



MINUTES

BOARD OF ZONING AND BUILDING APPEALS THURSDAY, APRIL 21, 2016 6:30 PM

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

A. CALL TO ORDER

PRESENT: Linder, Donovan, Enfinger
ABSENT: Rettke

2. APPROVAL OF MINUTES

Minutes stand approved.

3. APPROVAL OF AGENDA

Agenda stands approved.

4. SWEARING IN OF SPEAKERS

Chairman Enfinger: Good evening everyone. If we have anyone that would like to speak before the Board this evening. I would like for everyone to know that we need you so sign in so that we have a record of everyone that spoke this evening. I also need to swear in all parties. You can wait until you step up to sign in, just before you leave this evening, just make sure everyone signs the form. If you do plan on speaking this evening, I need you to swear in. So, if you could please stand and raise your right hand. Do you swear or affirm that the testimony you will give in front of the Board will be truthful? If so, please answer, "I do" (*Audible I do's.*) Thank you.

B. PUBLIC COMMENT

No public comment.

C. UNFINISHED BUSINESS

No unfinished business.

D. NEW BUSINESS

1. **6630 E. Main St.; Application #173126; Applicant: Tony Fredenberg; Business: the Kroger Co.; Special Exception Use Permit - Gasoline Station**

Mr. Snowden: Mr. Chairman, and Members of the Board, as you can see, all of our items except for item number twelve are going to be pertaining to one particular project. So I am going to give a combined Staff Report for items number one through eleven addressing all of these various applications. However, due to the manner that we handle special exceptions and variances, the Board will need to go through and improve each application. Does that make sense? I do not want to confuse anyone. That is the most efficient way if the Board is comfortable, rather than having me read the same information eleven times. I will proceed

with the presentation as if this was one application.

Chairman Enfinger: Very good.

Mr. Snowden: Good evening. This was 6630 E. Main Street - Kroger - Major Site Plan, Variance, Special Exception Use Permit, Comprehensive Sign Plan. Application: #173126-173136. For the property located on the northwest corner of E. Main Street and Rosehill Road. Existing Zoning: CC - Community Commerce / CCO - Community Commercial Overlay. Request: Request for review of a major site plan, variances from the Zoning Code, special exception use permits and a comprehensive sign plan in order to construct a new commercial building. Current Use: Vacant land. Applicant: The Kroger Co. C/o Tony Fredenberg/David Hodge. The applicant is requesting the Board review and approve a major site plan, variances, special exception use permits and a comprehensive sign plan to construct a new 101,497SF commercial building, gasoline station and related improvements. In front of you is the site plan. The 16.47AC site consists of multiple parcels that have a variety of legacy uses, including residential dwellings, a mobile home park, a retail sales business, some personal services uses. The main tracts are undeveloped at this time, but were previously used for a trailer sales business. Along Main Street, the site abuts other commercial businesses, all in the CC district. To the north, the property abuts a multi-family housing complex. Along the northernmost lot line, the site is adjacent to single family dwellings in the City of Columbus. All parcels that front E. Main Street are within the Community Commercial Overlay. Records indicate that commercial zoning has been applied to the majority of the site around 1972. Site Layout - The applicant met with Staff several times during the pre-application phase. Staff requested that the applicant include pedestrian accommodations and access to the front of the main building. You can see along the center entrance drive there that the applicant has provided a walkway up from the public street that provides a safe access to the front of the building, which was at the request of Staff. The applicant has also moved the fuel center away from the corner of Rosehill Road and E. Main Street. It was shown in the corner where it says Phase 2 Development, that was shown as the fuel center in the original version of this plan that was presented to Staff in pre-application. The applicant was agreeable to Staff's proposed changes and Staff supports the general layout of the site plan. Staff has reviewed the site circulation study and found that the applicant is exceeding the minimum parking requirements of Table 1179. The required parking for grocery store is 1 space for every 300SF of building area. This would require the applicant to have 338 parking spaces on site, and they have provided 634 spaces. The applicant has provided a traffic study for review by the City Engineer. The applicant proposes to reduce the number of curb cuts on E. Main Street and Rosehill Road as part of this proposed development. So, each one of these parcels has at least one or several curb cuts, and the overall number of curb cuts is going to be reduced. We have two on Rosehill and three on Main Street, and currently there are five on Main Street and three on Rosehill, so we are reducing the overall number of curb cuts in general. The applicant has provided a detailed landscape plan showing proposed screening to the neighboring single and multi-family dwellings. Upon review of the plan, Staff requested that the applicant extend the proposed mound along the entire rear of property. After conducting a meeting with the neighboring property owners, the applicant has submitted a revised landscape plan extending the mound and adding a rear privacy fence. Staff is comfortable that the fence and the

