

MINUTES
REYNOLDSBURG BOARD OF ZONING
AND BUILDING APPEALS
MAY 15, 2014
6:30 P.M.

A. CALL TO ORDER

1. ROLL CALL

Members Present: Mr. David Stoffel
Ms. Libby Wallace
Mr. Rick Donovan
Mr. Aaron Enfinger

Members Absent: Mr. Anthony Rettke
Ms. Bonnie Armintrout

Others Present: Ms. Megan Moeller
Mr. Justin Robbins

2. APPROVAL OF MINUTES OF APRIL 17, 2014

Chairman Stoffel: Are there any additions or corrections to the minutes of April 17, 2014?

Ms. Moeller: There is not.

Mr. Stoffel: If not, approved.

3. APPROVAL OF AGENDA

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

Ms. Moeller: No.

Mr. Stoffel: Good.

Ms. Moeller: There are none.

4. SWEARING IN OF SPEAKERS

Mr. Stoffel: If you're planning on speaking tonight, when you come to the podium speak or before you leave, make sure that you sign in at the table there and also if you're planning to speak, would you please stand.

(Mr. Stoffel administers the oath.)

5. PUBLIC COMMENT

Mr. Stoffel: Is there any Public Comment before we get into the orders of business? (No response.)

A. UNFINISHED BUSINESS

Mr. Stoffel: All right. Is there any Unfinished Business that we need to wrap up?

Mr. Robbins: There is not.

Mr. Stoffel: Good. Well then let's go ahead and move forward to Item B1.

B. NEW BUSINESS

Mr. Robbins: Just a quick reminder. Both Ms. Moeller and I represent staff for the City of Reynoldsburg. We have a long meeting tonight so we're both going to kind of take turns reading these items, if anybody is curious.

1. SPECIAL EXCEPTION USE PERMIT, 6153 RADEKIN ROAD., REYNOLDSBURG, OHIO; PRESENT ZONING, CC; PRESENT OWNER'S NAME, CHESTER AND BEULAH SIZEMORE; REQUESTING A SPECIAL EXCEPTION FOR AN AFTER SCHOOL EDUCATION CENTER. CONTACT: JEANNE CABRAL (#164498).

Mr. Robbins: This is for 6153 Radekin Road, Special Exception Use Permit, Application #164498. The property is on the south side of Radekin Road between Idlewild Drive and Brice Road. Existing zoning is CC but it is not within the Community Commercial Overlay District. Requesting a Special Exception Use Permit to operate an educational facility within the Community Commerce District. Current use is retail although possibly vacant retail. In general, what the applicant is proposing is a type of education center or tutor center that serves children ages five and over. The maximum occupancy of children and employees of 17. The hours of operation will be from 2:00 P.M. to 8:00 P.M. or 6:00 A.M. to 8:00 P.M. during summertime vacations. Activities include educational tutoring and after school care including reading, tutoring, computer use, snack time, educational games.

Just to give a little bit of site and context, the proposed education center is approximately 726 square feet. There are 67 parking spaces shared between the two primary structures and eight existing businesses operating on the property. That might be a little bit off. I think one of those multi-tenant spaces is by a barber shop or beauty salon.

There are kind of two things that I want the Board to consider. First, is I would like the Board to take a look at the application and then possibly ask the applicant. And the first is to consider whether or not this classifies as a daycare. The reason I'm bringing this up is that the applicant is a daycare to Michael's Little Angels and they are located right now just to the west of the proposed space. The reason I'm bringing this up is if it is considered a daycare, and I think you will be able to speak to this, daycares do require a play area. If the Board sees it's a daycare that does require a play area, staff would like to know what the plans are for providing that play area onsite. If the Board decides it's a school, a tutoring center, then I think the restrictions are going to be a little bit looser because a play area is not required. It is, however, still a Special Exception so we have to look at things like parking and ingress and egress and demand on traffic and that sort of thing. We'll get started a little bit on that.

As far as the parking goes, again, there are 67 spaces provided onsite. With the aggregate mix of the retail and business services, we're looking at about 58 spaces for the existing businesses, which is the current demand, leaving nine spaces. As far as daycares go, the City doesn't have standards for daycare parking but if you take, say Franklin County that's .3 spaces per licensed inhabitant, you're about eight spaces. So even if it is a daycare it still meets parking. Applicant has proposed that children attending the center will be picked up from school by a van provided by existing daycare to the east. Staff would like the Board to inquire how the applicant proposes to incorporate the pickup and drop-off location. Staff has some concerns regarding the travel between properties if the applicant intends to drop the children off at the existing daycare. If children are to be dropped off to the site at the proposed education center, staff would like the applicant to address the location of the loading and unloading space and whether or not that will negatively affect the flow of traffic on the property. And again, as I mentioned, I think the first step is to try and figure out what use classification this fits into and I think a large part will be determining whether or not this particular property requires licensing by the State of Ohio to operate a daycare.

Mr. Stoffel: Would the applicant please come forward? Please state your names and addresses, please.

Ms. Jeanne Cabral: My name is Jeanne Cabral. My address is 2939 Bexley Park Road, Columbus, 43209. Do you want my home address?

Mr. Stoffel: Yes.

Ms. Melinda Wells: My name is Melinda Wells. My home address is 977 _____ Drive, Blacklick, Ohio, 43004.

Mr. Robbins: You guys can move that mic down if it helps a little bit.

Ms. Wells: Okay.

Mr. Stoffel: Can you tell us a little bit about what you plan on doing here and how it – if it does coincide with the daycare next – you know, how all that work, what all is going on there.

Ms. Wells: The daycare is right here and then the building we'll be using, that's right here. And basically it's for schoolagers so they can have their own individual space that we already have where they just, you know, we just want them to have their own space and it's not daycare. It's for when they come in from school they don't need to be interrupted with the other kids. They want – their homework – we need to help them with their homework and help them, you know, they have computers and it'd be more like an after-school tutoring place and the most they'll be there when school is out is – we close at 6:00 P.M. – my projection is to close at 6:00 P.M. at that location.

Ms. Cabral: One of the things that my client expressed to me was at the existing daycare there are kids that are there that are older than five because she has a van that picks them up from school, but the thing is, is when they need special help it's too noisy over there. So this space became available next door, very reasonably priced by the way. There are two vacant spaces, two in that building and one in the building to the west. The middle section of the far west building is also empty. So that she could get the kids off to a quieter place, give them special attention and the kids that don't need that special attention that are over five can go to the daycare, that existing daycare. So the van would pick up the kids. First they'd drop off the kids to the existing daycare and then go back over, still driving, drop them off in the front – directly in the front of the front door of this space. It only has a front door and they would just be dropped off and the circulation flow is such that the angled – as you drive in, there's angled parking and they would just pull up, the kids would get out and the van would continue around and go back over to the existing daycare and park because the parents then come and pick them up. So, with that in mind, because it's a small enough space that even if she had say some days five kids only, it'd still be something – a business she could run and still make money. Now she does have to be licensed by the State, because just the nature of having children in your care after school in a group.

Mr. Robbins: As far as the new space is concerned, to your knowledge does the State of Ohio require an outdoor play area for that space or for the children within that space?

Ms. Wells: No. No, and then you can have a playground – even if it did you can have a playground so many feet away and we're right next door, so in the event that they need the outside play they can come over to the daycare and play.

Mr. Robbins: Right. And that was our primary concern, is if it does require a play area and the children within the new space will be using the existing one and then all of a sudden you have kids crossing back and forth between the properties and across the parking lot and drive aisle and things like that. So that was kind of the crux of my concern, of our concern, is to—

Ms. Cabral: They would have to be escorted by an adult to go if they left on foot. That's one of the, you know, just a rule that you have to keep, that a teacher's got to take them across.

Ms. Wells: They can't go by themselves, but the sidewalk is just a sidewalk and then the grass and then our building, so it takes us a about two minutes, not even that, just to get from one spot to the other spot and they will never be unattended. They would always be attended.

Mr. Robbins: Okay. So the children within that space—

Ms. Wells: The beauty salon – well, excuse me, I'm sorry. The beauty salon, they don't even come in except at nighttime, so basically the beauty salon is the only place that's next door to us and the other spaces are empty, the other building on the side so there's – they operate at nighttime basically, so it's predominantly empty throughout the day.

Mr. Robbins: Okay. So what you're saying, the children that are in the new space, that are proposed to be in the new space, will require access to that play area at some point during the day.

Ms. Wells: No.

Mr. Robbins: No.

Mr. Cabral: No, they won't.

Ms. Wells: Well, in the summertime when school is out then they will but most of the time the kids that are going to summer school, the schoolagers are gone a whole lot of times because we're on field trips everyday.

Mr. Robbins: Okay.

Ms. Wells: So they predominantly won't hardly be at the tutoring place in the summertime. They will be in the morning and then in the afternoon they'd be gone on field trips and when they come back then it's time for the parents to pick them up. Normally they leave about 4:00 or 5:00 or whatever. The place over there will be closed at 6:00.

Mr. Robbins: Okay.

Mr. Donovan: You said something about tutoring? How many tutors or what kind of tutors are you talking about having?

Ms. Cabral: Well, the ratio of the – it depends on what subjects need taught and it depends on, you know, there'll be everything, reading, math, all the basics and they

would bring in – they can also bring teachers from the other side over to teach a small group of kids.

Ms. Wells: Okay. We have teachers. You know, they're predominantly degreed teachers or whatever so when the kids come home from school, then when the parents are getting off of work it's our job as the teachers to make sure when they come in they get their snack and their homework is done and make sure all of their homework is, so when their parents get home all they have to do is help look over the homework or whatever, not have to sit there when they've been at an after-school program or daycare and have to still go over homework. So we provide help with their homework. We also provide the computers for them and be able to research or whatever, books, you know, like library. You know, be able to give them the tools and be able to assist them and then that eases the loads for the parents who have to work.

Mr. Donovan: How do you identify the student that you're supposed to be tutoring?

Ms. Wells: All of our kids when they come in from school, we go through their book bags to look and see what their need is. Maybe some have homework and maybe some doesn't.

Mr. Donovan: No, you said there was a difference between the kids that don't need help go to the regular daycare and the kids that do need help go to the tutoring center.

Ms. Wells: All of the schoolagers from school will go to that particular building. They wouldn't go to the other building.

Mr. Donovan: They're not allowed to go to the daycare?

Ms. Wells: No, they are. But I'm saying if I have the building and it's for the schoolagers then that's where I would have them, that's where their location would be.

Ms. Wallace: So you're trying to divide out the younger toddler kids from the ones that need to do homework after school, so it's more of a space – make it a more appropriate study environment and they're the older ones as opposed to toddlers in the separate building.

Ms. Wells: Exactly.

Mr. Robbins: Kind of like a study hall.

Ms. Wallace: Separating out the kids, yeah. Is my mic gone?

Ms. Cabral: Just so you know, in a pinch a child five or older could go to the existing daycare because it's licensed for that. If there was one child that needed

special attention – I mean, it's not that she can't have them there at all, you know, ages – kids grow. So what happens is that all of a sudden you have like a lot of babies and all of a sudden they're all older.

Ms. Wallace: It's to make it more conducive for the kids that need to do homework as opposed to the ones that are there to play and do crafts.

Ms. Cabral: If you have a lot of crying babies, it's real disruptive in the daycare.

Ms. Wells: We close at 6:00. If we have anymore schoolagers that are still there when we close that particular building, then they'll just come over to where we're at and their parents will get them from over there because over there we close at 9:00, yeah.

Mr. Donovan: You're open till 9:00 at the daycare?

Ms. Wells: Yes.

Mr. Donovan: You're an anomaly there.

Mr. Cabral: Well, a lot of people have – I do a lot of daycares for people and parents have – a lot of them don't get off at 5:00, you know. They work 12:00 to 8:00 or all night long or all kinds of new schedules.

Mr. Enfinger: So are both going to be open until 9:00?

Ms. Wells: No. Just at that particular location we're closing at 6:00.

(inaudible)

Ms. Wells: Yeah. Because most of the time when the schoolagers come in those parents are coming right behind picking them up so they normally are picked up anywhere around 4:30, 5:30 or somewhere in there and then they might have – we might have a couple, about three or four that are still left in the building, so I wouldn't want to keep that place open for three or four when we've still got the daycare that doesn't close until 9:00. We can bring them over there and pretty much, you know, just trying to wrap things up.

Mr. Robbins: Out of curiosity, is the name going to be consistent between the two? Is it going to be branded out front or is it—

Ms. Wells: I'm sorry?

Mr. Robbins: Will the name be consistent between the two spaces? Is it going to have separate branding? Are you going to have a sign for it? Is it—

Ms. Wells: I'm going to have a sign for it. It's going to be Michael's Little Angels Education Center.

Mr. Enfinger: Has that been approved by the Design Board?

Ms. Wells: Well, I haven't done anything, because I had to come here first.

Mr. Enfinger: Okay.

Mr. Donovan: You know we can't approve signage to this.

Ms. Cabral: No. And we do have to get a building permit in order to get the occupancy changed. And there are some minor, not real major things, but we have to do a little bit of work on the inside also to sound proof it.

Mr. Enfinger: That'd help.

Mr. Robbins: Review from this Board is the very first step for a Special Exception.

