



MINUTES

BOARD OF ZONING AND BUILDING APPEALS THURSDAY, MAY 21, 2020 6:30 PM

**PLACE: COUNCIL CHAMBERS
7232 EAST MAIN STREET, REYNOLDSBURG, OH 43068**

A. CALL TO ORDER

PRESENT: Rettke (Remote), Linder (Remote), Furst (Remote), Bulls (Remote), Barnhart (Remote)
ABSENT:

2. APPROVAL OF MINUTES

1. Board of Zoning and Building Appeals – Regular Meeting – September 19, 2019

Minutes stand approved.

3. APPROVAL OF AGENDA

Agenda stands approved

4. SWEARING IN OF SPEAKERS

Speakers sworn in by Mr. Rettke.

B. PUBLIC COMMENT

None

C. NEW BUSINESS

1. Election of Officers

Pastor Linder: I'd like to nominate Mr. Rettke as Chairman.

Mr. Furst: I'll second.

Mr. Bowsher: We have a first and second. Can we take a roll call please?

Ms. Wheeler: Ms. Barnhart, Yes. Ms. Bulls, Yes. Mr. Furst, Yes. Pastor Linder, Yes. Mr. Rettke, Abstain.

Pastor Linder: I'd like to nominate Mr. Furst as Vice Chairman.

Mr. Rettke: I'll second.

Ms. Wheeler: Ms. Barnhart, Yes. Ms. Bulls, Yes. Mr. Furst, Abstain. Pastor Linder, Yes. Mr. Rettke, Yes.

Mr. Shook: We still need to elect a secretary. It doesn't have to be a member of the board.

Pastor Linder: I'd like to nominate Emily Wheeler as the secretary.

Ms. Barnhart: I'll second.

Ms. Wheeler: Ms. Barnhart, Yes. Ms. Bulls, Yes. Mr. Furst, Yes. Pastor Linder, Yes. Mr. Rettke, Yes.

2. Application #2020-5109; 6300 East Main Street; Applicant FIDC 113 LLC (Walgreens); Non-Residential Variance

Ms. Wheeler:

1. Project Summary

- a. The property is located at 6300 E Main Street and is within the Brice and Main District.
- b. The applicant is requesting Board of Zoning and Building Appeals approval for a non-residential zoning variance to construct a new 2,502 sf building with a drive thru (Walgreens). The development received Major Site Plan approval at the April 23rd Planning Commission meeting.

2. Zoning Review (Section 1103.15)

- a. The zoning code requires that structures within the Brice and Main District have a side yard setback of 10-20 feet. The proposed structure will have side yard setbacks of approximately 29 feet (West) and 49 feet (East).
- b. The zoning code requires that structures within the Brice and Main District have a rear yard setback of 10-20 feet. The proposed structure will have a rear yard setback of approximately 65 feet (with front portion of lot parceled off).
- c. The zoning code requires that structures within the Brice and Main District have a minimum lot coverage of 50%; the proposed development falls short at 45%.
- d. The zoning code requires that structures within the Brice and Main District have a building height of 35-100 feet. The proposed structure will have a height of approximately 22 feet.

3. Staff Recommendation

- a. The Board shall consider whether the proposed variance is consistent with the standards contained in Section 1109.13(D) of the zoning code.
- b. Staff recommends APPROVAL of the requested variances. The development achieves the goals of the Insight District, namely compact development and reduced regulatory barriers for unique development models. The variance is in accord with the intent of the zoning code. Further, there are unique qualities to the lot, including its narrow width, that warrant granting of a variance.

Mr. Rettke: Are there any additional exhibits that need to be enter beyond what was included in the application?

Mr.: Colombo: No.

Mr. Rettke: Is there anything the applicant would like to testify to or provide evidence in support of the application regarding the variances requested?

Mr.: Colombo: I don't think so.

Mr. Rettke: Can we go over what staff has to bring to the board?

