest of your client if we set the hours of operation until midnight and if things go good and you want to move that to 1 or 2, 2:30, you can come back and revisit it and then you'll have a history.

Mr. Croft: Whatever it's going to take.

Mr. Domini: Once you establish yourself you can come back.

Ms. Ray: Are we shooting for 1:00?

Mr. Feeney: I thought it was midnight.

Ms. Ray: Can we at least give them till 1, and then if they want to make it later, they can go till 2:30?

Mr. Feeney: I think we should go with Aaron's recommendation. He has the feel of City Council and I think Council's looking at this area of town as – they made a lot of resources to this after midnight.

Mr. Croft: We've got to go to midnight.

Mr. Domini: I do know that they're going to review these minutes carefully. They're going to review them very carefully.

Mr. Feeney: I think it's going to show that we're working with the applicant and they're working with us and I think that's going to be a plus on your side.

Mr. Domini: You can always come back and amend your application at a later date. You can change your application and we can review it again and change the hours in 6-12 months, not a problem.

Ms. Croft: Just so we're clear, if they are inside, we can stay open (inaudible).

Ms. Ray: You have to lock the doors at midnight and somebody has to stand at the door to be able to get out.

Mr. Stoffel: And you may find that midnight works for you. But I think as Aaron says, as these minutes go before Council, they're going to see your willingness to work at that and then come back, because I agree that if we would have just said yes, 2:30, go for it, it might not have been good.

Mr. Stoffel: I make a motion that we approval Item B6, Special Exception #160350 with the changes of operation Monday through Sunday 11 a.m. to midnight, 12:00 a.m.

Ms. Ray: Second.

(Mr. Domini called the roll. Mr. Stoffel voted "yes." Ms. Ray voted "yes." Mr. Feeney voted "yes." Ms. Armintrout voted "yes.")

Mr. Domini: We're going to send these to Council and if they do not introduce this item, then it will stand approved. If they choose to introduce the item after they receive the minutes and the information, then you'll have to make your presentation to them as well. You will be contacted if it gets introduced. Justin and I will be in touch with you.

C. OTHER BUSINESS – None

D. ADJOURNMENT

The meeting was adjourned at 9:01 p.m.

David Stoffel, Chair

Aaron Domini

This document was transcribed by:
Area East Secretarial Service
7668 Slate Ridge Blvd.
Reynoldsburg OH 43068