Ms. Cabral: The back wall of this space itself is concrete block so that's a nice thing and the walls on the side will be amended to make it quieter for the neighbors.

Ms. Wallace: So the second building will be just for after school and once the 6:00 comes around any stragglers would go to the daycare center—

Ms. Wells: Exactly.

Ms. Wallace: --so this building would only be used—

Ms. Wells: We don't have nobody coming in at 6:00 after – we're just waiting for parents to pick up, so basically the ones that are still over at the tutoring center will go over to the daycare.

Mr. Cabral: And there's not going to be, of course, any cooking there just so you know. A snack and a juice box I believe is the menu.

Mr. Stoffel: Does anyone have any other questions, comments? (No response.) I'll make a motion that we approve Item B1, Special Exception #164498.

Ms. Wallace: I'll second.

Mr. Robbins: Could the Board please clarify whether or not you're going to consider this a daycare or an education center?

Mr. Stoffel: I'm sorry. Do we need to—

Mr. Robbins: We need that for the record.

Mr. Stoffel: Yeah. Do we first have to approve it as either or then as a Special Exception?

Mr. Robbins: I think either or. If the Board can come to a decision on whether or not—

Mr. Stoffel: So should I ask for a vote?

Mr. Robbins: You don't necessarily have to vote on that. I think the motion will have that in there.

Mr. Stoffel: Okay.

Mr. Robbins: So you can make a motion to pass the education center located or the daycare, whatever.

Mr. Stoffel: I'll make a motion we approve Item B1, Special Exception #164498 as an after-school education center.

Ms. Wallace: I'll second that.

(Mr. Robbins called the roll. Mr. Stoffel voted "yes." Mr. Donovan voted "yes." Ms. Wallace voted "yes." Mr. Enfinger voted "no.")

Mr. Robbins: We do have a quorum. There are three to make a quorum, so you have passed the Special Exception through the Zoning Board. There is one extra step and Council has the ability to take this up as an ordinance. If Council does consider it a different determination than the Board then they have that option to bring it into Council and take it through three readings.

Ms. Wells: Thank you.

Ms. Cabral: Thank you very much. Once the – they'll notify us about the meeting for the Council?

Mr. Robbins: Once the minutes get published it'll be the next regularly scheduled Council meeting after that.

Ms. Cabral: Well, thank you very much.

Ms. Wells: Will we need to attend that?

Mr. Robbins: I do not believe so. If it gets adopted, they bring it into Council, then yes they will have questions.

Ms. Wells: Thank you.

2. SPECIAL EXCEPTION USE PERMIT, 1756 & 1762 BRICE ROAD, REYNOLDSBURG, OHIO; PRESENT ZONING, CC; PRESENT OWNER'S NAME, IMPALA CAPITAL; REQUESTING A SPECIAL EXCEPTION FOR A CHURCH ORGANIZATION. CONTACT: RAPHAEL AND LA'KEISHA BAFFOE (#164626).

Mr. Stoffel: Will you please read Item B2, please?

Mr. Robbins: Yes. This is Application #164626 for 1756 & 1762 Brice Road. Applicant is requesting a Special Exception Use Permit to operate a church organization within the CC District. Current use is vacant. The property is located on the east side of Brice Road, north of East Livingston Avenue. It is within the CC, Community Commercial Overlay District. The applicant is Raphael and La'Keisha Baffoe. I hope I got those names correct, last name.

The proposal, again requesting a Special Exception Use Permit to operate a church organization within the CC District. The proposed church plans to operate at least three days a week from 11:00 A.M. to 6:00 P.M. and accommodate 30 to 80 people. Properties to the north are zoned AR3, multi-family residential. Properties to the east, west and south are zoned CC, Community Commercial.

One of the issues that came up for staff is the concern of parking and unlike the daycare our code does have a parking calculation that's required for a church or religious organization. The way our parking calculations work is we take a look at the total amount of parking onsite and then we look at the spaces that are existing, so we take a look at restaurants, retail and anybody else who uses that parking lot. We come up with a demand of what everybody else is using and then we make sure that the use that you have is going to be able to fit in the excess parking spaces. The proposed church organization requires one parking space for each seat in the main worship space. The applicant is proposing to occupy up to 80 people for events which could require up to 80 parking spaces. The code requires one parking space per seat for a religious organization. The existing tenant space – the existing parking for the tenant demand requires 81 spaces leaving nine vacant spaces. This does not necessarily leave enough space for the proposed church organization. Staff would like the Board to consider the level of traffic generated by the proposed church organization in addition to the existing businesses onsite. Staff has concerns regarding the proposed hours in events of the church overlapping with hours of existing businesses and whether it will cause circulation issues exiting the property during times of high traffic. If anybody is familiar with the shopping center, it is the Century Center Shopping Center. Right now there's a Raphael's Soul Food Restaurant there. Because it's a restaurant it ups the parking counts a little bit. And then turning left onto Brice could be problematic for anybody heading south. Additional concerns: Staff would like the Board to consider the

level of noise during business hours of the proposed church organization and its effect on adjacent businesses. This is something I think we've seen with daycares as well, is one of the issues with zoning is we try and make sure that the businesses that are existing in the spaces that are zoned for Specific Uses -- in this case is retail and possibly restaurant as it's existing. If a church or any type of any type of Special Exception Use that has considerable noise, would that be a detriment to the existing businesses or perhaps potential businesses that could occupy spaces adjacent. This is one of the issues I would like the Board to consider as well.

Mr. Stoffel: Is there someone here to speak on behalf? And again, please state your name and home address, please.

Mr. Raphael Baffoe: Raphael Baffoe. My address is 1609 Courtwright Road, Columbus, Ohio, 43227.

Mr. Stoffel: Thank you.

Mr. Baffoe: Thank you.

Mr. Stoffel: I'll just start with a couple questions. Are you plan on speaking as well?

Ms. Lakeisha Baffoe: Yes.

Mr. Stoffel: I'm sorry. Go ahead, please.

Ms. La'Keisha Baffoe: La'Keisha Baffoe, 1609 Courtwright Road, Columbus, Ohio, 43227.

Mr. Stoffel: Thank you. What were your proposed hours of operation? I know you're saying at least three days a week. What -- and I see they're from 11:00 to 6:00 P.M. Okay. When you say at least three days, does that depend on how much programming you have come on board and different ministries and whatnot?

Mr. Baffoe: Yeah. Exactly. Normal Sunday services will start around at 11:00 A.M. and it's just from two to three hours, so that will be like from 11:00 A.M. to 2:00, service is over with. Our next service is on Wednesdays and that starts in the evening by 6:30. It's over in two hours but normally on Wednesdays a lot of people don't really show up, people are at work. And in that case, as a 30 membership we're probably expecting about 10 people showing up probably in the evening services. When it gets to Friday services, the same number we're really expecting. Now, if we have special programs going on that evening it could start like from late 8:00 and during that time businesses, because we've been in the area and we've seen a lot of businesses really start closing down during those hours, around evening hours. So we're able to have our service in the evening.

Ms. Baffoe: As well, I want to add it the occupants that are in the plaza, it's a tax service which is not – they're not there all year long, I guess it's like a couple months within the year. The barbershop, they open and they close very early so and the Raphael is not a restaurant, it's a catering, so I don't think people will be coming inside to eat. It's mostly like people ordering and then they take the food to wherever they want to go. So the place that mostly opens more during the day is the 99¢ store which is at the end and the drive-thru which is in the front of the complex but other than that, it's mostly dead in the parking lot. There's also additional parking behind the unit as well where the Big Bear used to be that we'll be able to get permission for people to park and have additional space for parking.

Mr. Stoffel: You've already talked to the people of the Big Bear site if you'll be able to use their parking?

Mr. Baffoe: We've tried. We've made an attempt to get hold of them. We've seen that there's construction taking place in the building which is the Big Bear space, so we are deciding if we can get hold of anybody there but we believe that our numbers are not going to grow up overnight. It would take a gradual process and by then we believe there will be a different plan coming up that will be able to accommodate everybody. Number, truly, we're now looking for 80 at the beginning, but right now we're in the basement and we're trying to come out. We have a membership of about 15 that we are starting with right now, so we're looking for probably in about two to three years' time and we see our numbers increasing before then we'll be able to speak to the ownership, I mean those who own the Big Bear store and see if they can really accommodate us on special occasions, not like everyday. Anytime we feel like we have a program coming up that will take a lot of space we will be able to talk to them and see if they can allow us to park on their side.

Mr. Robbins: I think we had a small little error on our part. Double-checking the code, place of worship is one parking space for each four seats in the main space. So if you're expecting 80 people if you have space for 80 people your total parking demand is going to be by code 20 spaces. I apologize to the Board for that discrepancy.

Mr. Donovan: Now you said you believe you're going to start off with 15 parishioners?

Mr. Baffoe: Yeah, but right now we are in the basement and we've already started. We just haven't been in a building yet and in the basement our number, you know, it is growing so we want to be ahead of the game. By the time that things will really starting getting out of hand, we have a plan to move out and do anything.

Mr. Donovan: Some of your ideas that you plan on trying to do, distribute food and things like that. Is this coming – to be in this area here that you're going to do this?

Ms. Baffoe: It's like a food – like during the wintertime or back to school, when kids go back to school we can get – we do like back-to-school supplies to people that

need it and also during the wintertime this is a drive – canned goods. Just little bags of groceries for somebody to, you know, be able to eat with their family for two or three days but it's nothing cooked or anything like that.

Mr. Baffoe: And also as a non-profit organization, I think it's the right thing to do, not just be in the community without supporting. So we know times that schools starts, kids are going back to school, we believe is the right thing to do, to put together some books, pencils and book bags, however much we'll be able to get. And it's not like they have to come out. They just come to the parking lot right in front of our building, we just pass them out so there's no activities actually coming outside the building that would take a lot of space.

Mr. Donovan: Is this going to be a timed event then that you're doing this or is this is that they can drive through and you'll hand it out to the vehicle.

Ms. Baffoe: Pretty much.

Mr. Donovan: So you'll advertise a time that you're going to do this? My concern is that how many people you're going to allow to go through this line. Is that just going to be for your folks or are you going to let anybody, any school kid?

Mr. Baffoe: It's everybody.

Ms. Baffoe: No. It's for the community. It's for the neighborhood so it's not going to just be for people who attend our church. It's like a flyer being sent out. If people need school supplies or canned goods or something like that, to come to this location, they'll be able to get it for free. You know, just to help out the community and it also brings exposure to the ministry that's there as well.

Mr. Robbins: I just want to clarify that when these are given away or distributed people park, then walk into the church, grab their back, and then go.

Ms. Baffoe: Yeah.

Mr. Robbins: Okay. Not an actual drive-thru. Just double-checking.

Mr. Stoffel: Drive-by.

Mr. Donovan: I'd have to say a church would be a great improvement in that area compared to what you've got next door to you in Century City.

Ms. Baffoe: Yeah. The police station is right there.

Mr. Donovan: That's not a police station, that's empty space.

Mr. Baffoe: An apartment complex.

Mr. Donovan: That's a space. Anyway, that's the highest visited area in the City of Reynoldsburg by the police.

Ms. Baffoe: Um-um.

Mr. Baffoe: Okay.

Mr. Donovan: Just so you know that.

Mr. Baffoe: Yeah. I'm aware of that.

Ms. Baffoe: Right. Great. And I think he said something about the traffic. Like I said, we are starting out at a low number so in the beginning it won't be an issue but if it ever becomes an issue I know I've seen some churches that they hire officers to direct the traffic to make sure it's going smoothly but we'll get to that point when we come to it, but I don't think as of right now it will be an issue exiting.

Mr. Donovan: There's churches in Reynoldsburg now that do that already.

Ms. Baffoe: Yeah. I saw some.

Mr. Donovan: Like the Methodist church up there—

Ms. Baffoe: Well, World Harvest do it.

Mr. Donovan: On Graham Road they do that. They have to up there.

Ms. Baffoe: So, yeah.

Mr. Baffoe: But also as a small church, you know, I mean there's a church behind them doing it. There's a church that is in the same complex with Big Bear.

Ms. Baffoe: With the Big Bear.

Mr. Baffoe: And the Big Bear, yes. And it's same thing – we want to do the same thing. We just don't know what the activities are. All we know they should _____ after church Sundays the traffic is not that much. The _____ so we can leave _____, go through the light to make sure that I will be safe. Right.

Ms. Baffoe: And make sure everybody exits _____.

Mr. Enfinger: My concern is this isn't the intended use this building was designed for. It was designed for retail space. It's in a retail area and it's my concern that – and I understand the limitations of the vacancies and such, but we're tasked with looking broad, looking long term and trying to keep those spaces open for revenue

generating facilities for the City to make sure that the occupants fit within the character and the intent of the area and the buildings. So, you know, just so when I cast my vote tonight that you guys understand why that is.

Ms. Baffoe: Well if you look at the design right there, it is an open space that is fit for a congregation and also there are offices in there as well. And you have to also consider, too, the people that will be coming into this church will also bring revenue into the City. There are gas stations around. There are food places, so whether they live in Columbus, Lewis Center, Ohio that travels to the City of Reynoldsburg and they need something to eat after church, they're not going to go all the way back home. They're going to stop somewhere in Reynoldsburg.