Mr. Bowsher: I'm going to take that one. What you have before you is a site plan that was approved unanimously by Planning Commission and moved on to this board tonight. This is a very unique and narrow lot. The Walgreens that's currently on the corner of Brice and Main will be moving. Their lease is up and is not being renewed. They are moving to the cooper model that you see before you. We will be one of the first in the country, so we're pretty happy about that for the city. It's unique, it's smaller, it's a larger pharmacy but the store is about half the size. It's got a dedicated drive-thru. When deciding for the comprehensive plan this would be a more urban/ walk able district, it's taking into account larger swatches of land for development. This property before you is a very unique case. One of the things that was brought up in Planning Commission was that they could potentially parcel off the back half since it's not necessary. Which, it could be combined with a larger parcel that would make better use of more of an urban model type of development. Knowing that the buildings to the east and west are fairly new, we saw this as a good infill development that's consistent with existing retail. I'm sure COCOA development can go into a little further detail for what their requesting. During this process we also found that there's a 30 foot landscape easement so technically, the right of way can't start until after that so the variance is narrowed significantly on the front half of the building. I was just given that information today, we thought it was a 20 ft. but it's a 30ft landscape easement on the front. With that being said I think the only thing I would like to open up for discussion would be, and [please by all means the board can discuss, but potentially bringing the Walgreens in line with the Self-Storage facility to the west. Is there a way, without making a hardship on the drive thru, bringing the building a little closer to come into compliance on that front yard setback? Then have more of a substantial facade on Main Street.

Mr. Williams: Thank you for that summary. With the perspective of moving the building closer to the right of way, we can look at that. The only thing that would hinder us would be any existing easements or setbacks that we would need to maintain. Also, the turning radii of the entrance. As long as those wouldn't restrict us in any way, we would be able to bring the building up closer.

Mr. Bowsher: Understood. Briefly discussing this with our engineering staff earlier today, that max line without affecting those turn radiuses and the stacking back onto Main Street, but East and West bound. If you're more in line with that building to the west on your screen, that self-storage, if you bring it closer in line there, we feel like you don't encroach too much into the landscape there. It still gives you access all the way around and it shouldn't alter your radius to the point it's not usable or vehicular traffic can't move freely.

Mr. Colombo: We don't object to that. That's something we can definitely look into with our generic drawing. With what we see right now, I don't see anything that would prevent us from bringing the building up and lining it with the building to the west of us.

Mr. Bowsher: Thank you.

Mr. Rettke: Does anybody on the board have any questions or discussion points?

Mr. Furst: I also sit on Planning Commission so I did see this master site plan and the items we're discussing tonight were brought up there as well. I think in general I'm supportive of staff's recommendation. I think given the unique nature of this parcel and the unique nature of the use that's being put to it, it wasn't necessarily the ideal purpose that we had in the master plan for this area. I think it's a good opportunity for the city and I'm happy to be working with Walgreens on this. Personally, I'm fine with approving it as submitted with this particular items there. I think the other variances on the side setbacks are more or less close enough that I don't think it would pose an issue for future development. We're not going to be setting ourselves up for failure by establishing a standard that we would otherwise have to do for other developments in the area.

Mr. Rettke: Thank you Mr. Furst. Any other comments or discussions?

Mr. Shook: Just a quick point here. I think there needs to be a little more testimony from the applicant regarding the height variance. I think there has been enough here indicated for the side, rear, and now that they are coming into compliance with the front setback. I think there needs to be a little more testimony put into the record on that.

Mr. Williams: Sure. We submitted architectural elevations that show the typical elevations of what the new Walgreens will look like. The height of the building is 22 feet. As Mr. Bowsher mentioned earlier, this is a new model that Walgreens is introducing. I don't see how they could increase the height by 13 feet to meet that requirement. So we would ask that this variance be approved. As everyone mentioned, the site is peculiar as far as the geometry is concerned. The building itself we believe fits the character of east Main Street. Those are the thoughts we have with respect to the height requirements.

Mr. Shook: Can I ask just for purposes of the record, because of the proposed use for this lot and this building, you would have no need for additional 23 feet either. Is that correct?

Mr. Williams: Correct.

Mr. Shook: I'm satisfied there's enough testimony on the record.

Mr. Rettke: Emily, when you presented you said that there would be further discussion on the rear setback. Can you go into a little more discussion on that?

Mr. Williams: This is a very narrow and deep lot. Right now the setbacks that we have is about 489 feet. When the permitted setback is 20 feet. As Mr. Bowsher mentioned earlier. We are still considering subdividing the parcel so it can be a better use to that property adjacent to us. Once the property is subdivided then the rear yard would be more adequate to what is required. Based on Walgreens needs and because the lot is so peculiar we do have a large setback.

