



MINUTES

DESIGN REVIEW BOARD THURSDAY, JUNE 2, 2016 6:30 PM

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

A. CALL TO ORDER

PRESENT: Zollars, Bowman, Hicks, Sampson, Cullinan
ABSENT: Hudson, Carr

2. APPROVAL OF MINUTES

1. Design Review Board – Regular – May 5, 2016

Minutes stand approved.

3. APPROVAL OF AGENDA

Agenda stands approved

4. SWEARING IN OF SPEAKERS

Chairman Zollars: If you are speaking, please sign in at the table. All of you that signed in as speakers, before we begin tonight's agenda items, would everyone addressing the Board please stand and raise your right hand. Do you swear or affirm that the testimony you give in front of the Board will be truthful? If so, please answer, "I do." (*Audible I do's.*) Thank you.

B. PUBLIC COMMENT

C. UNFINISHED BUSINESS

D. NEW BUSINESS

1. **7354 E. Main St.; Application #173347; Applicant Derek: Makelzow; Business: Prost Beer and Wine Cafe; Historic District - New Awning**

Mr. Snowden: 7354 E. Main Street - Prost Beer & Wine Cafe - Exterior Modifications & Signage - Historic District. Application: #173347 - Certificate of Appropriateness. Location: Property is located on the north side of E. Main Street between Lancaster Ave. and Jackson Ave. Existing Zoning: CC - Community Commerce / HCO - Historic Commercial Overlay. Request: Request for review of exterior modifications to an existing commercial building in the Historic District. Current Use: Eating or Drinking Establishment. Applicant: Derek Maklezwow. So here you can see the street view of Mr. Maklezwow's business, Prost Beer and Wine Cafe. A fun fact, it is the original fire house for the City of Reynoldsburg, Truro Township. Three or four years ago Mr. Maklezwow converted this area from its previous use, which had been a small shop, to an eating and drinking establishment, with a patio, converted where the truck area was, to a bar and indoor seating for a restaurant area. He is proposing now to attach a triangular awning to the west facade. It is 22.5 x 2.8

triangular awning which extends 3 feet from the building facade. The profiling of the awning is consistent with the awning styles that are in the Historic Design Guideline. So, there are a series of awnings, some which are listed as appropriate, or inappropriate, given their historic nature. The profile of the awning is consistent with the awning styles that are appropriate to the Historic District per the Historic District Design Guidelines. The proposed awning will be covered by black fabric. Staff would like the applicant to clarify what finish will be used on the aluminum supports. Some awnings that are existing have unfinished aluminum, but generally the unfinished aluminum is not a historic material. Given how light weight and handy aluminum is, generally both I and my predecessors have asked that these aluminum support structures be painted, or at least the visible parts be painted so that we are not introducing a non historic material. If the applicant could just clarify that. Per the Code, the applicant is permitted one wall sign up to 20SF. Since this property is on the corner of two public streets, the applicant is allowed one additional wall sign on the west facade. The applicant has some signage on the front, they have a ground sign, which is mounted to their patio, and they have this wall sign here. So the applicant is actually proposing to remove that wall sign on the west facade, even though they are showing it on the plan, that is going to come off. And, in place, they are going to utilize the graphics that are mounted to the awning. Measuring the size of the vinyl graphics, they do not exceed what they are permitted, per the code, for a wall sign in the historic district. Generally speaking, in the past, for small lettering/call to action lettering, we have not necessarily termed that signage if it has been just the lettering. In the past we basically consider that architectural detail. It is pretty typical of how a lot of them are constructed. We have not necessarily made a big deal about that being a sign. With that, I recommend that the Board should apply the standards for design review and determine if the proposed exterior modification and new signage enhances the characteristics of the Historic Commercial Overlay. Staff's recommendation is it that the Board approve the application for a certificate of appropriateness as submitted. With that, I will turn things back over to Mr. Zollars, and I will be happy to answer any questions of the Board.

Chairman Zollars: Any questions or discussion?

Mr. Bowman: I know that there is seating on the south side of the building, during the summer months, is there seating there on the west side?

Mr. Makelzow: There is maybe four seats.

Mr. Bowman: So, it is extending out three feet. It is not really intended to cover the seating area then?

Mr. Makelzow: No. The dual purpose is for advertising and when the sun sets, the sun shines into the window.

Mr. Bowman: That was my only question. Thanks.