Mr. Enfinger: Right. I understand that but, you know, it's for retail space and it simply doesn't fit with the intent and the character.

Ms. Baffoe: Um.

Mr. Baffoe: Well, if we look at this way also, as a church, as my partner is saying we will support a community. If we hold an event that people have to come from outside, there are hotels and motels out there that we support it. Also, after church there are members who want to, let's say, stop by the gas station, go to the store, stop by any grocery store around there that will be able to support those businesses. And I do understand where you're coming from. I really do understand, but I believe that if the opportunity is giving out, until we're giving out, we will not know the best the church can really do.

Mr. Enfinger: Right. And I don't want to be misleading in saying that that's the only reason and the record will show that anytime a business wants to move into an area here in Reynoldsburg and it doesn't fit, I always vote no on that and it's because it doesn't fit the intended character of that specific location.

Ms. Baffoe: Could you please break that down what you mean by that because I'm not understanding what you're saying. The character of the plaza?

Mr. Enfinger: It's a retail plaza, correct. And when you have businesses that are not retail, it changes the complexion of the area.

Mr. Robbins: May I? Would you mind if I interjected?

Mr. Enfinger: Go ahead.

Mr. Robbins: This has come up before in some of the retail areas and this is what I want to be clear about is one of the over-arching reasons for zoning is to avoid the cult nuances. It's to make sure that you basically have certain uses operating in certain areas and those uses are given a place everywhere in the City to operate, right, so you can't just zone out a particular use. The concern, I think what Mr. Enfinger is

trying to say and then correct me if I'm wrong, but that in having an area in which a use might not be conducive to other businesses operating, all of sudden you have a situation in which it might not be the best area for retail which is what the area is zoned for. Is that a fair estimation of what you're trying to say?

Mr. Enfinger: Exactly.

Ms. Baffoe: I just want to comment because I think it is important to have daycares, teaching, churches in a neighborhood that has crime, that has family that needs a place to go to at certain times, and it's very beneficial to have places available for them like that regardless of where it's at. We're right next to an apartment complex that if you look at the apartment complex there's a lot of activity going on right there and just by having a church in that particular area can even reduce the crime. It can help families that need encouragement, so it could be of benefit. I think it's just the way you're looking at it but it could be a benefit to the City of having a church right there at that location. There's a lot of apartment complexes, a lot of houses that people, if they want to get encouragement there's a place that they can access to, walk – they can walk to it so I think it could be, if you look at it a different way, a very good area for that type of organization.

Ms. Wallace: My one concern is the noise level, because I know some churches are more vibrant with their music and if I'm looking correctly you will only have one next door neighbor. Are you on the end? Is it proposed on the end?

Ms. Baffoe: Yes. I'm on the end—

Ms. Wallace: And the tax service is next door?

Ms. Baffoe: The barbershop is next door. It's two units that's combined to one that we're partitioning for today. Then next door is the barbershop which they are closed on Sunday which is the most time that we're going to be really opening and then on Wednesday, as he said, it's not really going to be music, it's more like Bible study.

Ms. Wallace: Okay.

Ms. Baffoe: And it will be insulated.

Mr. Baffoe: Insulated. Yes, we will have insulation in there—

Ms. Wallace: Okay. So there will be some noise insulation. I was concerned about somebody trying to run a business with a lot of music and things going on next door.

Ms. Baffoe: Right.

Mr. Baffoe: The building will be fully insulated. We have talked to someone who will be coming over to really insulate the building in a way that the noise should be contained.

Ms. Baffoe: Yes.

Ms. Wallace: Thank you.

Mr. Robbins: Anymore questions from the Board?

Ms. Wallace: No.

Mr. Stoffel: I will tell you, when we vote I will have to abstain, but I will tell you that I think there couldn't be a better place in the City for a church than that spot right there. But for reasons, I will have to abstain from this vote.

Mr. Robbins: There are a couple of things I want to clarify as well. So after this vote, no matter what happens this gets take up by Council and I shouldn't say no matter what happens. If it gets voted "yes" Council gets the ability to look at it. Council then can make a determination on whether or not they agree with the findings of the Board and staff and they can either allow it, they include an ordinance, they allow it or they simply say it's not something that belongs in the area. If the Board votes "no" or if there are not enough members to make a quorum, the applicant has the ability to appeal the Board's decision to City Council. It has to be done so in writing within 30 days. City Council will then take a look and the meetings will go somewhat similar to the Board meeting is now. Okay.

Ms. Baffoe: Thank you.

Mr. Stoffel: Anymore questions? (No response.)

Mr. Donovan: I'd like to make a motion that we accept the plan for 1756 & 1762 Brice Road as a church.

Mr. Stoffel: I'll second.

Mr. Robbins: If you're abstaining, I think we should probably get a second from another member.

Mr. Enfinger: I second.

(Mr. Robbins called the roll. Mr. Donovan voted "yes." Ms. Wallace voted "yes." Mr. Enfinger voted "no.")

Mr. Robbins: Again, as mentioned, 30 days in writing you can appeal to Council. Okay?

Ms. Baffoe: Okay. Thank you very much.

Mr. Robbins: Her name is April Beggerow and she can be found on the website.

Ms. Baffoe: Do you know how to spell it?

Mr. Robbins: Beggerow. For the record, I hope that's correct.

3. VARIANCE APPLICATION, 856 BRIAN DRIVE., REYNOLDSBURG, OHIO; PRESENT ZONING, R-3; OWNER'S NAME, CECIL RODGERS; REQUESTING A VARIANCE FROM SECTION 1175.03, TABLE 1175.03 OF THE ZONING CODE TO REDUCE THE REQUIRED FRONT YARD SETBACK FROM THIRTY (30) FEET TO A REQUESTED TWENTY-THREE (23) FEET. CONTACT: RANDAL RODGERS. (#164483).

Mr. Stoffel: Could you read Item B3, please?

Ms. Moeller: Yes. This is for 856 Brian Drive. It's Application #164483 for a zoning variance. The property is located on the east side of Brian Drive and east of Sabre Avenue. Currently the existing zoning is R3 which is a single-family residence. This is a request for Section 1175.06 to reduce the required front-yard setback from 30 feet to a requested 23 feet and currently this is a single-family dwelling. So for the existing site and context the current lot dimensions are approximately 180 feet by 67 feet and the existing footprint of the dwelling is roughly 1,000 square feet or so and right now it's for an awning and the existing awning is 5 feet by 14 off the front of the house there. The proposed awning measures approximately 7 feet by 18 feet and it is projected to be finished with aluminum and intends to replace the existing awning measuring 5 feet by 14, as I said, on the eastern side of the south face of the dwelling. Currently the dwelling frontage is approximately 35 feet from the right-of-way prohibiting the proposed porch to extend that 7 feet. So just to kind of point out here, these houses were built up to their front yard setbacks so it was hard – it's hard for people to extend that with porches and things like that because it was built right up to the build-to line, which I think it's considered a common residential feature. So if the Board finds that full enforcement of Section 1175.06 is causing an unnecessary hardship on the applicant, staff recommends the Board approve the variance as submitted.

Mr. Stoffel: Could you give us your name and address, please?

Mr. Randal Rodgers: Yes, sir. My name is Randal Rodgers, 7405 Wollum Avenue. My father, Cecil Rodgers, 856 Brian Drive.

Mr. Stoffel: Thank you. Is there any particular reason why the awning size was increased?

Mr. Rodgers: Yes, sir. One reason, my father enjoys sitting out in the front of his home, which in the evenings you'll find me there quite often. But this will be very beneficial to him as he is legally blind and it'll allow him to get out there on the porch especially when these pictures were taken in the snow and things of that nature. It'll give him a little bit more cover over the front of his home.

Mr. Stoffel: Thank you. Does the Board have any other questions?

Ms. Wallace: No.

Mr. Enfinger: I make a motion that we vote to approve Item #3, Variance Application for 856 Brian Drive, #164483.

Mr. Stoffel: I'll second.

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

Mr. Robbins: One of the things we want to be clear about, there are two steps that need to be taken. First, if you have already submitted a zoning certificate we can go ahead and approve that basically tomorrow. That's through the Zoning Department. Any other changes you're making to the house, any structural changes will have to get a building permit as well. So I would definitely contact the Reynoldsburg Building Department to make sure that you're going to be clear with them. Okay?

Mr. Rodgers: Yes, sir.

Mr. Robbins: All right. Thank you.

4. VARIANCE APPLICATION, 682 HUNNICUTT DRIVE, REYNOLDSBURG, OHIO; PRESENT ZONING, R-3; OWNER'S NAME, HAROLD W. DAVIS; REQUESTING A VARIANCE FROM SECTION 1175.03, TABLE 1175.03 OF THE ZONING CODE TO REDUCE THE REQUIRED FRONT YARD SETBACK FROM THIRTY (30) FEET TO A REQUESTED TWENTY-EIGHT (28) FEET. CONTACT: HAROLD W. DAVIS. (#164329).

Mr. Stoffel: Could we read Item B4, please?

Ms. Moeller: Yeah. This is for 682 Hunnicutt Drive, Application #164329 for a zoning variance. The property is located on the north side of Hunnicutt Drive north of Firstgate Drive. The existing zoning is R3 which is a single-family residence. The request is for a variance from Section 1175.06 to reduce the required front yard setback from 30 feet to a requested 28 feet. A proposed porch addition measuring 5.5 by 19.5 and will include an awning supported by posts, at least that's kind of what it looks like based on the drawings, based on the pictures. The existing site and context: the lot dimensions are approximately 73 feet by 132 feet and the existing square footage of the

building is – the footprint, sorry, is 1343 square feet and the existing dwelling currently includes a 5 by 3 foot landing. Currently the dwelling frontage is approximately 34 feet from the right-of-way prohibiting the proposed porch to extend that 5.5 feet from the dwelling and, like before, these houses were built right up to the property line so it's difficult for people to build porches beyond that build-to lot line because of the way they were built. If the Board finds that full enforcement of Section 1175.06 is causing an unnecessary hardship on the applicant, staff recommends the Board approve the variance as submitted.

Mr. Stoffel: Can we have your name and home address, please?

Mr. Harold Davis: Harold Davis, 682 Hunnicutt Drive, Reynoldsburg, Ohio.

Mr. Stoffel: Thank you. Were these homes with the porches that now have them, were they built without variances?

Mr. Davis: No. That was the second section when Centex first started building those homes. We asked about getting a porch because the landing they put out there is – they made it the very minimum they could and they raised it up just enough where they didn't have to put railings or anything and we've had people about falling off of them. You know, it's just a hazard and as me and my wife get older, it's become a hazard. And then we just found out that when they put in the windows in the front of the house there that have no protection over them, the J metal over the windows instead of making it go the farthest part, they shortened them an inch on both sides. I've got to completely take off the whole front of my house this summer anyway and redo all the windows and the sheeting because it's had 15 years of water going in behind where we didn't know. And so the ones with the – the porches now the second section that Centex put in, they started putting in porches on them and they're in my neighbor– That house I took the picture of is right behind me. So it's just we would like to make it where it's safe for me and our grandkids to go up and stuff without falling off the darn thing, especially when it's rainy and they're in a hurry.

Mr. Robbins: That looks like a house that should have a porch.

Ms. Moeller: Yes, it does.

Mr. Donovan: I can't even believe they wouldn't put an awning on there for you.

Mr. Davis: They didn't do anything and the steps when you open this storm door, it takes up the whole – you have to stand back, go down the stairs to open the door and then go up in it. There's just no room.

Mr. Stoffel: Does the Board have any other questions? (No response.) If not, I make a motion we approve Item B4, Variance Application #164329.

Ms. Wallace: I'll second.

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

Mr. Robbins: You guys might get tired of hearing this but I just want to make sure that you know that a zoning certificate is still required if you have not already submitted one. My guess is, is if you're here you already submitted one.

Mr. Davis: When I get this I'm going to get that.

Mr. Robbins: The building permit.

Mr. Davis: (speaking off mic)

Mr. Robbins: Great. I like to say that for the record.

5. VARIANCE APPLICATION, 8287 CAIRN COURT, REYNOLDSBURG, OHIO; PRESENT ZONING, R-3; OWNER'S NAME, SHARON GRAHAM; REQUESTING A VARIANCE FROM SECTION 1175.03, TABLE 1175.03 OF THE ZONING CODE TO REDUCE THE REQUIRED REAR YARD SETBACK FROM THIRTY FEET (30'-0") TO A REQUESTED TWENTY-FOUR FEET (24'-0"). CONTACT: C.R. BARCLAY (#164565).

Mr. Stoffel: Could you read Item B5, please?