amount of landscape materials shown on the plan meet or exceed the requirements of Chapter 1180 for buffering between commercial use. So, based on the Code, the applicant is above that, given the mound, and the landscape, and the fence. You can see my table of lot characteristics showing that the applicant is meeting the minimum requirement which is basically the site table that is in our zoning code. Variances - You can see that the applicant has requested several variances. The first group of variances, all but one of the variances pertain to Chapter 1196 of the Zoning Code. That is the Community Commercial Overlay. For those of you who are not familiar with the Community Commercial Overlay, it was enacted in about 2008-2009 to deal with some of the issues that were happening with existing commercial structures on Main Street. Mostly, these are small to medium sized commercial buildings in multi-tenant shopping centers. What that required was buildings to be up to the street, parking behind, a few other details. It really wasn't designed to apply to development of this scale. In this case, if you look only the portions that front E. Main Street, and not this lot back here where the majority of the applicants building is, is actually in the overlay. So, when it was written, it was written in a bizarre manner. You would have to cross over the overlay to get to this property back here. The tools that are provided for in that chapter, don't really apply well to a big box style development. That is just a fact. So the applicant has requested a variety of variances, including parking lot, light height, and mostly having to do with the orientation of the building. They can give you more of an explanation as to why orienting the building to the public street is not going to work for them, but I will defer to their various statements about that. I know that there are members who have questions. So basically, the applicants are asking to vary. They have complied with the materials requirements, and some site design requirements, but given the big box style development, they are not able to meet many of those regulations and that is why they are requesting the variances. The other variance is Section 1175.08. If you look in that section, there are some minimum setbacks for properties from neighboring residential uses. Those can be varied by 50% by the Board, as part of the site planning process, given that the applicant would have landscaping. In this case, the minimum would be twenty-five, and you can see the applicant is requesting a twenty foot setback for the parking lot. So, they would need a variance to get to that twenty. That is the only variance that doesn't deal with the Community Commercial Overlay, is this variance. I think that in the original application, one of the buildings was too close to the property line, but, once you look at that section that says you can cut it by half, with the Board's approval, you won't need the variance. You will only need it for the five feet along the south side of that multi-family. Special Exception Use Permit - Drive Thru The applicant has requested a special exception use permit for drive-thru service for a pharmacy. The proposed drive-thru is along the west side of the building. The drive-thru complies with provisions of Section 1196.07 that requires drive thru to be attached to the main building and located at the side or rear. The large setback of the building and the location of the attached drive-thru prevents vehicles from stacking back into any public street. The drive-thru is screened from the neighboring office use by a mound and landscaping that exceeds the requirements of Chapter 1180. Special Exception Use Permit - Gasoline Station. The applicant is requesting a special exception use permit for a gasoline station. Gasoline stations are a typical part of this applicant's business model. Staff has worked with the applicant to move the gasoline station away from the corner of E. Main Street and Rosehill Road in order to allow a site for future commercial development directly on the corner. Staff is comfortable with the location because it is not adjacent to any of the