(Vote)

Mr. Snowden: Mr. Makelzow, the items you need to complete this are on page three of the Staff Report, and I will provide a letter. Basically, you are going to submit to me two sets of plan for a zoning sign permit that will complete the zoning process, and then you will need to contact the Building Division, and they are probably going to either require a building permit or a sign permit, showing how this is mounted to the building, to confirm it is not going to fall, and all of that good stuff. We will be in touch and you will receive that in a written manner.

Mr. Makelzow: And, to answer your question, the framing work will be a flat black.

Mr. Snowden: Is everyone comfortable with that. Just trying to avoid introducing non historic materials when it is very easy just to paint them.

Mr. Makelzow: Thank you guys.

Chairman Zollars: Thank you.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Steven Hicks, Board Member
SECONDER:	Bill Sampson, Service Director
AYES:	Zollars, Bowman, Hicks, Sampson, Cullinan
ABSENT:	Hudson, Carr

2. 7691 Farmsbury Dr.; Application #173349; Applicant: Nancy Radke; Business: Dollar Tree; Signage

Mr. Snowden: 7691 Farmsbury Drive - Dollar Tree - Signage. Application: #173349 - Certificate of Appropriateness. Location: Property is located along the south side of Farmsbury Drive and east of Baltimore-Reynoldsburg Road. Existing Zoning: CS - Community Services. The request is for a certificate of appropriateness for signage. Current Use: Retail Sales. Applicant: PR Signs & Services/Philip Radke, 1184 Bonham Ave., 614-252-7090, phil@prsignsandservice.com. The applicant is requesting the Board review and approve a certificate of appropriateness to remove two existing channel letter signs and replacement them with new channel letter signage as part of a business re-branding. This was a Deals store and it is now going to become Dollar Tree, and so the corporation want to re-brand to their national brand. The site is developed with a commercial building and related improvements. Neighboring properties are developed with other commercial businesses also in the CS District. To the northeast, the property abuts multi-family dwellings in the AR-2 District. There is a condominium complex to the northeast that is screened by fencing and so forth, behind the shopping center. That is what is present. The applicant is entitled to 280SF of sign area on the west façade. That is a lot of signage given the size of their tenant space. This is more than the 130.17SF of wall signage that is proposed. Previously, Staff made the interpretation that the south façade was parallel to the Taylor Road, and therefore, this tenant was entitled to an additional wall sign with an area of up to 100SF. The sign proposed at this location has an area of 96.58SF. The proposed signage has a projection of 5IN from the building façade, which is less than the 12IN permitted by the Zoning Code. The proposed wall signs are harmonious with each other in

terms of the color and design. My predecessors made the interpretation that it was appropriate to allow a second wall sign. I did some research, looking for variances, and I did not find any, and the size was consistent with the size of the space, so I am assuming that was something that was done administratively. Given that they have signage there, we need to allow at least the same amount of signage that they already have. Since this is a corner space, they have two tenant spaces. This is 140SF. They are only proposing 130.17SF of wall signage, that is size A in your packet. On sign B, they are proposing 96.58, and they are entitled up to 100SF, given the length of the facade at that location. The five inch projections of the building letters is less than the twelve inches that is permitted by the Code. And, the nice thing that we have here is that they are harmonious with one another. They are using consistent style, consistent colors, and consistent materials. With that, I recommend the Board apply the Standards for Design Review and determine if this proposed signage enhances this commercial corridor. Staff's recommendation is it that the Board approve the application for a certificate of appropriateness as submitted. I will turn things back over to our chairman.

Chairman Zollars: Thank you. Any discussions or questions for the applicant? Any thing you would like to add?

Ms. Radke: I have nothing to add.

Chairman Zollars: I will entertain a motion for approval.

(Vote)

Mr. Snowden: Nancy, the remaining items listed to complete this review are on page five of the Staff Report. I will send that in a written letter. You will need a zoning sign permit, and then a building sign permit for both signs as well.