Ms. Moeller: Yes. This is for 8287 Cairn Court. The Application number is 164565 for a variance. The property is located on the south side of Cairn Court east of Priestly Drive. The existing zoning is R-3 which is single-family residence. This is a request for a variance from Section 1175.03 and Table 1175.03 to reduce the required rear yard setback from 30 feet to a requested 24 feet and the current use right now is a single-family dwelling. This is requesting a variance as I said before and the proposed deck addition measures approximately 30 feet by 14 feet and is intended to replace the intended the existing deck on the southeast side of the dwelling. A 4' x 4' wood landing will be installed at the back door with steps leading down to the primary deck. The proposed structure is going to be finished with Ecolife treated wood and installed approximately 4 feet from the grade. In addition, there's going to be a hot tub measured 8 feet by 8 feet is proposed to be installed on the west end of the deck. So right now the current lot dimensions are roughly 100 feet by 120 feet. The existing footprint of the dwelling is around 1,600 square feet and the existing deck that's on the back is approximately 16 feet by 12. And just to give you kind of an idea, the existing rear property line is currently not parallel with the south face of the dwelling, so just giving you kind of a review. The irregular shape of the property creates a rear setback that is not parallel with the south side of the dwelling, as I said, prohibiting the proposed 14-foot wide deck to be built off the house at the western side. So it meets the setback requirements on the east side, but as you go west towards the west side of the building it becomes non-conforming. Decks of this size are a common residential feature and

the construction of the deck is a reasonable use of the property and staff finds that the additional 6 feet is a reasonable request. So if the Board finds that the full enforcement of Section 1175.03 is causing an unnecessary hardship on the applicant, staff recommends the Board approve the variance as submitted.

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

Ms. Sharon Graham: Sharon Graham, 8287 Cairn Court, Reynoldsburg, Ohio.

Mr. C.R. Barclay: C.R. Barclay, 8287 Cairn Court, Reynoldsburg, Ohio.

Mr. Stoffel: Thank you. Basically the main purpose is to be able to put a hot tub on there correctly.

Ms. Graham: Yes, sir.

Mr. Stoffel: Does the Board have any questions? (No response.) If none, I'll move that we approve Item B5, Variance Application #164565.

Ms. Wallace: I'll second.

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

Ms. Graham: Thank you very much.

Mr. Robbins: Did you hear everything I said to the last gentleman? (speaking off mic)

6. VARIANCE APPLICATION, 7522 BROADWYN DRIVE, REYNOLDSBURG, OHIO; PRESENT ZONING, R-3; OWNER'S NAME, FRANK AND PAMELA WELSHON; REQUESTING A VARIANCE FROM SECTION 1175.03, TABLE 1175.03 OF THE ZONING CODE TO REDUCE THE REQUIRED SIDE YARD SETBACK FROM EIGHT FEET (8'0") TO A REQUESTED FOUR FEET (4'-0"). CONTACT: FRANK E. WELSHON (#164545).

Mr. Stoffel: Could you read Item B6, please?

Ms. Moeller: Yes. This is for 7522 Broadwyn Drive. The Application number is 164545 and it's a zoning variance. The property is located on the north side of Broadwyn Drive just south of East Main Street. It is an R-3 single-family residence and it is within the Historic District. This is a request for a variance from Section 1175.03 which is with Table 1175.03 to reduce the minimum required side yard setback from 8 feet to a requested 4 feet and the current use is a single-family dwelling. This has an interesting background so right now the house is, with the garage, is closer than 15 feet to the home and it's considered an accessory structure, so the proposal is to add a roof

connecting the detached garage from the main dwelling so they can add on to their home. The variance is necessary as the accessory structure currently does not meet same side setbacks as the primary structure so the home right now is a little less, I think, than 6 feet from the side property line. So when they connect it to the house it won't be 8 feet, which is the minimum requirement for a side setback. So the scope of work is they're replacing the existing porch with an enclosed sitting room and they're connecting the proposed sitting room to the existing detached garage, so the variance is mainly for the garage. So I just wanted to get that out.

I'm going to go over it again one more time just so I'm clear. The existing detached garage is proposed to be attached to the main dwelling with the connector roof which would classify as part of the primary structure; and, if the garage becomes part of the primary structure, it must conform to the setback requirements stated in Table 1175.03 of the code, that the side setback must be a minimum of 8 feet and some of the side setbacks must equal at least 18. The garage is currently 5 feet from the property line exceeding the setback by 3 feet.

Staff finds that this proposal is a reasonable request for the following reasons. The proposal will not exceed the overall proximity to the neighboring properties and no structure being proposed will exceed the required setbacks. Attached garages are a common feature for residential properties and the connection between the two structures is a reasonable use of the property. If the Board finds that the full enforcement of Section 1175.03 is causing an unnecessary hardship on the applicant, staff recommends the Board approve the variance as submitted.

Mr. Stoffel: Can we have your name and address, please?

Mr. Frank Welshon: Yes. Frank Welshon, 7522 Broadwyn Drive, Reynoldsburg, Ohio.

Mr. Robbins: Is everybody clear on what's happening here? (No response heard.) Okay.

Mr. Donovan: Now, the continuation of the room, is that going to be the same kind of material that the original dwelling—

Mr. Welshon: Um-um. Yeah. It'll match so hopefully you won't be able to tell.

Mr. Donovan: Are there any other houses in your neighborhood that have these garages attached like this in this form?

Mr. Welshon: I don't know. Most of them that I've seen are detached garages. The whole issue here is where the porch now is off the back of the house, we want to enclose that and extend it out another 4 feet. So now instead of having the required 15 feet between the back of the house and the garage, that shortens that. So the only way to do that is to have the roof from the addition attach to the garage. And what happens

is that, even though the garage is not moving anywhere, it's still less than the required 8 feet from the property line. So that little roof that's connecting the new addition to the garage actually makes it now one structure and the garage has been there for quite sometime and it was already like that. So it's not like I'm changing, moving any closer to the property line, it's just that because it becomes one structure it's an issue though.

Mr. Robbins: The property is in the Historic District so it does have to go through Design Review as well. Your architect is well aware of that having served on the Board previously.

Mr. Welshon: Yes.

Mr. Stoffel: Anybody have any questions? (No response.) If none, I'll move that we approve Item B6, Variance Application #164545.

Mr. Donovan: I'll second it.

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

Mr. Robbins: I think Mr. Baker knows exactly what to do so you're spared the lecture.

7. VARIANCE APPLICATION, 8915 BROAD STREET, REYNOLDSBURG, OHIO; PRESENT ZONING, CS; OWNER'S NAME, CHUCK WARNER - VOELKER-BETZ CO.; REQUESTING A VARIANCE FROM SECTION 1175.08, SECTION 1175.05, TABLE 1175.05 AND SECTION 1180.10 TO REDUCE THE REQUIRED MINIMUM RESIDENTIAL BUFFER SETBACK FROM SIXTY FEET (60'-0") TO A REQUESTED FIVE FEET (5'-0"), AND THE REQUIRED MINIMUM RESIDENTIAL BUFFER SETBACK FROM FIFTEEN FEET (15'-0") TO A REQUESTED FIVE FEET (5'-0"). CONTACT: MARK BUSH/REYNOLDSBURG DG, LLC (#164596).

Mr. Stoffel: Could you read Item B7, please?

Mr. Robbins: Yes. This is for 8915 East Broad Street, request for a variance, Item #164596. The property is located on the southeast corner of East Broad Street and Annette Drive, SW. The existing zoning is Community Services. The applicant is requesting a variance from Section 1175.08, Section 1175.05, Table 1175.05, and Section 1180.10 to reduce the required minimum residential buffer setback from 60 feet to a requested 5 feet and the required minimum residential buffer setback from 15 feet to a requested 5 feet. Current use is vacant, undeveloped. The applicant is Dollar General.

I'm going to back up here a little bit and give the Board a little bit of a background on what's going on. We're going to have several variances and a major site plan that all have to do with this property. What they want to do is take and assemble, I believe, four

parcels and put a roughly, I want to say, I think it's 17 – a standard Dollar General Store onsite and to do so a number of variances are going to be required including the one that I just read off which pushes the building back to 5 feet off of the rear property line. One thing I want the Board to consider is that the rear property in back is not within the City of Reynoldsburg, although it is residential, so that's, I believe, Pataskala, I want to say.

Ms. Moeller: Um-um.

Mr. Robbins: There's one action being taken here, the building being setback among the first variances. There are a lot of sections that start to require variances for. We right now have a property setback, so within each residential district any commercial use is required to be at least 120 feet away from that residential area. The Board is allowed to reduce that to 60 feet given certain landscaping buffering requirements are met, and that's outlined in the code. And the applicant is requesting a reduction from – we're assuming that they're going to provide fencing and screening and buffering, so we'll take that assumption that it's going to be 60 feet and then reduce it down to 5. Now the 5 reaches the back of their mechanical area and I believe the building itself is around 10 feet off the property line, I want to say. In addition, there is the other aspect of this being a side yard so when the properties are assembled, within our code if you're on a corner lot you don't technically have a rear yard, you have a side yard. Since this building has basically three frontages against a street, there's another section of side yard requirements and that's a 20-foot side yard that would be to the rear.

Mr. Donovan: Does it have a driveway, too?

Mr. Robbins: I'm sorry?

Mr. Donovan: Don't you have to have a driveway also?

Mr. Robbins: To have a side yard?

Mr. Donovan: Yes. On a corner lot like this here.

Mr. Robbins: The code doesn't stipulate a driveway is required. It just says a corner lot in which front setbacks are required, then the other two lot lines are considered side setbacks. So in this case, they wouldn't necessarily have a rear yard as required in Table 1175, they would have a side yard which is still 20 feet, which is still 15 feet larger than the requested variance. The primary issue – well, I'll go ahead and just read this off. Staff has concerns regarding the proposed setback, primarily the side setback to the south side of the property. Section 1175.08 states that all commercial uses are required to have a minimum rear and side setback of 120 feet reduced by 50% to 60 feet if acceptable landscaping and screening are provided as approved by the Design Review Board. In Section 1180.10 it states that any residential zone adjoining any commercial zone must have a required buffer zone of 15 feet adjacent to all common boundaries except street frontage and shall include one tree for

each 40 feet of linear boundary or fraction thereof and a continuous 6 foot high planting hedge, fence, wall, earth mound or combination thereof.

The buffer standards within the code are intended to establish landscape regulations that improve the aesthetic appearance of setbacks, encourage preservation of existing trees promote compatibility. The main goal, I think, of zoning is to prevent incompatible land uses from being directly next to each other and the intent of that buffer zone is to make sure that residential areas are protected from the nuisance of commercial areas. So it's an idea that you would separate these two land uses and you would have, under the police power, basically prevention of a nuisance that would occur between those two land uses.

It's the recommendation of staff that the variance not be granted based on the following reasons stated in Section 1147.06(c) states that there exists special circumstances or conditions fully described in the findings applicable to the land or structures for which the variance is sought, which are peculiar to land or structures and do not apply generally to land or structures in the area in which are such that the strict application and the provisions of this code to deprive the property owner of the reasonable use of such land or structures. There must be deprivation of beneficial use of land as opposed to a mere loss in value as justification for the variance. 1147.05(d) states that a hardship cannot be self-created. For staff, it's evident that the applicant could still maintain a reasonable use of the property while meeting the side and buffer setbacks. And, I think, I want to be clear on this, this is a matter of extent. Five (5) feet is very, very, very close to a residential property and I think it's, and staff finds that it's against the intent of that buffer zone. Though economic hardship is not a ground for a variance, a reconfiguration of the property could allow full compliance with zoning without burdening the applicant economically or financially. It's the finding of staff that any hardship sustained under the current configuration of the site would be self-inflicted and would not be sufficient grounds for a variance. Section 1147.05(e) states that the variance is necessary for the reasonable use of the land or building and a variance is granted as the minimum variance that will accomplish this purpose. Again, as I mentioned before, I think it's the extent to which the variance is being asked for. I mean, a 5-foot setback is less than you would get for a residential against residential. The request of this variance is decreasing the minimum required side setback and the buffer area approximately 96% and staff finds that this is not the minimum variance that accomplishes the reasonable use of land. And in Section 1147.05(i) which states that the variance is not a matter of convenience when other remedies are available within provisions of this code. And that would be the end of our staff report on this variance.

Mr. Stoffel: Good evening.

Mr. Jeff Paulson: My name is Jeff Paulson. I am a Civil Engineer with Hurley & Stewart and our address is 2800 S. 11th Street in Kalamazoo, Michigan, 49009. As Mr. Robbins mentioned, we've got four different variances here that we're seeking in our major site plan approval, so I don't know if it's best to kind of talk about these individually or they kind of all tie together, so I'm not sure who can speak about all of

them at one time or if we just need to speak about this one, the rear setback variance at this time, since that's this item. But I feel like it's kind of all connected, so is it okay to discuss them all?

Mr. Robbins: Yeah. If you would like, I can basically read off the other variances and then give you a chance to explain. Would that be okay with the Board?

Mr. Stoffel: Yeah, that's fine.

Mr. Robbins: Okay.

Mr. Stoffel: Would be preferable.

8. VARIANCE APPLICATION, 8915 BROAD STREET, REYNOLDSBURG, OHIO; PRESENT ZONING, CS; OWNER'S NAME, CHUCK WARNER-VOELKER-BETZ CO.; REQUESTING A VARIANCE FROM SECTION 1175.07 TO EXPAND THE MAXIMUM DRIVEWAY ENTRANCE FROM THIRTY FEET (30'-0") TO A REQUESTED THIRTY-SIX (36'-0"). CONTACT: MARK BUSH/REYNOLDSBURG DG, LLC (#164629).