abutting residential uses and does not directly block the main structure. Obviously you don't want to create a situation where you have fumes from the fuel center creating a nuisance for any of the existing single family or multi-family. In this case it is about as far away as it can be, and still create these pads for future development. Comprehensive Sign Plan - Per the Code, the applicant is permitted one sign up to 760SF in area on the main building. The applicant has submitted a comprehensive sign plan showing 273.66SF of signage to be split up in 6 individual, internally illuminated signs. They are proposing less signage than they are entitled to per the Code. And they are proposing to break that up into the different uses and sub-services that they are going to be providing. I feel like what they are proposing is much more attractive than having one gigantic sign that is up to 760 SF which is what they are entitled to per the Code. The applicant also proposed 141.12SF of signage on the gasoline station. Signage areas for gasoline stations are very difficult to determine based on the code, but staff is comfortable the proposed signage is consistent with typical gasoline stations and is not overpowering the canopy. Calculating signage based on our code for fuel centers, is really hard because it says that it has to deal with the size of the tenant space. So, the question is, do you deal with the small tiny building where the payment goes, or do you deal with the entire canopy. That would be really too big. They could have a huge sign if you went with the entire canopy. What they are proposing is reasonable. I would like clarification, one of the drawings shows the canopy signage as LED and one shows it as copy change, so I want to just clarify. One final comment about the fuel center, in discussion Dan and I felt they are using the brick material that is on the main building pretty consistently throughout the whole site, except for whatever reason on the small payment building at the fuel center they are proposing a CMU wall panel. Dan and I would like to see that brick material utilized as well. The applicant is proposing a 118.02SF ground sign with multiple sign panels for service uses and an LED style sign for fuel pricing. Staff supports that idea that the applicant is concentrating all of their signage in one location rather than having separate ground signs for the store and gasoline station. The proposed signage is larger than would be permitted under the Community Commercial Overlay, but a building setback of this distance was not envisioned when that Chapter was enacted. The applicant worked Staff to lower the height of the sign, change the style and materials to be consistent with the design on other signage along E. Main Street. They have also extended the materials from the main building to the ground sign, which is great, and they have mimicked some of the design choices that were made for other signage when the Main Street streetscape was done, and they have mimicked that in their design, while still utilizing the materials for their site. They are entitled to one per lot, and then the Rosehill one, they would be entitled to two on that lot since it is a corner lot, so they would be up to three, so if they are down to two, we are still at less signage than they would be entitled to.

Mr. Donovan: Does it also include the names on that sign on Rosehill also?

Mr. Snowden: I will have to take a look. It is in the file. It is in the sign packet that is in your packet. It looks like just the fuel LED signage. It is that sign package on the second or third page of the 8x11 sign cut sheets. It says consistent with the other one as well.

Mr. Donovan: They would both be the same kind of sign?

Mr. Snowden: They are similar in size. Rosehill has a smaller scale so it would be nice not to have the same type of signage that we are having on Main Street.

Mr. Donovan: Are they speaking of putting a traffic light anywhere on one of those cuts?

Mr. Snowden: I am going to refer to the applicant, but I did not see that in the traffic report. Let me wrap this up since you are eager to hear from the applicant and his team. The Board should determine if the applicant has met all the criteria for major site plan review and approval as outlined in Section 1143.03(c) of the Zoning Code, and if the site plan as proposed will have a negative impact on the public health, safety, morals, comfort and general welfare. Staff finds the proposed site plan in compliance with those standards and recommends approval of the site plan as submitted. Staff also recommends that the required variances and special exceptions be approved based on the standards contained in those chapters of the Zoning Code. Staff recommends one condition of the site plan approval: That the applicant be required to submit new architectural drawings to the Design Review Board and Staff, utilizing the same brick material for the gasoline station structure that is used on the main building. With that, I will turn things back over to Mr. Enfinger, and I am here to answer any questions. To give the Board insight into what I am dealing with, we do not have what is called a Planned Commercial District here in Reynoldsburg. I have everyone here trained that when you have a high number of variances that you might have a problem. For two reasons, I do not think that is the case here, one is because all of the variances they are requesting are from the same overlay district that they simply can't meet because of the type of development, two, we don't have a Planned Commercial District where instead of having to get all of the variances, you could have just gone to Planning Commission and City Council with a site plan and gotten that approved. I have been treating all of this as one big package. These are the things that need to happen in order for Kroger to construct generally what they want. My view is that everybody is just viewing this as one big case. So, unless anyone has strong objections to one particular Special Exception Use Permit, I think it would be best to proceed in that manner.