Ms. Radke: Ok, thank you.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Tyler Cullinan
SECONDER:	Steven Hicks, Board Member
AYES:	Zollars, Bowman, Hicks, Sampson, Cullinan
ABSENT:	Hudson, Carr

3. **2272 Baltimore-Reynoldsburg Rd.; Application #173483; Applicant: Bob Kessler - Kessler Sign Company; Business: O'Charley's Restaurant and Bar; Minor/Exterior Modifications**

Mr. Snowden: 2272 Baltimore-Reynoldsburg Road - O'Charley's Restaurant & Bar - Exterior Modifications & Signage. Application: #173483 - Certificate of Appropriateness. Location: Property is located along the east side of Baltimore-Reynoldsburg Road just north of Taylor Road. Existing Zoning: CS - Community Services District. The request is for a certificate of appropriateness for exterior modifications and signage. Current Use: Eating or Drinking Establishment. Applicant: Bob Kessler/Kessler Sign Company. The applicant is requesting the Board review and approve a certificate of appropriateness for new signage and building finish materials at an existing single-tenant commercial building. This sign replacement and exterior modifications are part of a general rebrand/refurbishing project that the tenant's corporation is undertaking. It is developed with just a single tenant commercial building. Neighboring uses include other commercial businesses in the CS district of the City. Taylor Square Shopping Center is a pretty intense commercial use, and this is right at the center of all of the action. The applicant is proposing to modify the materials on the existing main entrance tower, and add natural brick, pre-cast stone, and new painted aluminum sign band. The applicant is proposing to replace the existing fabric awnings with louvered awnings and paint existing window frames, doors, and exterior light fixtures. Generally speaking, the proposed features will clean up the building's tired exterior and go with the new corporate branding that O'Charley's has. Although Staff's records do not reflect a comprehensive sign plan or variances for the site, the amount of existing signage is consistent with such approvals. Normally they would not necessarily be allowed a second wall sign on the tower, so again I am thinking comprehensive sign plan, and I am assuming some of these were done was the area was developed and just have not come down to me for reference today. Generally speaking, the amount of wall signage they are proposing is no larger, in fact, it is almost smaller than what they are proposing in terms of the area. It is not increasing in any meaningful way. The towered main entrance is the logical place to display such signage. Staff is not terming the awning lettering above the main entrance doors as signage because it is consistent with what is commonly associated with building entrance features. The purpose of this type of tower, architecturally, is signage, and to draw your attention to the building entrance and show you where you enter the building. Again, small, call to action, signage for a restaurant and bar, right above the awning there, I am not terming

that a sign because of its size, and because it is integrated with the awning structure. It is consistent with what is common with entry features. I recommend the Board apply the standards for design review and determine if the proposed signage enhances the characteristics of this commercial corridor. Staff's recommendation is it that the Board approve the application for a certificate of appropriateness as submitted. With that, I will turn things back over to our chairman, and I would be happy to answer any questions.

Chairman Zollars: Thank you very much. Do we have any questions from our board.

Mr. Kessler: We also have the architect here.

Mr. Sampson: Is the design change in conformance with the O'Charley's corporate.

Mr. Waltz: We are in the third year of a remodel program, so essentially they have been bringing all of the stores up to that brand standard. You can see there is a new logo type for the sign itself. All of the stores have to have that implemented. They are going through an interior remodel program that effects the dining rooms only. Obviously when you do interior remodels, you want to do a little on the exterior to signify a change. So, we obviously focus on the entry tower. We wanted to dress it up a little bit, clean it up a little bit, and primarily do some maintenance on the outside with more durable materials, etc...

Mr. Sampson: So it is a corporate wide branding?

Mr. Waltz: I am Paul Waltz, with L&P Architecture. Yes, all stores in the United States.

Unknown Speaker: Within the packet here there is a sign here for "Curb Side to Go". It may be on here somewhere, but I am unclear as to where that is going.

Mr. Snowden: I think it is like "D" of "E" listed on that sign plan. You can see it here in front of you.

Mr. Hicks: So that is replacing an existing sign?

Mr. Snowden: Correct, and Mr. Hicks, they are permitted without a zoning sign permit, or Design Review, to have a projecting sign up to 5SF. The idea would be to have something like this, or in a commercial shopping center under canopy signage to show you that this is the entrance.

Mr. Sampson: I believe that is on the east side of the building, is that correct?

Mr. Snowden: It looks north to me.

Mr. Sampson: I was just thinking about where the previous one was located.

Mr. Snowden: If you look at the image in front of you, that is the north facade, and you can see the replacement is replacing where I am pointing to on the screen.

Chairman Zollars: I am unfamiliar with one of your products, you have wall tile that is called out as harbor. Is that just a ceramic tile?