9. VARIANCE APPLICATION, 8915 BROAD STREET, REYNOLDSBURG, OHIO; PRESENT ZONING, CS; OWNER'S NAME, CHUCK WARNER-VOELKER-BETZ CO.; REQUESTING A VARIANCE FROM SECTION 1175.06(a) TO REDUCE THE REQUIRED FRONT YARD SETBACK FROM FORTY FEET (40'0") TO A REQUESTED FIVE FEET (5'0"). CONTACT: MARK BUSH/REYNOLDSBURG DG, LLC. (#164630).

10. VARIANCE APPLICATION, 8915 BROAD STREET, REYNOLDSBURG, OHIO; PRESENT ZONING, CS; OWNER'S NAME, CHUCK WARNER-VOELKER-BETZ CO.; REQUESTING A VARIANCE FROM SECTION 1179.03, TABLE 1179 TO REDUCE THE REQUIRED MINIMUM OFFSTREET PARKING SPACES FROM FORTY-SIX (46) SPACES TO THIRTY (30) SPACES. CONTACT: MARK BUSH/REYNOLDSBURG DG, LLC. (#164631).

Mr. Robbins: To jump back to the Application #164630, and that's the Variance to reduce the required front yard setback, what the applicant is proposing is to basically sell off a certain portion of land or dedicate it as right-of-way, which would then move the right-of-way back into the site, thus creating a reduction in the amount of buildable land. Would that be a fair assessment?

Mr. Paulson: Yes.

Mr. Robbins: So I believe right now there are some utilities that are located within the property and Dollar General wants to sell that particular strip of land off, move the setback – or move the property line to the south and then get a variance to build a parking lot where it's proposed. I'll go ahead and address concerns of staff.

Mr. Paulson: Okay, great. Obviously we're putting a good sized development on these four parcels here and obviously we need all these variances. This property is about 1.24 acres. It is zoned Community Services, so we're an allowed use within that zoning district. We are surrounded on three sides, the north, east and the south, by the City of Pataskala, and then the only property that's within the City of Reynoldsburg is the property to the west, which is a gas station. So I've got kind of a colored up site plan here, the same thing that was submitted. It's a little bit easier to visualize which area's being developed and which area's going to be in open space.

So where is really 120', what was mentioned as rear setback. The rear property line is here, but that can be reduced down to 60' if you provide the buffering that's required in the code. So 60' from this line here falls right about here, so that's the first issue.

The second issue on the rear property line, or the side depending on how you interpret it, is there's a 25' setback for parking area and that line is here. And we've got some impervious area here for the delivery area and for the dumpster enclosure located within that area as well. We do have four HVAC units that would be located on the south side of the building here. The edge of the pad that those would sit on would be located 5' off the property line. The building is actually 12' off the property line and it is possible to move these units over to the east side of the building to make that buffer bigger.

The next issue, the front setback, the right-of-way line is here, right where this proposed tree line is at. There are public utilities within the property without the benefit of right-of-way or an easement. So we found an old set of plans from the county and from ODOT when they did some lighting through here and when they installed those utilities and it shows a line that's 20' off that existing line as proposed right-of-way on those plans. I think those plans were done in the late '90s, but that was never recorded, so it's technically not there. The utilities have been installed but they're essentially illegal. They're aren't on the _____ property. So we have to grant right-of-way for those utilities to be there and then we can't build on that area over the top of easement. We'd essentially have to grant the right-of-way that they were supposed to obtain before they did that work. So that line is right along here just to the north – it's 5' north of our proposed parking lot. So that's where – if you took that line and offset that 40' back per the 40-foot parking and building setback, that line falls here, so we're encroaching this much into the _____, parking setback. The building _____ and we've got 5' feet from that proposed right-of-way line to the edge of the parking lot. So that's the front setback.

The next issue is the entrance here. I think the ordinance requires 30' feet of width at the right-of-way line and at the street cut. We're proposing 80' at the street cut and 36' back at the right-of-way line. I think staff recommended approval on that particular item. They do use a WB67 _____ vehicle, a full-sized semi to make deliveries here. Essentially, that truck, to be able to maneuver around the site – and that's another issue _____, is the truck has to come in along the front here and

then back in and unload in this area. And to be able to make those maneuvers, they need a wider driveway than they have and _____ block the grass and the grass all up.

The last zoning variance issue is the parking spaces. The code requires 46 or 45?

(speaking off mic): 46.

Mr. Paulson: 46 parking spaces. It's 1 space for every 200 square feet of _____. We did provide a letter from Dollar General. We've worked on about 120 of these for this developer over the last few years throughout Michigan, Indiana, Ohio, and Pennsylvania and they have about 12,000 of these stores of similar size and operation throughout the United States and their research shows that they only need 30 spaces to run the store successfully. It's a real quick turnover store. The Dollar General's whole marketing philosophy is what the general stores used to be back in the day. They have small quantities of everyday things. It's kind of like a small Wal-Mart. They have the same stuff, not as big of a scale and smaller quantities, so it's not – Dollar General isn't a "everything's a Dollar Store." You know, kind of like a knick-knack junk type stuff. It's laundry detergent, it's toys, it's small or minimal grocery type items. You know, paper products for the home, that kind of thing. Quick, in and out – people, when they visit the store it's a 5, 10, 15 minute max trip. They come in, they leave. It's not like a larger retail store where people come in, they're there for 45 minutes or an hour doing a lot of shopping. So we've provided that letter for this use 30 parking spaces adequate. I've actually got some documentation here from stores that we've worked on over the last few years in different municipalities in Michigan, Indiana, Ohio, and Pennsylvania on these parking – we run into this issue a lot, but the parking requirements vary a lot in different ordinances. The question is really what is that based on? Where does the 1 space for every 200 square feet come from? Is that for a Dollar General use? Is that for a Wal-Mart use? Is that for what type of use? And we've got a listing here of how those requirements vary and what the calculated spaces required are and if we needed a variance and if we were granted a variance. So I've got a couple of copies of that if you want to look at that. I know it's not really – when you guys have your ordinance you're trying to meet too, but it's just showing that there's a lot of variability in those requirements and it's kind of a "where did that number come from" type of thing.

So that's really what we're seeking here. We understand that there's some big discrepancies and the rear setback, I think, is probably the biggest concern with the location relative to the residential use. But we do plan on putting in a 6-foot-high fence along that property line and landscaping as well. We have a landscape plan that's kind of drawn up here, sketched up. I know we submitted a landscape plan with plantings to be used in compliance with the City's ordinance. I think there's _____. I think that kind of summarizes – I know the impact of the residential area – the highest traffic area is going to be used really 10 parking spaces right here by the door. Usually they like to double load this front driveway they have parking here and parking here.

_____ parking over here and extend this out. But the majority of the time you're not going to see more than 6 to 10 cars out there. Usually the employees will probably park over here but even the majority of the 30 spaces aren't even going to be used. Like I said, 6 to 10 spaces – usually is our turnover throughout the day. So all the use is really going to be here and the noise throughout the day. You do have a dumpster pad back here that's going to be emptied once a week or so and then a delivery pad here that's going to be, you know, trucks once a week, too. Those are average deliveries. Sometimes the deliveries are once every two weeks, sometimes there are two a week, just depends on what's going on with the store. So what I'm saying with that is that the majority of the impact, the noise is all going to be at the front of the building in this driveway area and with less of an impact back here. And we can do whatever the City would like as far as screening back here – trees, fencing, moundings to the extent that is possible there in that small area. Moving the HVAC units to make the actual dimension there 12' instead of 5'. Those are all options that we can explore. Really what's hurting us with this dimension is one, that right-of-way should be reduced 20' off the property right there which we weren't aware of until we did the survey and it wasn't recorded. We knew the utilities were there but then this front drive aisle, usually that only needs to be 23 or 24' for vehicle traffic for cars to come in and out, but we've got to get the semi in here and have room to back that around and that's why we have 34' of _____. So that front driveway is little bit wider than you would see for a normal driveway in a parking lot. So, I just tried to summarize what we're trying to do and I know there's a lot there. Again, I've got these kind of a parking summary if you guys are interested.

Mr. Stoffel: So I would assume that the need for the 34-foot width you've done a trucking turning.

Mr. Paulson: Yes.

Mr. Stoffel: And it has to be 34?

Mr. Paulson: Yes.

Mr. Stoffel: With a 36-foot drive it still has to be 34?

Mr. Paulson: Yes, and that's really due to staying out when this truck comes in they have to – they don't let their drivers cross the center line. A lot of times you'll see drivers do that across lane lines, where in the parking lot they can kind of maneuver around a lot better. It's really getting the truck in there from the roadway is why it needs to be wider. And also the truck pulling in to, you know, and the software that we used to model it, to turn the wheel and make all of that – there's some additional space that's needed there. We've got a lot of length in that front drive aisle.

Mr. Donovan: My problem is that one of these houses is real close to your dumpster box and your delivery area is 14' off the property line? That would make that

19'? And they'd have to listen to a dumpster truck and then a delivery truck all the time, because there's an existing home right there.

Mr. Paulson: Yeah. There's an existing house right here and a shed here. The house is full of _____ and we're 12' off lot with the dumpster area. So between the house and the dumpster you would have a screening fence on the property line. We have some plantings behind that and then also the dumpster has an enclosure/fence around it as well. So it would be -- you know, it wouldn't be all the time, it would be once a week, once every two weeks, whatever. They don't generate a lot of trash here. It's just the cartons that the items come in to stock, you know, that type of thing, so there's not a lot of trash generated. I also did want to show you -- I forgot to mention -- on the other side of this we printed an aerial of the surrounding area with our development on there to scale, so this is actually how we construct it. You can see that -- if you extend this you can see right where the property line is here, it kind of follows -- that's continuous across here. You can see that we're not any further back than the adjacent uses to the residential property. I know this is all not in the City of Reynoldsburg even back here, but this property and this property is and we feel that this use is a less of a use than a gas station, obviously. And this use over here, the loading and deliveries are behind the building, so you have vehicles coming in and out of here where all of that's going to be up here for us with screen behind it. So we feel that it's less of an impact than the surrounding uses that are existing there because that's plotted to scale how it would fit better. There's quite a bit of existing vegetation in the neighboring residential areas here as well.

Mr. Stoffel: What size semi did you say was pulling in there?

Mr. Paulson: WB-67.

Mr. Stoffel: 67?

Mr. Paulson: Yeah. So we know that we're violating quite a few things here in the ordinance. This is a vacant property. Obviously, Dollar General thinks this property to be extremely successful at this location and would be of benefit to the community, both in providing a service and also tax-based employees added. So we're asking the City for leniency on these issues.

Ms. Wallace: Would all the trees on the south side that face the houses, would all those trees have to come out that are providing some buffer?

Mr. Paulson: Yes. The existing trees on our property would. Now there are some trees along this property line outside the property that would remain. But we essentially set the fence -- a 6-foot high fence right on the property line and then have additional plantings that would grow higher than that on our side -- over time they'll grow higher. I think we could possibly save some trees in this area. There's kind of tree line that comes up into the property here, something like that. You can kind of see that. So

you could possibly save some of these trees in this corner. That's really not the area of concern here but we possibly could do that.

Mr. Robbins: Have you explored your firm or Dollar General any alternatives that would allow development of the site possibly lessening the extent of the amount of variance required in the rear?

Mr. Paulson: Yeah. That is something we looked at. When you look at the front setback, which is again here, pretty much it's right on the edge of the parking spaces and this is the rear building setback. So really the only area allowed by code for a building is this small little strip of land that comes up to 40' off here and 40' off here again. So that's a really small area for the building. And then the parking area would have to fit within that 40' and this 25' and the 40' on the sides as well. So a lot of this property is eaten up with the required setbacks. We actually figured it out, just really quickly what size of a building that would fit there and meet the parking requirements. It was like a 3,500 square foot building which is a teeny, tiny, little building that could be built here and comply with code.

Mr. Robbins: As far as the dedication of the right-of-way, why is that an option versus, say, easements?

Mr. Paulson: We're trying to negotiate that right now. The thing is, is Dollar General would like to have all their improvements outside of the right-of-way or any underground infrastructure. So even if it was an easement-- I think what you're getting at there is if we had that made an easement then we could count our setbacks from this _____ property line, so it would be 25' off of the parking rather than 5. And the issue with that is even though there's an easement, Dollar General has issues with utilities being upon their property even with the benefit of an easement. We even talked about providing that has an easement and then scooting this all up and provide a building and parking over the top of the easement _____ right-of-way. But their concern is sooner or later they're going to have to maintain something with that, those utilities, and they're going to be in there tearing it up. As part of the easement, they would have to fix it and repair it, but that impacts the business greatly. You know, they'd have to cut out that pavement to make those repairs and then you can get the truck in because it's fit right to the size of the truck that needs to come in and there's all kinds of issues with that with landscaping being torn out and all that. So that's really why they'd like to dedicate it as a right-of-way so that's just off their property and they don't have to worry about it, it's clear. If they need to maintain work there it won't disturb their operation. But we did look into that and we're still negotiating that with the County. I think there's a Board of Public, Water or Sewage who has enforcement.

Ms. Wallace: Could you not move the store all the way up closer to Broad Street and then have the parking at the back side closer to the neighbors?

Mr. Paulson: Yeah. We did look at that, too, about putting the building up here and the parking in the park. The bad thing is if you do that there's no way to get the

truck to turn around onsite, because then the truck would have to come – it would have to pull in and then there's no place for them to back out and make the turn.