Mr. Hodge: 8000 Walton Pkwy., New Albany, OH 43054. I am the attorney for the applicant, the Kroger Co. A preliminary remark first, it is a bit of a point of pride for me to be in a position to be legal council for the Kroger Co. My second job was a bagger, or a courtesy clerk at Kroger, and nobody in the world except my mother thought I would be in the position one day to be Kroger's lawyer, but here I am. Thanks mom! This is an exceptionally complicated site. It is about 16.5 acres. It is thirteen different parcels. It is six different property owners. It is a relatively complicated assemblage. It is also currently zones, and has been for a very long time been zoned, in the CC - Community Commerce District. It is largely undeveloped property. There is a horse barn, single family residential, and office, some general retail, and a trailer park. Truly, this is, over the course of a pretty long term, arguably 1972, a target for development in the City of Reynoldsburg, and certainly an economic development target for the City of Reynoldsburg, for job creation and general economic health. The applicant here is not a mom and pop. This is the Kroger Co. And they are the major regional grocer in our market, and surrounding markets. Eric made a fantastic presentation and it is truly complex in terms of the number of variances necessary, the two Special Exceptions, the Comprehensive Sign Plan, and the Major Site Plan, and it is

a lot. And Eric is absolutely right, in most instances in other municipalities, in the City of Columbus where I do a lot of work, and Eric use to be in the City Clerk's Office, they have a Commercial Plan Development District which allows you to develop a site plan and write some texts to go along with it, and then you go through a rezoning process. You go to the Planning Commission and eventually to City Council. Unfortunately that is not available in Reynoldsburg. But, fortunately there is more than one way to skin the cat. And, the way to skin the cat in Reynoldsburg today, is through the variance process, and the special exception process. So, without belaboring all the technical issues, I feel like this process always works best when there is question and answer, and when neighbors are engaged, and issues are addressed. A couple of remarks in terms of the request. For us, the biggest issue with development of this commercial property, and for the neighbors, the biggest issues with development if this commercially zoned property is the perimeter. The Kroger Co. Recognizes that issue. If folks had their druthers, and I do this a couple of nights a week for the last fifteen years, when they live next to a field, their preference is that that stay a field, and I understand that. It is truly incumbent on the Kroger Co., and us as a team, to develop a strategy, to take appropriate measures, to mitigate the impact on the residential neighbors around the perimeter. And, before the meeting we passed out an updated landscape plan. That landscape plan becomes a commitment through this process. Essentially, what has happened around the perimeter, most specifically the single family residential perimeter, is that a landscape perimeter has been created. It is mounding along that perimeter, from three to five feet in eight. It is a six foot board on board fence on the top of the mound. It is landscaping on both sides of the fencing and the mounding. So. It is truly the creation of a landscape barrier. That is the big one for us, and probably for the neighbors. All that has to be tempered with the fact that it is zoned commercially, and it has been for a very very very long time, forty-three years it has been zoned commercially. That is relevant, and it is an important factor here. So, because we understood the sensitivity with introducing some commercial development along the residential perimeter to the north, we invited the neighbors out, had a meeting, and we shared the updated landscape plan, and we attempted in earnest to answer their questions, and to reach out to our neighbors and try to address those issues. So, we have truly tried to address this responsibly in terms of that buffer. The remainder of the other variances are to this overlay. The overlay, as Eric indicated, is not the kind of development that is appropriate for the overlay. Kroger is in the business of providing a necessary service to their customer base, and they are effective at it, and they know what is necessary to effectively deliver that service. With relatively few exceptions, this is the model of the Kroger store. It is the model of the Kroger stores that I shop at, and it is the model of the Kroger store that is already here in Reynoldsburg, and it is the model of just about every Kroger store I have ever seen. They know how to operate their business. The overlay is generally an esthetic type of regulation to bring buildings to the street, and to provide a pedestrian corridor, and to have window glass on the front, and to create this late 1800/early 1900 Americana, and that is not what is going to happen here. It is likely to happen on Main St. anyplace. We have requested variances to many of those regulations that we just cant possibly meet. Now, there are a couple of special exception requests associated with this. One special exception is for the fuel center. There is a special exception statement that is part of the package where we went in and addressed the various special exception criteria. Really those special exception criteria are applicable to service stations where there is a service provided, that is not what his is. We have all been to a Turkey Hill, or a Kroger