Unknown Speaker: Correct. They are all ceramic tiles and cultured stone.

Mr. Snowden: One of the reasons that staff likes the design is because it is reducing the amount of area that is covered with this plain stucco material and introducing the brick and stone which is way more durable, and that generally is why I am supporting this.

(Vote)

Mr. Snowden: Gentlemen, you will see on page seven of the Staff report, the remaining items, but you will need a zoning certificate for all exterior modifications, zoning sign

permits for the proposed all signs and building permits for all of the modifications. You will want to check with our Building Division about the materials. I am not sure what they will require, but my experience with them has been, if you are mounting materials to the facade that could fall, they are going to be interested in at least talking to you about that. You will receive that in a letter.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Eliot Bowman
SECONDER:	Steven Hicks, Board Member
AYES:	Zollars, Bowman, Hicks, Sampson, Cullinan
ABSENT:	Hudson, Carr

4. **6156 E. Main St.; Application #173545; Applicant: Jami Gray - Sign Vision Co., Inc.; Business: Lendmark Financial; Signage**

Mr. Snowden: 6156 E. Main Street - Lendmark Financial - Signage . Application: #173545 - Certificate of Appropriateness. Location: Property is located on the north side of E. Main Street, just west of Brice Road. Existing Zoning: CC - Community Commerce District / CCO - Community. Commercial Overlay. Request is for certificate of appropriateness for signage. Current Use: Administrative/Business Office. Applicant: Jami Grey - Sign Vision Co. 987 Claycraft Rd. The applicant is requesting the Board review and approve a certificate of appropriateness for a new wall mounted internally illuminated channel letter sign. In this case, the site is developed with an existing commercial building. Neighboring uses include other commercial businesses in the CC district of the City. To the west, the property abuts a medical office building in the City of Columbus. To the north, the property abuts a vacant lot in the AR-2 District. To the east, the property is adjacent to a retail sales business. All parcels that front E. Main Street are within the Community Commercial Overlay. The applicant is proposing to remove an existing channel letter sign and replace it with a new 20SF channel letter sign. The proposed sign will be internally illuminated and will contain only one back lit color, that is the red. The proposed 8IN projection of the letters and raceway assembly does not exceed the 12IN permitted by the Zoning Code. The sign does not exceed the 52SF of signage permitted by the Zoning Code and the channel letters are consistent with the appropriate types of signage within the Community Commercial Overlay, per our previous Design Guideline. With that, I will recommend that the Board should apply the standards for design review and determine if the proposed signage enhances the characteristics of the Community Commercial Overlay. Staff's recommendation is it that the Board approve the application for a certificate of appropriateness as submitted. With that, I will turn it back over to our chairman.

Mr. Zollars: Any questions, comments, or statements from the Board or applicant.

Mr. Cullinan: I noticed on the multi-tenant signs on the front, the rendering didn't have the...

Unknown Speaker: It didn't show their new logo o there. I'm not sure I they were just not to the point where they knew which panel they could slide it in. More than likely it will be replaced.

Mr. Cullinan: I wanted to make sure that the signs you included were going in there. Thanks.

Mr. Snowden: Just to comment on the ground sign reface, the only thin that would concern me is the same issue that the Board has brought up before and that is that we have a background color that is the same as another background color. So, if they are just proposing to replace the Springly Financial, I don't see that as a problem. If they wanted, for some reason, to reorder the signage there, as long as we did not have two background colors that were the same, other than white, I think the Board could agree that we could probably live with that. Does anyone have any specific concerns. I just wanted to confirm in case I get asked that question.

Mr. Zollars: Very good. With that I would like a motion and a second.

(Vote)

Mr. Snowden: Very well, the application for a Certificate of Appropriateness is approved. The remaining items are on page 12 of the Staff Report, and I will send that to Jami's attention in a letter, but you will be going for a zoning sign permit, and then a building sign permit to show how it is mounted to the facade.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Tyler Cullinan
SECONDER:	Bill Sampson, Service Director
AYES:	Zollars, Bowman, Hicks, Sampson, Cullinan
ABSENT:	Hudson, Carr

5. **8157 E. Broad St.; Application #173685; Applicant: Nancy Radke; Business: Maurice's; Minor/Exterior Modifications; Signage**