Ms. Wallace: And neither of the side streets are big enough for a semi to turn on and pull in there and make like a loop?

Mr. Paulson: Exactly.

Ms. Wallace: They're too small?

Mr. Paulson: You have to have a huge driveway because there's so narrow here to make that turn. Exactly. We've looked into lots of options trying to make this work. We tried to avoid coming in front of the Boards like this for variances but we didn't really have a lot of options.

Mr. Stoffel: It's done all the time, building pavement over existing easements. I mean, I'm sure that's preferred by Dollar General, but that's not uncommon and you typically don't see those kind of repairs where it's affecting businesses like you – you know, like you stated. So I don't see any reason why they couldn't build in that. I don't see any reasons for that. But also on the rear yard of 11' I wouldn't even consider it if it didn't have 20. I mean, you're backing up against residences and I wouldn't want any one of those people come to me and say, "How in the world? What happened here?" So I don't know if that means if you could think about going from a 9,100 square foot, to -- I don't know if you have a 7,000 that's 9' narrower. I don't know, but I can't see the 11' at the corner not being 20 and, like you said earlier, what you would do, the HVAC going on the side, that would have to happen. But I would certainly want to see them consider building their drive over an easement area.

Mr. Paulson: Okay. And just move it up to get the 20' in the rear or really as far as we could.

Mr. Stoffel: Yeah, as far as you could.

Mr. Donovan: Put the driveway over the easement.

Mr. Paulson: Yeah. The driveway would have to be, either way. (speaking off mic)

Mr. Donovan: Well, no, the one coming off Broad Street.

Mr. Paulson: Oh, here, yeah. That would have to be—

Mr. Donovan: What's the difference?

Mr. Paulson: Right. That's a good point. I mean, if that did disturb there then they're going to be disturbed in moderation.

Mr. Donovan: Go for broke.

Mr. Paulson: It's just that's the instruction that Dollar General has given us so—

Mr. Stoffel: Sure.

Mr. Paulson: We can take that back to them and see if that's something – if we can negotiate an easement with the County, the sewer, and move everything north we would still need variances on the front and rear setbacks and the parking and the driveway width, we'd still be on variances, they would just be reduced essentially.

Mr. Donovan: Easier for us to grant them.

Mr. Paulson: Okay. And that's about, too – about the neighbors there. This is an advertised meeting, correct? So if they had an objection they should've been or issued a letter back to the City to speak about that.

Mr. Donovan: That's Pataskala, too, so they probably think it doesn't concern them and they have no voice. Because you said that on the – it's all around them except for the west of it is Pataskala.

Mr. Paulson: Yes.

Mr. Donovan: That's a different city altogether.

Mr. Paulson: Right. But they still were notified, right?

Mr. Robbins: There are notifications that are posted onsite.

Mr. Donovan: Oh, okay. Not by mail though?

Mr. Robbins: Not by mail.

Mr. Donovan: That just means putting it on a telephone pole somewhere in the neighborhood.

Mr. Robbins: We turn the signs around so nobody shows up. I'm kidding. For the record, that's not the case.

Mr. Donovan: It's on record now.

Mr. Enfinger: If you are – now, with the conversation of being able to maybe shrink it, you still have to have the – basically the building would still need to be – the front of it would still need to be where it is, correct? I mean, in order to get the truck in

and out. So are you really – how much would you have to take out of it because you can't really move the—

(speaking off mic)

Mr. Enfinger: Five (5) feet? Is that what you—

Mr. Paulson: Well, if you're saying that you want the rear setback to be 20 that would mean we'd have to move everything up 15, because the building width can't change, the sidewalk in front can't change, parking space depth and this can't change. We've reduced that down as much as we can so the only way we can get more in the back is to grant this area in the front, that's 20' as an easement, and then move this all up 8' and that would make this – that would mean our setback would be measured from the front so we've got 25' there. I believe that that's what we would have by code. So minus the 8' that we have to make up, so we're talking 17' there, is what our front setback variance would be 17'. Our rear setback variance would be 20'. But, yes, the building would have to move up. The truck would still be able to get in and out. It's just, you take this whole thing and move it up.

Mr. Enfinger: Right.

Mr. Stoffel: Do you know if that the plans you're speaking of on Broad, has any of that right-of-way been granted?

Mr. Paulson: It has not. That's the whole issue.

Mr. Stoffel: On any part of those plans, I mean, does that – obviously, I haven't seen the plan, but is that for improvements for 500 feet or a quarter mile? What was that plan granting for? Widening there?

Mr. Paulson: It was really for those utilities and for some lighting up here in the roadway. I don't know the exact answer, to be honest with you. Those plans show that force main being put in. I think it's a force main. There's also a 12' gravity sewer within that same area as well and some underground telephone lines. So they just put all kinds of utilities through there. But they show 20' off the property limit. We checked the dimension of the property line and the property line, and that's what they have shown there but then they show 20' and they just have it labeled as proposed right-of-way, just a text on the plans. There's no description of that right-of-way, there's no deed restrictions, there's nothing in the title work, nothing's recorded on that property for that work. So it just fell through somehow. It just didn't get followed-up on. So I think that that could be a solution if this Board would be willing to grant us – I think that's 17' that we need in the front, a 17' front setback, a 20' rear setback, the driveway and the parking count, we could probably make that work along as we can get the Dollar General to agree to having the parking in the easement area and agree to have the government agencies agree to have an easement rather than right-of-way.

Mr. Robbins: I want to be clear to the Board as well. What he is saying is that the parking would then be 17' from the existing right-of-way.

Mr. Paulson: I think so.

Mr. Robbins: The existing setback is 40' and then the building would be placed 20' from the rear property line with the existing property buffer at 60'.

Mr. Paulson: Yes.

Mr. Robbins: Correct.

Ms. Wallace: And that would give more of an opportunity to put up some sort of a barrier or—

Mr. Paulson: Yeah. It would—

Ms. Wallace: Blockage from the homes behind it.

Mr. Paulson: Yeah. We can work with you on that as far as what kind of plantings you want there, whether it's evergreens or something that's going to get a little taller. I know there are some overhead lines that run around along there, too, so they're going to have to be something that's going to be – it doesn't get too big, but whatever the City wants to see in there for – and we have a landscape architect on staff to do that, to gather a plan up they'd think was adequate. But, yeah, it would give us 8 more feet there to stagger some plantings and stack them in there to really get some—

Ms. Wallace: Because the people – I know I wouldn't want to sit out back and look at the back of a store.

Mr. Paulson: Sure.

Ms. Wallace: And if there's the ability to – I mean, we're all used to looking at fences out in our back yard but to have that with some trees and not be looking at the top half of a store when I'm sitting out back.

Mr. Paulson: Yeah.

Mr. Robbins: Could you, for the Board, perhaps with your pen just estimate where that 20' setback would be on the drawing that have there?

Mr. Paulson: Well, this line here that we have shown, it's 25', so we'd be just inside of that is where the building would be.

Ms. Wallace: And the air conditioner would go around the east end of the building?

Mr. Paulson: Yes. And this is actually – if you look at it real close it's kind of – this is closer than here, just with the location of the road and the concrete and everything.

Ms. Wallace: Are we addressing all of the different issues right now at the same time?

Mr. Robbins: These are the variances that are being asked.

Ms. Wallace: I personally don't have an issue with the parking. I frequent stores like this and I've never seen even 20 cars in a parking lot at a time. So you have three employees at any given time probably, a Dollar General maybe four on a Saturday afternoon and 10 cars max, so the parking for me is not an issue because rarely do you see 30 cars outside of a Dollar General.

Mr. Paulson: Yeah. They're not going to ask for 30 just because that's a number they pulled out. That's a number that they, you know – they want to have enough parking for people to come.

Mr. Robbins: To your knowledge, has Dollar General considered any other sites within the City?

Mr. Paulson: You know, we're kind of out of the loop on that. We do the surveying and the site plan drawings. They have a whole team of people that find locations, work with local realtors to find property. I'm sure that they have looked at other properties. This is just the one that they've asked us to move forward with. So I don't know. I can't answer that question, but I know they do geographic market analysis to pick sites. And, of course, there's a cost issue and all that.

Mr. Enfinger: Even at 20' I'm still a little skeptical. That's still really close to the those homes.

Ms. Wallace: I think if there weren't two other really big businesses kind of in the same area I would have more of an issue, for me, because the neighbors – not that it's the best thing or that I would want it, but they're kind of used to it. But, I mean, the 5' absolutely not but something that's even more than is there now on the property line I'm a little more comfortable with.

Mr. Paulson: You know, we could look at – if we can grant this as an easement, there are some grading concerns, there's a ditch out there and I don't have all that information to, you know, this time of the year, but we could look at moving this up as close to the road as we possibly could. I mean, essentially we could have 5' off this one and move this up 20' or 28' more to really get it all closer to the road, as close to the road as we can and then have a wider buffer, as wide as possible in back. We're talking about making it 20, but if we can get this granted as an easement, we'd have 25'

feet here to work with, between the property line and the edge of our pavement. So if you wanted to move that up 20' you could generate 20' of _____, so that would give us a 32' setback.

Ms. Wallace: And then have the front door of the store facing south then, as opposed to facing—

Mr. Paulson: Well, it'd be the same way – everything right up to the property.

Ms. Wallace: Oh, okay.

Mr. Paulson: And that would just generate more space in the back. I would think you'd kind of want to balance it, have some in the front and some in the back.

Mr. Robbins: Does Dollar General have any other size trucks that they use?

Mr. Paulson: They don't. They use a WB-67 pretty much exclusively. I think that they have in the past in really dense urban areas where they can't even get a WB-67 down the local streets because they're so narrow, but I don't think they do in this area, to be honest with you. I don't know the exact answer to that.

Mr. Robbins: Okay.

Mr. Paulson: I can say that we've never developed a site where they have used a smaller truck than the WB-67.

Mr. Robbins: I want to clarify a couple of things as well. So, there's four variances that are being requested on that major site plan application. Any one of those variances gets denied, it basically makes the schematic that you have for the major site plan unbuildable.

Mr. Paulson: Yeah.

Mr. Robbins: From what I'm hearing from the Board, and this might not be the case, but if the Board were to, say, table these applications, these variances, the one that you've requested in the rear, we can adjust that outward it's lessening the extent of the variance. The one for the front would have to be basically resubmitted for – because you're changing the extent to which you're varying the setback. You're asking for 5' and I guess that might be the case actually if you keep it at 5', right?

Mr. Paulson: Yeah. If we kept it at 5' and moved it all the way up and then this – the site plan would change, but the request for a variance technically wouldn't and we'd just have more in the rear. I don't know if the best thing to do would maybe be to grant – I don't want to tell you guys what to do, but I'm just kind of thinking here. If we could get approval on the parking variance, the parking count variance, the driveway width and then go back and see what we can do as far as this easement and the front

and the rear setback, with you guys telling us what you'd like to see, the most possible in the rear with just enough to get the landscaping in the front or you'd like to see it balance. I mean, the dimensions here aren't going to change, so even if you could approve with 10 more feet in the back and 10 less feet in the front, then we can revise the site plan and move forward. So I'm not sure how the Board wants to move forward with that.

Mr. Stoffel: Wouldn't we still want to see the landscaping and we want to see lighting. We'd want to see how that was going to work.

Mr. Paulson: Okay.

Mr. Stoffel: So I think Justin's idea of possibly considering tabling it because even at this, even if we say, "Okay, you're moving it up 25, 20' or whatever" we still don't know how you're going to treat the back or how you're going to treat the screen between the western parking lot and Annette Drive, you know. I mean, I see some bushes there, but I don't know how that's going to work. I think just moving it that much – and, to be honest, I'm just not comfortable with the whole right-of-way and easement thing. I just -- if you say that you guys have worked that out and you're confident about what's going on there and how, you know – If we say, "Yeah, you can go up to 5' of the existing right-of-way" then it comes back that "Oh, no, that right-of-way's been granted" it has not.

Mr. Paulson: We, being the developers, had to jump through all kinds of hoops investigating that.

Mr. Stoffel: And because it makes it makes really interesting, if you do shove that parking and that drive up to 5' off the existing right-of-way, how that then affects your WB-67 template because that'll change it.

Mr. Paulson: Yeah, it will. I think we'd be okay, though. Honestly, really this distance here isn't a major impact on that. This is this much from this much. The truck still meets – it's really this width here, this row width here, and the width that they have to back around and make that movement.

Mr. Stoffel: Yeah, and your—

Mr. Paulson: I think we'd be okay, to be honest with you, as far as the truck goes.

Mr. Stoffel: Any your 20' radius, that's—

Mr. Paulson: Yes. That's the key, yeah.

Mr. Stoffel: That's the key?

Mr. Paulson: Yeah. And we'd want to look at, because we've got pictures –I drove up there as well. There's a big ditch along here, too, so I'm kind of afraid of saying it'd be 5 foot off the right-of-way line if that's constructible, you know, because I think we may have an issue there. So we can investigate that some more to see how close we really could and come back to you guys with a plan that says, "This is what we think is the best idea." But really we'd like to get some feedback. I think it's been fairly positive. The developer is really pushing this along. They're on a tight deadline to get this store built and turned over the Dollar General to occupy and I would hate to go through the whole process and then come back here and say no. If you guys are willing to work with us and work out the exact dimensions of what's where, we can do that; but if we're going to go through that whole process, then come back here and say, "Well, we just don't like the whole idea. We want it to be 60' from the rear like the ordinance requires," then it's kind of a waste of time.