Fuel. This is a relatively small convenience kiosk and gas. It is addressing the special exception statement, and I think we more than meet those legal requirements. The other Special Exception request is for the pharmacy drive thru. That is up at the northwest side of the building there. Both, in terms of the pharmacy, we think it is sensitively located, behind the buffer, not detrimental to the residential neighbors at all, and in terms of the pharmacy itself, and the gas sales, these are really integral parts of a Kroger, or really any grocery store. I will do my best to answer any questions that you have, but in terms of the variances requested, the two Special Exceptions requested, the Comprehensive Sign Plan, the Major Site Plan request, I think we more than meet and exceed the legal requirements for the grant of the variances and special exception requests. Really, this is an important redevelopment in Reynoldsburg. We think we have been sensitive, we have worked hard with Staff and submitted all of the necessary requirements, and we are hopeful that you will agree that we have been responsible, and that this is a commercially zoned property, and that this is the appropriate type of development to go here.

Chairman Enfinger: Ladies and gentlemen, at this time I will open it up to public comments.

Mr. Fleming: My name is Chuck Fleming. We own one of the residential single dwelling homes right behind the existing farmland. There are a lot of concerns we have about the vagrancy, the view. But, two are the main concerns are we would like a ten foot noise mitigation type wall. The small mound of dirt and a few deciduous trees, and a six foot wooden fence, is not going to get it. It is not going to block the view of the building, or the trucks, or the traffic that is back there. And, we have six foot fences all along some of those properties and they deteriorate and fall apart. Anyone that wants to get into our yards can simply pull the boards off, or climb over the fence. So that is a concern. The landscaping they are talking about is deciduous trees. I do not know what purpose they are going to serve. They are going to be bare six months out of the year, and they are going to put a lot of leaves in our back yard that we don't need. To me that is a real waste. If they want to put up some pine trees and such, I think that would work. The other concern, we have power lines, telephone poles that go down through our lots, the company should have access to these telephone poles. They can't be driving trucks into our yard to work on these telephone poles. There is a transformer that is out behind our house, and that went out last year, and they had to drive the trucks up onto that farmland to get to it. AEP goes back into there to trim trees. I feel we need an easement, and at least a ten foot wall back there for safety, privacy, and noise, and something that is going to be lasting. That is all I have to say and I know there are others that would like to speak.

Ms. Fleming: Hi, I am Sondra Fleming. I also live at 6527 Portsmouth Dr, and on the schematic, that is lot 137. I understand that nothing stands still, and everything moves on. I was fortunate enough to live here for the last eighteen years, looking out over a beautiful green pasture, and the trees. But, as I said, all things come to an end. But, with that being said, that is fine that that comes to an end, but this is impacting the value of our property. I they put this store in my back yard, that will drop my property values by \$20,000 to \$30,000. The only way I am going to leave it is if I have to go to a nursing home. I think the wall would be one way of retaining some of our property value. Our neighbor next door is wanting to sell their home. They are a young couple and wanting to move to something

larger. We are not going to be able to sell these homes with that little puny three to four foot high mound, and a deciduous tree that is vacant for six months out of the year, and will probably die four years down the way, and they probably will not replace it. I think that should be taken into consideration when you guys make these final decisions. That is all I have to say. Thank you very much.