Mr. Bowsher: In addition to that, one of the requests from Planning Commission was that is something was to be developed that they would want through access to Main Street. That was

a condition and an ask. COCOA development granted that. So that leaves that parcel if it was to be sold or developed more attractive to a developer knowing that they would have Brice and Main access.

Mr. Shook: I think it's also worth point out that with this particular lot it would practically impossible to build the front and rear setback given the dimensions.

Mr. Rettke: Most definitely with that long slender lot. I was just concerned. So you're looking at combining it with that vacant lot to the north, Ziebart there?

Mr. Bowsher: Yes, potentially. This kind of got spurred up when we were working with the real estate broker and agent that was selling the property. I think he has a listing that's over there to the east. So there's potential development in the future for those lots.

Mr. Rettke: Walgreens would be fine with the additional traffic going through there to service that?

Mr. Williams: Yes, we discussed that at the last meeting and would be ok designing and building our site to accommodate cross access.

Mr. Rettke: Is that incorporated in this design?

Mr. Williams: It is not show on this layout.

Ms. Barnhart: What would that do to the parking? You would lose that parking.

Mr. Williams: No, right now if you look at the site plan, there's a couple places where we could allow cross access. So there are two drive aisles that are parallel to east Main Street. There's one just in front of the building and then there's one on the rear behind the building. If you extend any of those drive aisles to the east, either one of those could work for cross access. So to answer your question, that wouldn't impact the parking we have.

Mr. Rettke: Ok so you are talking about cross access to Speedway then?

Mr. Colombo: The third option would be, I believe Patrick West that owns the three acre parcel to the north of Ziebart, with frontage of Brice Road. If we were able to work something out, and we've had preliminary discussions. But, until we had approval and knew what we had to deal with.... That would be the best and most likely option for cross access over to Brice. Again, we have nothing set yet and we need to have further discussions if and when we can work anything out.

Mr. Furst: Julio, please correct me if I'm wrong. You do have parking spaces slotted for this site and you do anticipate significantly less foot traffic in this store because the sale of goods is going to be much smaller compared to the existing model.

Mr. Colombo: Absolutely correct.

Mr. Rettke: Yes, so he would be losing parking off the north side but it wouldn't put them below a parking requirement, right?

Mr. Williams: It would not bring us into a situation where we would have insufficient parking. We would be able to lose those stalls to permit the cross access.

Mr. Rettke: Just for clarity can we restate the variances that are in this one approval for the record?

Ms. Wheeler: Yes so there are a total of four variances. One is for the side yard setbacks, it's a variance on both sides. I'm not sure if that's considered one or two.

Mr. Shook: We would count that as two.

Ms. Wheeler: So two side yard setbacks. There is also the rear setback. The lot coverage and then finally the height.

Mr. Shook: Just for clarification I'd like for the applicant to say on the record that they are withdrawing their original request for the front setback.

Mr. Colombo: Correct, just as the attorney stated. We are in agreement.

Mr. Shook: Thank you.

Ms. Barnhart: Can we see that front exterior elevation again?

Mr. Rettke: So Andrew, on the height restriction, is that to promote two story buildings in this zone?

Mr. Bowsher: Yes, so obviously this was designed around the comp plan specifically the Kmart plaza and a Grandview Yard type development. Knowing that there were very few lots for infill development. This happens to be a unique lot and happens to fall between the cracks with the overall intention. Therefore when this came before us we had to read between the lines a little bit and understand that there are some cases that don't absolutely meet what the intended goal is. So this is where we have found ourselves. To your point, this and the east Main Street district the goal is to bring the building up closer to the road and to elevate to two stories or the appearance of it. As Mr. Colombo had mentioned we would be adding a burden of additional cost to add a second story for an additional story that they no longer need.

Mr. Shook: I think it's also important to note for the record on this particular district and lot that this lot is about as far west on this district as you can get. It is several feet over from the intersection at Brice and Main. It is directly opposite, both north and south from that Kmart lot. Which is the lot we were emphasizing for these zoning restrictions in this district.

Mr. Rettke: I know we ran into this issue when we did the Harbor Freight and prior to that the Family Dollar. In that case I think it was a 20 foot electrical easement not a general easement as this is. We ended up giving a variance of I think 22 feet from the easement to get that in there. There's a burden on those properties down through there to protect that easement.