Ms. Wallace: I don't know if we can do this and vote on the driveway width and the parking spaces so when he does a new depiction it would allow for the change in that or the variance in that?

Mr. Robbins: If the Board wants to allow the applicant revisions, it's our recommendation that all the items be tabled and then you vote on everything at the next meeting. The variance stays with the property, so if you allow a parking reduction to 30 vehicles and the building doesn't get developed, then all of a sudden you have a reduced parking count on the property and the same with the front setback. And the front setback applies to buildings as well. So if you reduce that front setback, they decide not to go ahead with it, then all of a sudden somebody can build a building 5' feet away from the right-of-way. So I think there's other items to consider and the variances should be considered as a whole with the property that is being developed.

Mr. Paulson: I think so, too. You want a paid packaged deal.

Mr. Enfinger: As you are asking for more feedback, I'm still uncomfortable with the 20'.

Mr. Paulson: Sure.

Mr. Enfinger: So just so you know.

Mr. Paulson: Okay.

Mr. Enfinger: I think you're really trying to shoehorn something in here and I'm just opposed to that, the whole thing. It's a little too big, a little too much encroaching on the residents around it and I wouldn't want to be living there. And I think this will have a significant impact on the property values right around that area and as far as we're concerned, that is something that we are tasked to take into consideration, so I just want to give you feedback on that.

Mr. Paulson: Yeah. The setbacks there really restrict what can be built there as far as—

Mr. Enfinger: And I understand it would have to be something very small, you know.

Mr. Paulson: Yeah.

Mr. Enfinger: So I understand that but, like Justin just said, if we offer these things these are permanent variances and this building is going to be here for 50, 75, who knows how many years, so that's the reason why I take this stuff very seriously.

Mr. Paulson: Yeah. Understood. That's the reason you guys are here, absolutely.

Mr. Robbins: If the applicant likes, you can request that the items that you've proposed be tabled by the Board.

Mr. Paulson: Okay.

Mr. Robbins: And the Board can vote on tabling those items if that's case, if the Board doesn't have questions.

Mr. Paulson: Is there any other negative feedback about what we've talked about, about moving things around a little bit?

Mr. Stoffel: Again I'd agree with Aaron that just doing this, it may not be a slam dunk that it would come back with an approval—

Mr. Paulson: Sure.

Mr. Stoffel: --but again, not seeing landscaping, not seeing any lighting, not the posture of Dollar General not to want to have any pavement and easement area and feel more comfortable just shoving that back on the private property owners rather than trying to keep it up and away and toward the road, that's a little concerning to me. So I would say again I like the idea of tabling it. Give it the best shot. You know what we're trying to work for and if that 20' becomes 30 or if, who knows, we'll look at it again, but do we have to make a motion to vote on the table?

Mr. Robbins: Yes. For each item we'll call roll and you'll have the ability to table the item.

Mr. Paulson: Do I need to request that formally?

Mr. Robbins: It wouldn't hurt.

Mr. Paulson: I request they be tabled, the four variances and the major site plan review until the next meeting. I don't know if it's possible to schedule a special meeting or not.

Mr. Robbins: It'll be the third Thursday in June. And just so you're clear as well, Design Review has to occur as well—

Mr. Paulson: Yes.

Mr. Robbins: --and that will be the first Thursday in July after the BZBA meeting.

Mr. Paulson: So we better get this put to bed before that meeting?

Mr. Robbins: Yeah.

Mr. Paulson: Okay.

Mr. Robbins: And that would be zoning. That still requires a building permit in Engineering as well. So I want to make sure you're clear on the schedule, the time table that you're looking at.

Mr. Paulson: Yeah.

Mr. Robbins: Is there a motion to table from the Board?

Mr. Stoffel: Should we make a motion on each individual variance application? I'll call them all off as part of one motion.

Mr. Robbins: Okay. I think that'll be fine.

Mr. Stoffel: I'll make a motion that we table Variance Application #164596, Variance Application #164629, Variance Application #164630, and Variance Application #164631.

Mr. Robbins: Was there a major site plan there as well?

Ms. Moeller: Um-um.

Mr. Enfinger: I'll second it.

Mr. Stoffel: And, excuse me, Major Site Plan Application #164595.

Mr. Enfinger: I second.

(Ms. Moeller called the roll. Mr. Stoffel voted “yes.” Ms. Wallace voted “yes.” Mr. Donovan voted “yes.” Mr. Enfinger voted “yes.”)

Mr. Robbins: We would strongly suggest that you or Jacob Horvath— If you want to contact me sometime next week.

Mr. Paulson: Thank you.

12. VARIANCE APPLICATION, 8005 BROAD STREET, REYNOLDSBURG, OHIO; PRESENT ZONING, CS; OWNER’S NAME, DN REYNOLDSBURG, LLC; REQUESTING A VARIANCE FROM SECTION 1175.05, TABLE 1175.05 TO INCREASE THE REQUIRED MAXIMUM BUILDING HEIGHT FROM FORTY-FIVE FEET (45’-0”) TO A REQUESTED SIXTY-FIVE FEET (65’-0”). CONTACT: MICHAEL T. SHANNON (#164581).

Mr. Stoffel: Will you read Item B12, please?

Mr. Robbins: Yes. Application #164581, Zoning Variance for address at 8005 East Broad Street. The property is located on the southeast corner of East Broad Street and south Waggoner Road. The existing zoning is CS, Community Services. Requesting a variance from Section 1175.05, Table 1175.05 to increase the required maximum building height from 45’ to a requested 65’. Current use is undeveloped vacant land. Applicant is DN Reynoldsburg, LLC.

Properties to the west are unzoned. Properties to the north and east are zoned CS, Community Services. The lot is approximately 211,702 square feet. Section 1161.04, Commercial District, CS, Community Service District. The Community Service District provides land for major business establishments engaged in selling, servicing or repairing goods and materials which do not contribute to the design of unified commercial center. Since the business establishments in the districts have a larger trade area including the highway traveler, they require locations on major thoroughfares and intersections, directly from the code. As stated in Section 1161.04(d), the primary user for properties located within the CS District are those typically found serving a larger trade area oriented towards highway travelers and located along major thoroughfares and intersections. The use of a hotel and motel is one that is legally permitted by right within the CS District as those uses are typically served by patrons requiring access to major intersections and freeways. Just in comparison for the Board, the CC, Community Commercial District allows buildings up to 90’ in height and up to six stories. This is the district that you see in – mostly within East Main Street and Brice Road. While they could currently limit building heights and stories within the CS District of 45’ and three stories respectively, the intent of the District is to promote quality development that will make use of prime locations within the City. Hotels that require multiple floors and larger building heights should not be affectively blocked from entering the City due to height restrictions found within the code. The limitations of height to this user would affectively limit his ability to operate the permitted use within this property, thus creating the hardship. As stated in Exhibit B of the applicant’s

materials, the variance is in accord of the general purpose and intent of the regulations imposed by the CS District, does not permit the establishment of any use not otherwise listed as permitted and creates a practical difficulty in the strict application of the 45' height restriction.

Staff would like the Board to consider, if the requested variance meets the test as outlined in Section 1145.07 of the code, if the Board finds the full enforcement of Section 1175.03 is causing an unnecessary hardship on the applicant, staff recommends the Board approve the variance as submitted. Just a little bit of background as well. This is a hotel user coming onsite. The next item on the agenda is the major site plan for the hotel if the variance goes through.

Mr. Stoffel: Name and address, please.

Mr. Mike Shannon: Mike Shannon on behalf of the applicant, Crabbe, Brown & James, 500 S. Front Street, Suite 1200.

Mr. Stoffel: Thank you.

Mr. Shannon: Mr. Chairman, members of the BZBA, it's a pleasure to be back again in front of this Board, although it's been quite sometime. I'm here this evening as Justin has indicated, to request a height variance to permit the construction of a five-story hotel on East Broad Street which is commonly referred to by some as the Lowe's Commercial Center. The key to our variance request is that we need to comply with 1147.05 and establish that under some cases you need to establish a hardship and, in this case, we believe it's really a practical difficulty that we need to establish, although we concur with staff's report that both a hardship and a practical difficulty exist under these circumstances. I would like to, for the record, go over the requirements in 1147.05 to demonstrate that this height variance to increase it from 45' to 65' is reasonable under the circumstances and merits your favorable consideration.

Item A, this height variance is in accord with the general purpose intent of the regulations imposed by the CS code and will not otherwise be injurious or detrimental to the public welfare. I think the fact that a hotel was a permitted use in this zoning category is dispositive of that issue. Item B, the height variance will not permit the establishment of any use which is not otherwise listed as a permitted use or prohibited by implication in the code. Again, staff has already indicated it is a permitted use. Special circumstances which may merit favorable consideration of this variance is that previously when this property was developed it was sold by an affiliate of The Limited Company to my client and there was a deed restriction which prohibited the construction of hotels and that deed restriction has been modified by The Rano Holding Company and that should be in your packet as Exhibit C. The Rano Holding Company is an affiliate of The Limited and they have released us from that deed restriction to permit, and I quote, "The operation of a trademarked mid to upscale hotel and restaurant." So that is the special circumstance that necessitates this height variance. The practical difficulty exists in that the strict application of the 45-foot height limitation would prohibit

the construction of this hotel. E: This requested variance is necessary for reasonable use of the land and the height variance requested is the minimum variance that we can ask for to accomplish this purpose. F: The requested height variance will not impair an adequate supply of light and air to adjacent property, substantially increase congestion in public streets, increase the danger of fire, endanger the public safety or substantially diminish or impair property values of the adjacent area. The height variance will not confer any to the property owner any special privilege. H: The applicant is not seeking a variance from a non-conforming use but, rather, from a permitted use in the code; and I: The height variance is not a matter of convenience where other remedies are available within the provisions of the code. A practical difficulty exists for the aforementioned reasons.

We would respectfully request your approval of this variance. It will allow our clients to enter into contract with a nationally trademarked hotel to locate here in Reynoldsburg on approximately 5 acres of this commercial development. The variance, we feel, is warranted under the circumstances and obviously the intended benefit to the City of Reynoldsburg as you have further development in your commercial corridor at a commercial site and also there's a hotel/motel tax which gets earmarked specifically in most communities for economic development and community development purposes and this hotel would generate significant hotel/motel taxes in that regard. With that, I'd be happy to address any questions and/or concerns that the Board may have.

Mr. Stoffel: Does the Board have any questions? (No response.) If not, I'll move that we approve Item B12, Variance Application #164581.

Mr. Enfinger: I'll second it.

Mr. Stoffel: Go ahead and call the roll.

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

Mr. Shannon: Thank you very much.

Mr. Robbins: A zoning certificate is required.

Mr. Shannon: Yes, sir.

Mr. Robbins: I'm just kidding.

13. MAJOR SITE PLAN APPLICATION, 8005 BROAD STREET, REYNOLDSBURG, OHIO; PRESENT ZONING, CS; PRESENT USE, VACANT; PROPOSED USE, HOTEL/RESTAURANT; PRESENT OWNER, DN REYNOLDSBURG, LCC. CONTACT: MICHAEL T. SHANNON (#164584).

Mr. Stoffel: Could you please read Item B13?

Mr. Robbins: Yes. Last application of the evening. Same project. Application #164584, Major Site Plan Review for 8005 East Broad Street. As stated in the record before, applicant is the same, zoning is the same. The applicant is requesting a major site plan review for a proposed hotel and restaurant. The applicant has applied for a variance from the Board of Zoning and Building Appeals to increase the available height to 65' and five stories, which was approved. The property is part of a plan development with adequate signalization and access to Broad Street. Bear with me for a second. We have a lot of code in there taking up some pages.

Reviewing the site plan, staff had several concerns regarding the landscaping and screening in the surrounding parking lot. Section 1180.11 states that the intent of the code is to break up large expanses of pavement with landscape and islands. Staff would like the Board to consider to what extent the ends of the parking bays should account for the interior lot landscaping. If the intent is to break up expanses of parking then the position of the landscape and island should be interspersed within the parking area. As proposed by the applicant, it's basically on the ends of the parking bays. Staff also has concerns regarding the screening surrounding the proposed lot. Code requires at least 10' of perimeter landscaping. The site plan does not indicate the presence of screening. Staff would like the Board to require perimeter lot landscaping in conformance of Section 1180.11(b). Staff would also like the Board to consider how these standards should apply to the east side of the lot. The proposed plan shows pavement extending to the lot line with no area for landscaping. Code does allow shared parking and access between properties and staff asks the Board to determine whether or not the adjacent lot line should meet the perimeter landscaping requirements. Following determination by the Board on the landscaping within the surrounding parking lot within and surrounding the parking lot, staff recommends the major site plan application be approved on the condition that a finalized parking and landscaping plan be submitted and reviewed by the Design Review Board as required by code. Once finalized, the applicant will have met all criteria for a major site plan approval as outlined within the code in Section 1143.03(c).