Ms. Hartley: My name is Shelby Hartley and I live at 6519 Portsmouth Dr. Mr. Chairman and Board Members, thank you for letting us speak this evening. I live in, and own the property, directly behind the proposed site. The Kroger Co. And their representatives were kind enough to meet with us earlier in the week to talk about some of what they were planning to do with the development, and to listen to some of our concerns as well. I think I can echo the sentiments of my neighbors that we do have some concerns with the proposed site. First and foremost that I have are the property values. I have spoken with some area realtors and they have told me that my property values could decrease by 1/3, should this business go in on the proposed site. And, like Mr. And Mrs. Fleming, I plan to be there for a long time. I have lived there for seventeen years. Having something like this directly in my back yard is going to impact my property values considerably. There is just no getting around that. A six foot high wooden fence on a mound of dirt, that may or may not be maintained, and I know Krogers was very quick to assure us that they would maintain a wooden fence, but one only has to look at the other wooden structures around the City of Reynoldsburg to know that they are not well maintained right now. They fall down, they invite crime, they invite vagrants. I don't see how this is going to change with a six foot high wooden fence with some pine trees to help with the noise mediation issue. Wooden fences rot, they fall down, they don't last very long, and I don't think they will withstand a winter. How is going to maintain them then? That is one of the concerns that we have. Safety is another factor. It will be no time at all before kids, quite candidly pan handlers, drug dealers, are going to end up behind that facility. There will be no time at all before they notice there is little barrier between the Kroger store and a residential neighborhood. They are going to hop the fence, they are going to knock it down, they are going to be in our back yards, and we are going to be left to deal with the problem. So, I do respectfully ask Kroger and the Board Members to consider some type of noise mitigation wall that they use along the interstates. Something higher than 6'2", that would property maintained. Along with more landscaping than deciduous trees that again, aren't going to bare leaves during the winter months. Noise mitigation is another factor I would like to bring up. We were told at the meeting on Monday night that Kroger semi trucks are going to be coming in there 24/7. They are going to be docking right in our back yard, and they are probably going to be idling. A wooden fence is going to do very little to mitigate that noise and the fuel emissions are going to be coming into our back yard. We have the right to spend time in our back yards and enjoy the outdoors. And frankly, looking at the proposed plans, I don't see that being an option, and I think that right is going to be taken away from us. My neighbor also brought up a very good point at Monday's meeting regarding the utility companies having access to their equipment back there. I understand now there is an easement where they are allowed to go back. Our power goes out frequently. If they don't have access to their equipment back there, it is going to be a big problem for us. Or, if they are delayed in getting back there because trucks are parked there for whatever reason. That is something I think also has to be considered. I realize I can't prevent the sale of this property from taking place, or Kroger

from buying the land. It is not my intent to do that. I want to be a good neighbor and I am sure Kroger wants to be a good neighbor. And, I just feel this has to be done the right way and I just not sure the plans they proposed offer a lot of security for the property owners. As I mentioned Monday night, they are pretty pictures, they have done a lot of work. It does little to alleviate a homeowners concern when you see something of that size coming into your back yard. I will point out too, the City of Reynoldsburg has a lot of blighted property they have deal with along Main St., along Livingston Ave. I just don't want something like this to come in and damage my property values with something like this being constructed. We don't want a nuisance that we are going to have to deal with for years to come.

Mr. Snowden: Mr. Chairman, if I could just interject. I am assuming that if there is an easement back there that it is probably on the subdivision plat?

(Inaudible)

Mr. Snowden: They are getting back there because they can see it from the street, and they say, hey there is an easy way for me to get back there so I am just going to do it.

(Inaudible)

Mr. Snowden: For clarity, there is a utilities easement on the subdivision plat? Ok.

Chairman Enfinger: Any further comment? So, Mr. Hodge, I do have a few questions. And, since we did not have the opportunity to be at the meeting, could you maybe give the perspective of Kroger so that we can understand the concerns with the deciduous trees versus evergreens. I know that some of the requirements are probably in the Code. Maybe talk a little about what you are proposing.