Mr. Snowden: Street - Maurice's - Exterior Modifications & Signage . Application: #73685 - Certificate of Appropriateness. Location: Property is located on south side of E. Broad Street, east of Waggoner Road. Existing Zoning: CS - Community Services District. The request is for a certificate of appropriateness for minor exterior modifications and signage. Current Use: Retail Sales. Applicant: PR Signs & Services/Philip Radke, 1184 Bonham Ave. The applicant is requesting the Board review and approve a certificate of appropriateness for a new wall mounted sign on the front facade of a commercial building. In addition, the applicant is proposing to make several minor color and materials changes to the front façade. Because the colors were bright colors, Staff has elected to have the applicant show that. This is the site under construction in January. It has moved along quite quickly for those of you who have not been out there lately. It is developed with an existing multi-tenant commercial building and related improvements. The other tenant spaces include retail sales uses. To the north, the property abuts other commercial businesses on the north side of Broad Street in the City of Columbus. To the south, the property is adjacent to an agricultural use in Jefferson Township. The applicant is proposing to install a new 97.5SF of

signage. Per the Code, the applicant is entitled to 100SF of sign area. The sign is consistent with the scale of the building's façade and with the signage approved for the other tenant spaces, considering its size and location, in the same shopping center. The 5IN sign projection from the facade does not exceed the 12IN allowed by the Zoning Code. The additional materials here are that the applicant is proposing to add a light box and door colors to their tenant space. The proposed teal color is harmonious with the color of the wall sign. The light box will be an internally illuminated band across the front of the tenant space. The box will be back-lit on the front and sides but not on the top or bottom. I recommend the Board should apply the standards for design review and determine if the proposed signage and exterior modifications enhance the characteristics of this commercial corridor. Staff's recommendation is it that the Board approve the application for a certificate of appropriateness as submitted. With that, I will turn things back over to our chairman. I am here for questions.

Chairman Zollars: Very good. Any questions for discussion or comment?

Mr. Hicks: I have one question. How do we determine or classify the teal illuminated box. Is that considered part of their signage, or do we consider that part of the architectural feature like the stone or other facade on the building? I am kinda curious. Mr. Hicks, to answer your question, I and my predecessors have historically considered something like this to be an architectural detail. We haven't considered signage because the definition of signage, in the Code, it just doesn't fit because it references numbers and figures. It is integrated with the building structure, so that is why we have called it architectural detailing. It is different because it is illuminated, which we have not dealt with much. The only prohibitions that we have on something being illuminated, generally speaking, are in the Community Commercial Overlay, we have specifically in the Code, states that exposed neon is prohibited. So, that is neon accents along roof lines and so forth, that aren't in some other sort of line, trench, or other architectural reason to be there.

Mr. Hicks: My only follow up on that would be, not that this one is particularly offensive or anything, is that LED's are becoming cheaper and cheaper, and some tenants, or commercial spaces may find more creative ways to include more and more and more of them on a space, in order to attract more attention. I am just curious if our code has any type of lighting guidelines to it, or will it pretty much be up to us, as far as taste and texture. I am just curious guideline wise. I imagine it is probably silent.

Mr. Snowden: Mr. Hicks, that is a really great point. It is silent. I am in the process now of taking through a basic exterior lighting ordinance through Council, to enact a new zoning code regarding light intensity for exterior lighting. It is geared toward parking lot lighting and security lighting, and so forth. It is not geared toward something like this. I definitely think that this is something where the Board and Staff should have the conversation and possibly look at some new Design Guidelines, and make sure that our Design Guidelines are up to date referencing this sort of thing because I agree you are often seeing these things around. This is integrated with the building architecture and the colors with other portions of

this tenant space, but you are also seeing these now being amended to the inside of window frames, and doorways, and so forth, and it can be very bright and very distracting. So, definitely something to keep in mind.

Chairman Zollars: With that, if there are no other questions, I will entertain a motion.

Mr. Snowden: The items that remain to complete the process are listed on page twelve of the Staff Report, and I will mail those to you. You are going for a zoning sign permit, for the wall sign, and a building sign permit to show how the sign will be mounted to the facade.

Ms. Radke: So the light box...