Mr. Michael Shannon: Thank you again. For the record, I'm Mike Shannon, Crabbe, Brown & James here on behalf of the applicant. I was remiss in not introducing our Engineer, Steve Hermilier as well as some principles in Development, Mr. Dan Giltz and, I believe, Mr. Dave Thomas. Again, the major site plan review has 16, 17 different components that you need to review and we've honed it down just to this landscaping issue. I'd respectfully like to point out that as this site has developed, it was initially approved in 2008, I want to say, or thereabouts. The site plan that was approved at that time on this particular site where we're showing a footprint for the hotel of about 25,000 square feet, that footprint was a 40,000 square foot footprint and it was going to be two stories and it was going to be 80,000 square feet. What we have here is a situation where we are seeing a lot of activity about proposed additional retail uses coming in to fill in the gaps in the remaining property that can be developed here on this site and we think this hotel will be a catalyst for additional retail and development. As a consequence, we feel that the parking lot as proposed is better served and not to have

the landscape islands interspersed in the middle. We feel strongly that the – I believe you call them the end caps at the ends of the parking aisles being green would be sufficient. We also have provisions for reciprocal parking easements for the other retail tenants that are currently there and the prospective retail tenants that we think will follow soon after and, for that reason, we feel that the additional landscaping would cut out sorely needed parking spaces for retail development. I would like to also point out, if staff could go back to the slide that was shown. There, the green one. If you wouldn't mind looking at this site – those obviously -- you live here and you're more familiar with the site than I, but this site is a main green retail machine when you look at the existing buffers that already exist. There, obviously between our service road and Broad Street is a very substantial conservation easement that protects that ravine and heavily treed area and that is not going anywhere. Also directly south of our property is an extremely large tract that has been dedicated, it is my understanding, for agricultural uses in perpetuity, so we literally are surrounded by green space. This also sits a significant distance off both of East Broad Street and – is it Waggoner Road?

Mr. Stoffel: Yeah.

Mr. Shannon: And we feel that the amenities that already exist in terms of green space offer a significant landscape buffer from the public right-of-ways which is the intent of the code. We would respectfully request that you approve our major site plan as submitted and we know full well that the landscaping, as Mr. Robbins indicated, will have to go through a final design and review approval from your Design Review Board. We believe under the circumstances – we're talking about conservatively an 8.5 to 10 million dollar investment here with this hotel and that, again, does not include what the spin-off development that we're going to have additional retail development when you bring a hotel into a site there are a lot of other retail uses that tend to follow those hotels because when you have, again, as the code indicates for this zoning district, highway-oriented travelers that are spending the night, they have a lot of commercial needs that perhaps the Lowe's store won't provide for them and we feel that we'll be able to expand the retail uses in this strip center, significantly increase the tax base for the mutual benefit of my client and the City of Reynoldsburg. So for those reasons, we respectfully request your approval of the major site plan application. I'd be happy to address any questions.

Mr. Enfinger: What's the difference between the two footprints, I mean, because they are different as far as the layout.

Mr. Shannon: The original footprint was for a two-story furniture store, a 40,000 square foot first floor and second floor. This new footprint, the smaller is the footprint of the hotel.

Mr. Enfinger: Okay, well let me – maybe I didn't – between page one and page two, what's the difference between them because they're actually different. The parking lot is completely different. What's the difference between the two and which is actually the one that you're proposing to build?

Mr. Robbins: I can perhaps address that a little bit. I've been in contact with the applicant. The second page that was provided is a—

Mr. Shannon: Prototype?

Mr. Robbins: Yeah, a typical landscaping plan as seen as one of these hotels is normally developed.

Mr. Enfinger: So the first page is actually what we would expect to see and the second one is just kind of a typical – this is how much vegetation, what we put. Okay, because they're different, they're not the same.

Mr. Robbins: Okay. Would you or the applicant be amenable to putting maybe one to two landscaping islands in the longest section of parking that you have on the east side? Looking at the site the way it is, the existing Lowe's development, they do have parking interspersed – excuse me, landscaping islands interspersed. It would take up approximately two parking spaces.

Mr. Shannon: I'd need authorization from my client. Mr. Giltz – and you better swear him in because he wasn't here when you swore everybody else in. Not to reflect on his character, but just to establish the record.

Mr. Donovan: He needs to be sworn in, Dave.

Mr. Stoffel: State your name and address, please. And if you didn't have a chance, before you leave make sure you sign in.

Mr. Dan Giltz: My name is Dan Giltz, Giltz & Associates, 4835 Munson Street, Canton, Ohio.

Mr. Steve Hermilier: Steve Hermilier, Mannik Smith Group, 815 Grandview Avenue, Columbus, Ohio, 43215.

(Mr. Stoffel administers the oath.)

Mr. Giltz: Well, if I understand correctly, what you're asking for is – I don't know the magnitude of the landscape island that you're referring to but—

Mr. Hermilier: I believe he said two parking spaces.

Mr. Robbins: Yeah. Two hundred (200) square feet of landscaping per 10 parking spaces. The intent is to break up large expanses of parking and it's not really an issue on the west side of the site, but on the east side where you have a full length of parking bay, I think it would be of great benefit to have at least one landscaping island in

there. And the Lowe's development to the east, they have it about every other parking bay's one landscaping island.

Mr. Giltz: Is that the only issue from a staff perspective?

Mr. Robbins: There is the issue of landscaping surrounding the parking lot to the west. I think Mr. Shannon has addressed a lot of those concerns, basically the fact that this was established as a planned development. The parking lot to the east is not of concern with landscaping, but to the west facing Waggoner Road typically parking lots are required screening of a certain dimension.

(speaking off mic)

Ms. Wallace: I do have a question. Is that private drive now, is that going to be widened to be a two-lane road in and out with access from Waggoner Road?

Mr. Giltz: No. It does have access from Waggoner Road but it's in only.

Ms. Wallace: Just in.

Mr. Stoffel: It's a one-way.

Ms. Wallace: Um-um.

Mr. Giltz: And it's now a service road for all the out lots plus access to Lowe's and to whatever and it's maintained by a reciprocal maintenance agreement between all the tenants and all the future tenants.

Ms. Wallace: So it'll continue to just be a one-way in to that area?

Mr. Giltz: That aspect of it. I mean, as far as the access off – if we could have full movement off of Waggoner Road we'd love to have it, but there were issues extant at the time we were getting the original permits that that's the way it was permitted and, at this time, we wouldn't make a request to make it full movement. And we're somewhat trying to focus on what we think will serve the immediate needs and also future needs and as far as the access, there's other issues related to the proximity to the traffic light and some other things that we wouldn't be prepared to address this evening in any way. But if we're getting back to the landscaping issue, I mean is that—

Mr. Robbins: Those were the only comments had by staff.

Mr. Stoffel: I would assume the trees along the south property line, you'll be able to preserve those for the most part. From the aerial, did they—

Mr. Robbins: Let me turn the lights off real quick so you guys can see.

Mr. Giltz: Yeah.

Ms. Wallace: He indicated that those were part of some—

Mr. Donovan: That's a farmland, that's permanent farmland.

Mr. Enfinger: Well, those trees are probably positioned right on the property line, so I was just hopeful that you guys would be able to preserve those.

Mr. Giltz: Well, there will be a roadway behind and it would sort of dictated by fire access and whatever, that you'd have to be able to have circulation around the building—

Mr. Stoffel: Right.

Mr. Giltz: --and also to make deliveries. Could you take the screen over to behind the Lowe's?

Ms. Moeller: Oh, yeah. Sure.

Mr. Stoffel: Oh, yeah.

Ms. Moeller: Bear with me, it's loading.

Mr. Giltz: We would anticipate an area – there is a setback area to the rear, in any event for the roadway.

Mr. Hermilier: There's some utilities that were installed on the southern property line. If you can imagine the storm and the water already have been installed so the trees that have been brushed out are – it won't develop further south than what it is with exception to what those utility lines are, or what was approved on the original PNC plan in 2008 or whenever.

Mr. Giltz: So to answer your question, I believe with the exception of possible utility extensions that may _____ utilities sometimes it's just a matter of time before you lose a few trees because of root damage, but we have no intention of clear cutting those trees.

Mr. Donovan: You call that the Lowe's Center there? If you go out there on Waggoner and Broad Street there's a marquee thing on the corner that says "Shoppes of Broad."

Mr. Stoffel: East Broad.

Mr. Donovan: "Shoppes on Broad" I believe it is. I live in that area. I've been up and down that street many times. I go to Lowe's, that's my second home.

Mr. Giltz: Well, that's good. That is an extremely high-performing store for Lowe's. They're above average. They exceeded expectations even after Menard's opened.

Mr. Donovan: What's this restaurant that you're—upscale restaurant you were saying?

Mr. Giltz: Well, it would be incorporated as part of the hotel. It would be a food service. Like if you were to go to a select hotel, it wouldn't necessarily be sit-down – well, it would be sit-down but I mean it's—

Mr. Donovan: You're not going to have a marquee name restaurant in there. It's just going to be the hotel restaurant.

Mr. Giltz: It will be the hotel restaurant.

Ms. Wallace: I would imagine that this is probably going to do pretty well. You have a large area of rural that's not being met by a hotel at this point. You have up near the freeway and then you have Newark and there's nothing in between essentially.

Mr. Giltz: In getting back to your point with regards to the two parking spaces to break up the continuity, we would agree to that.

Mr. Robbins: Okay. The properties that develop to the east will be held to the same standards, so you'll see that going on down as they develop the retail, hopefully it happens.

Mr. Stoffel: And then your only other question, Justin, was that they screen the drive on the west side between them and Waggoner, other than that.

Mr. Robbins: I was speaking primarily about the area between the hotel and the retention pond.

Mr. Stoffel: Right.

Mr. Robbins: And I think that would probably be of benefit to you as well.

Mr. Giltz: That would be in the green area in front of the pond itself.

Mr. Stoffel: Yeah. I mean, that could be dressed up really nice with that basin in between your drive there and that existing basin if you were to—

Mr. Robbins: Retention basins aren't always the most attractive of features to find in the landscaping.

Mr. Stoffel: Yeah, it would probably behoove you to dress that up.

Mr. Donovan: Get lots of alum.

Mr. Robbins: Arbovitae is typically what's done. Let me find the exact section of code. It's the height requirements aren't excessive. Bear with me here for a second. Okay. I'll just read it verbatim. It says, "All parking lots shall provide perimeter landscaping. Parking lots shall have a perimeter landscaping a minimum width of 10' exclusive of vehicle overhang. The landscaping shall consist of continuous evergreen hedge, evergreen tree, earthen mound, or combination thereof as required to provide a continuous opaque screen a minimum of 36" in height within one year of installation. Perimeter landscaping shall also contain a minimum of one deciduous tree per 50 linear feet of parking perimeter."

Mr. Giltz: You said 50?

Mr. Robbins: Yeah. One per 50. So this could be mounding with – in boxwoods, something like that. It's not 6' high excessive. It's, again, I think it'll be of benefit as well to screen that retention pond away from the hotel.

Mr. Shannon: I'm going to spend your money and agree to that.

Mr. Giltz: Well, I'm just going to say-- Excuse me, Counselor. Go ahead. We're in too deep already, right?

Mr. Shannon: We would agree with that, Mr. Robbins.

Mr. Stoffel: Do you, Justin, expect to receive a landscape plan or are these recommendations good enough?

Mr. Robbins: Yeah. I think a landscape plan will have to resubmitted to staff. This all goes to Design Review along with the hotel and the building and I think by that point we should have something on paper that shows exactly what landscaping is going where within the site so they can reasonably assess what you're planning to do.

Mr. Giltz: And for the record, The Limited did retain their Design Review rights as well, so you can be assured I'll have to pass muster with them as well.

Mr. Robbins: White picket fences everywhere?

(laughing)

Mr. Stoffel: Do we have any other questions?

Ms. Wallace: No.

Mr. Stoffel: I'll make a motion that we accept Item B13, Major Site Application #164584 based on the forthcoming landscape plan to have the additions requested by Justin and agreed to by the client.

Ms. Wallace: I'll second.

Mr. Robbins: I'll call roll this time.

(Mr. Robbins called the roll. Mr. Stoffel voted "yes." Mr. Donovan voted "yes." Ms. Wallace voted "yes." Mr. Enfinger voted "yes.")

Mr. Enfinger: Thank you very, very much.

Mr. Shannon: Thank you very much.

Mr. Robbins: And if you could have the Architecture Engineer contact me after the meeting, that would be really appreciated. Sometime next week would be just fine. I think Mr. Enfinger – did you have anything to say?

Mr. Enfinger: Yes.

Mr. Robbins: Possibly Other Business.

C. OTHER BUSINESS

Mr. Enfinger: So, for moving into #C, I need to amend my votes on New Business B1 and B2 and I maintain my vote of "no," but I needed to add that I am referencing 1145.09 Section A that it is not in keeping with the existing or intended character of the district and with Item B2, I retain the vote of "no" because of the lack of it, because of Section 1145.09 and it does not meet the requirements for Section A and E. So I needed to clarify that.

Mr. Stoffel: Thank you. Is there any Other Business?

Mr. Robbins: None from staff.

Mr. Beougher: If not, we will adjourn at 8:56.

D. ADJOURNMENT

The meeting was adjourned at 8:56 o'clock p.m.

David Stoffel, Chair

Megan Moeller

Justin Robbins

This document was transcribed by:
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