Mr. Bowsher: Chairman, to your point, bringing this Walgreens up to where we have it as obviously brings it into compliance based on our 30 foot general easement. It actually puts it in line not only with the building to the west as requested but it also puts it in line with Harbor Freight. So you have three buildings in a row that will all hold the same footprint towards Main Street and will make it look that much more attractive as you're driving down the road.

Mr. Rettke: Yes, I think it will help the esthetics there. Do we need to revise the variance then since they are moving that closer?

Mr. Bowsher: They withdrew that variance based on the recommendation and accepting to bring that building closer. Therefore they do not need that fifth variance.

Mr. Shook: Andrew if you could. I don't want to be difficult about it but I want to put on the record a little more clarification about the uniqueness of this lot. We've mentioned that a couple of times about how this lot is unique. I think it's important to note that we have here that we have two parcels that are ultimately combined for this development. The parcels themselves, even combined, are quite narrow. So your options for development on this lot are very limited. I'd like Andrew to go in a little more detail about that just so we can have that clear for the record in case the variance is granted.

Mr. Bowsher: Absolutely. As Mr. Shook mentioned the lot is very narrow. We're talking 112 feet for any commercial lot that's very tight. It made sense for this Walgreens with as narrow as the building is. Based on comparable in our area as well as new developments happening on the east and west side the intent of the district was to combine lots and combine them into larger developments. This however in this capacity doesn't lend itself very well to that type of development. It would make it almost impossible for somebody to develop on this lot. Therefore I feel that we're putting an undue hardship on anybody that would want to build on it. With the length of the lot it's very very hard to put any sort of building unless we're going to put a thickened wall to fill the space. Based on the current market, or any time, I don't think it would be probable for any kind of development to come in there and fill that space and for this property owner to be able to sell off their land. So a Walgreens coming in to fill in the space is an attractive use. As Planning Commission had deemed, with those minor adjustments it brings it closer in line to where we are happy with it.

Mr. Rettke: So, on the overlay, what's the required setback? I think the old one when we did Harbor Freight was right on the line. If I remember correctly.

Mr. Bowsher: Yes, the front yard setback as it stands now is five foot from the right of way and a max of 20. With a 30 foot setback and they are moving it us, they are at 10 feet. So

they fall within that setback.

Mr. Rettke: Ok, so we should be good there. That's some of the confusion, I think we had five on there.

Mr. Bowsher: Correct. When we're thinking and talking about it and we were asking for larger and taller buildings we wanted to make sure that we gave ourselves enough right of way, in case we needed to expand Main Street in the future for a BRT line; which we're working with MORPC and COT. We needed to have that space and wanted it to be there. We don't want businesses to encroach too much but we certainly want to bring them closer to Main Street than what we have been doing in the past.

Mr. Rettke: That's makes more sense. Sorry for the confusion on my part. Any other questions or discussion? Hearing none, I know we changed the variance as submitted so I'm not sure how we would word the motion.

Mr. Shook: I would say at this point to first ask the applicant if there is anything else they would like to add. Then move into (Inaudible) with the other members and then a member can make a motion at that point. If the question is whether you need to make any modifications to the application, the applicant has done that with the respect to the front setback. So if you were inclined to approve the remainder of the variance request then you could approve the application as it's presented, with no conditions.

Mr. Rettke: Any other discussion or anything the applicant would like to say?

Mr. Colombo: Not at this time.

Mr. Rettke: Any further discussion from the board? Hearing none, can we have a motion?

Mr. Furst: I move that we approve the application as submitted this evening with that modification of the front.

Mr. Shook: Mr. Furst if you could as part of that motion indicate that in consideration with factors set forth in ordinance section 1109.13D. So that we make sure that we put on the record that we've considered all of our variance factors.

Mr. Furst: Certainty. This motion is in consideration of section 1109.13D

Mr. Shook: Thank you

Ms. Barnhart: I'll second the motion.

Ms. Wheeler: Ms. Barnhart, Yes. Ms. Bulls, Yes. Mr. Furst, Yes. Pastor Linder, Yes. Mr. Rettke, Yes.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Alex Furst, Vice Chairman
SECONDER:	Amy Barnhart, Board Member
AYES:	Rettke, Linder, Furst, Bulls, Barnhart

D. OTHER BUSINESS

None

E. ADJOURNMENT

19:00

Chairman

Planning and Zoning Administrator