Mr. Snowden: In this case, because of the size of it, I would probably just include that in the Zoning Sign Permit. Just give me the same plans again for the zoning sign permit in terms of area, at least I have documentation that it was approved, and its referencing the Board's approval. And we will discuss with building how they are going to approach that, whether they would consider that part of the signage for Building's purposes, or whether they need a separate plan review. That will be up to them.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Steven Hicks, Board Member
SECONDER:	Tyler Cullinan
AYES:	Zollars, Bowman, Hicks, Sampson, Cullinan
ABSENT:	Hudson, Carr

E. OTHER BUSINESS

1. The Shoppes at East Broad Tree Issue

Mr. Zollars: I see there is one other item under other business, and this is the Shoppes at East Board tree issue. Mr. Snowden, I would assume you have an update on that.

Mr. Snowden: Mr. Havener and I just wanted to update the Board on the status of this project. Last Friday, and Mr. Sampson was in part of the meeting we had, we had the pre-construction meeting for the Phase II of the Shoppes at East Broad. In a typical project, that is when the project developer, property owner, or whoever is going to be doing the work, receives their permit zoning certificate, stating that they got all of their approvals. Sometimes building plans, they get a site approval from our Engineer, and so forth, and we discuss a variety of things. I wanted to give everybody an update on what is going on. Dan and I worked with the property owner. We met with them several times and explained what this Board, BZBA, and several City Council Members had expressed to us. Their concerns were about the tree removal. We had met with the property owner extensively on the site, going all the way back to last year, and this is a project that was around ten years. This is a case where the property owner and developer, didn't know, I truly believe, that plans were being submitted on their behalf. I do not believe it was their intention to try to mislead the Board. I believe that based on several conversations that Dan and I had, going back to last year, where they did indicate their intent to remove as much of the foliage there that they were legally allowed to, given the EPA corridor, preservation easement, and so forth. So, that being said, having a site plan approval that is different from what is actually getting

constructed is sort of an issue, and I don't want to create a precedent where folks come to the Board and say "A", and then do "B", because that is not acceptable. We met with them to try to come up with some sort of reasonable solution to this. A couple of things were in play here. One is, you cannot re-grow them, at least in six months. Two, there was a significant amount of dead material back here, including Ash. When I was at the site, I found approximately thirty stumps that met our definition of major tree. Their argument is that some of those are Ashes as well, and are we required to replace a tree that is already dead, and consider that tree replacement. That is a good point as well. So, Dan and I met with them, and we basically came up with a number and we said, "Ok, we want a minimum of twenty ornamental trees placed here. So, understanding they made the determination that it was in everyone's best interest for them to maintain this area in a park-like manner, rather than allow it to re-grow totally natural. Basically, as a manicured landscape, rather than as growth. And, the reason for that is, they felt that they would get more complaints, and that people would be more upset, if they allowed it to start the process of re-growing, even a portion there, because it is going to look really unsightly. Initially there will probably be complaints about mowing and so forth. Dan and I worked with them, and their landscape architect, to do the following: they have added twenty ornamental trees spaced approximately 35FT apart. So you will have one solid tree line. The minimum caliber for that will be 1-3/4 inches, per the code. We met with them regarding the amendments that were put on by this body, regarding this area here. They are adding three new trees along the north side of the pond, and they are going to be cleaning up that area. Lastly, upon review of their original zoning approval, back in 2007, the pond is actually required to have a fountain. I know there was a big argument about that, and it has been brought up to me by several City Council Members and folks who were around back at that time. So, we had them indicate on the landscape plan that there will be a fountain, and that is enforceable if they do not put it in, we can write them up for a zoning violation. They have to put it in to maintain. It is storm water retention, but only for a portion of the site. I think, Mr. Sampson, to answer your question, it is probably a little bit bigger than it necessarily has to be to accommodate their stormwater. So, I think there was a decorative component to it. Based on the minutes, and the things that I saw from City Council in 2007, I believe that City Council and Staff at the time, were not really happy that the area in front of Waggoner was being used for ponding rather than some other structure, and said there needed to be something decorative here, and that is why they required the fountain. That is in their zoning district for this property. It was a very difficult situation, but our goal was to come up with something that wouldn't make everyone happy, but would mitigate as many of the issues as have been raised to us. I have the final landscape plan in my office if anyone wants to see it. The property owners have offered to reach out to anyone within our city, citizens, board members, and city council members, to personally to discuss any remaining issues. Because they really truly don't want anyone to feel like they got the wool pulled over their eyes, where a developer came and said, let's do "A", and then they did "B". So, with that, I hope I can get your blessing on how I handled it, but that is where we are at, and we will work on making sure that this type of thing does not happen in the future.

Mr. Hicks: I have just a couple of comments. I want to thank Eric and Dan for dealing with the issue and hopefully here coming to a resolution of some kind, even if it may not be exactly what we all would like it to have come to. Was there ever a tree survey done on this

property when they had that approved back in 2007? I know that was 2007 but geez, I work in the industry, and I can not imagine going in and cutting down thirty trees anywhere, especially on a visible corner like this, without having a tree survey and without a clearing permit and approval. I may not know exactly what our process is, but I know in Pickerington, Dublin, Delaware, and other cities, you can not do that. I am just curious why these folks think it is a-ok, to do that here.

Mr. Snowden: Mr. Hicks, that is a very good point. I think where things started to go haywire, there was a divergence between what their engineer was submitting to us and some plans back in 2007 that they were referencing. They did do a site environmental survey from 2007, and that was done by EMH&T, who is also our engineer, but it is from where they were working with the developer at the time. This was done as part of the initial wetlands on the property. They did a full site survey, environmental, and they determined that, and got EPA's blessing at the time, to maintain this area, the area that they eventually cleared, in what EPA termed, a park-like manner. So, what they are saying is, grass is cut, manicured landscapes is probably the wrong term, but in a finished landscape type of setting. So, the developer was referencing that, and their original zoning approval from 2007 which simply stated that they needed to make every effort to maintain as many trees as possible, but it didn't require specific trees, or specific locations, to be maintained. But, at the same time, their engineer submitted to us, site plans saying this was tree preservation within this area. Again, that may have one meaning to them, or to the general public, tree preservation just means we are going to leave these trees alone. To us that means a specific thing, it means we are not going to cut down trees in this area over a certain size, any trees that we cut down have to be replaced, it is referenced in the Code. I think, given the length that this went on, I think you have people referencing documents with different levels of approval, at different times. They should not have done this work without having the final zoning certificate from me. But, they were also operating with a Phase I, and a Phase II, on the same site, so there was continual work going on at this location. I think all of those things were contributing factors to this going array.

Unknown Speaker: Did they ever just disclose why they felt it necessary to cut them all down.

Mr. Havener: Not necessarily. I think a big reason for it was for visibility purchases to the back. Let's face it, they had this center going in behind the tree line, and I am sure, all intentions aside, the building was probably a main factor. They never came out and said that, but I mean I think we all can imagine that played into it. One thing that they did, and Eric and I did meet with the property owner on the site early on, before any of this construction began, and a representative from the EPA, as well as the Ohio Division of Forestry, and the County Water and Soil, we have representatives from all organizations there on site, and they did talk about the maintaining of the creek, and not disturbing anything within what was considered to be a 25FT area to either side of the centerline of that creek. They did adhere to that, but took additional liberties that they should not have.

Mr. Snowden: I really think, Mr. Hicks, it was always there intention to do this. I think where they went wrong was not watching what their engineer was actually submitting. I

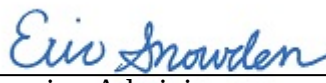
really think it was not their intent to mislead anybody at any time. It is just that they should have been on top of confirming that what their engineer is submitting is what they want. That is their responsibility ultimately, not ours. We know that.

Mr. Hicks: I just have one other comment. In areas like this, where we have a creek going through there, the EPA is going to make them do a conservation easement, the land from the creek to the road is kind of wasted land. You cant develop it, you cant do anything with it, you are seeing a lot of other communities telling the developers to leave it alone, to leave it natural. Why we are spending more money to cut down trees, to plant more grass, to more more lawns, etc..., etc..., that a well maintained area around natural reserve areas is kinda the trend and where a lot of communities are going. I thought it looked fine, just the way it was, and I certainly felt that their attorney that was here representing them was also making statements that were misleading, I think at best, by stating that they weren't going to be allowed to plant additional trees around the pond because of the conservation easement around the creek; which I did not appreciate having somebody tell me something like that when I knew it was not correct when he was saying it. So, there are just a lot of these little inconsistencies, and people not paying attention to what they are doing and what they are saying. And, it just rubbed me the wrong way.

Chairman Zollars: Ok, good discussion. Anything else on that subject? I would like to make a comment for the record, that we started the meeting at 6:30. And, if there is nothing else, I will adjourn at 7:21.

F. ADJOURNMENT

Chairman



Planning Administrator