Mr. Hodge: I think this is probably the best way to take a look at what is being done.

Mr. Snowden: They have that in front of them right now.

Mr. Hodge: So, along that residential perimeter is a forty foot landscape buffer. And the goal here is to create a barrier. It was forty feet in width, along the center of the barrier is a mound, and the mound is four to five feet in height. So, this depicts a four to five foot mound in the middle of that landscape buffer. At or near the top of the mound is a six foot board on board fence that will go up. On other side of the fence, along the edges of the mound, trees will be installed, both deciduous, and a row of evergreen. And, if you look, you will see the fence. On the southern portion of the fence is a row of evergreen trees. They are expected to reach forty to sixty feet at maturity. They are five to six feet at installation.

Mr. Donovan: If you are going to put those in there, they are on the wrong side of the fence. Deciduous trees are going to get leaves in their yards.

Mr. Hodge: We are perfectly willing to put the evergreens on the residential side of the fence, and flip flop the plan. Our goal was just to create a landscape barrier.

Mr. Snowden: Mr. Hodge, a comment from Dan and myself, clearly there is some concern about the fence materials not being adequate enough. Rather than go to a stone type fence, would the applicant have any concerns with utilizing a vinyl type fence that could not be easily disassembled?

Mr. Hodge: Vinyl fencing is less expensive for Kroger to do than board on board.

Mr. Snowden: I am aware of that, I was just wondering how folks feel about the materials in general. Mrs. Fleming, I can not have people speaking off the microphone, I am sorry.

(Inaudible voices from room.)

Mr. Snowden: He is the applicant. He is being given a rebuttal to make additional comments and answer questions of the Board.

Chairman Enfinger: We are talking about, not just a three board vinyl fence, but a privacy vinyl fence? Not like what we see throughout New Albany. So you are agreeable to that?

Mr. Hodge: We are.

Chairman Enfinger: That way that address some of the concerns about the longevity and maintenance of the wood. The vinyl has a lot longer shelf life, so to speak, it will weather much better, and look nice. As the neighbors were speaking, I was jotting down the primary concerns so that I could revisit them.

Pastor Linder: Just what would be your comments related to noise abatement, in this set up?

Mr. Hodge: Obviously, as we have been discussing, there is this landscape barrier that has been created along the property line. There were some comments regarding truck traffic, and things like that. The expectation is that the store is going to have reasonably. Truck deliveries do not occur all night. Trucks don't sit and idle overnight. I don't know what the distance is from Main St. There is already some main Street noise for these residents. We are not going to deny that there is going to be some truck traffic up to the delivery docks. But it is not idling overnight or irregular hours. By in large, they are making the deliveries during regular business hours.

Pastor Linder. Thank you. To get a feel for what happened Monday, did you have twice the number at that meeting?

Mr. Hodge: We had probably three times that number. Some of the commercial folks to the west were at the meeting. I don't know if there were any other residential neighbors there. It was my impression that those were mostly commercial folks from the small office uses to the west.

Chairman Enfinger: With regards to the loading docks, which side will the trucks be coming

in. Are they coming in from the east side?

Mr. Hodge: They back up to the shaded area there, and it is recessed, so it drops down below grade.

Chairman Enfinger: When they go in, do they back in?

Mr. Hodge: Let's say they came in from that western most access point, they would go straight in from the back, pull to the east, and then back down. And, when they leave, they come back down and around, and out the Rosehill Road access point. They may go straight out, although there is a light at Rosehill, so they may take the other route.

Chairman Enfinger: So where I am going with this, if the residents would really feel comfortable with a wall, instead of running a wall the entire length of the back of it, what about shielding the loading dock? Especially if the trucks sink down as they head in, is there any feasibility to putting a six to eight foot wall there that will shield the noise?

Mr. Hodge: We do not think that a six to eight foot wall is going to make any difference at all, in terms of noise abatement.

Mr. Snowden: Just to give everyone some realistic understandings, typical freeway scale go from fifteen to twenty-five to provide minimal level of improvement. And the distance between the highway noise being much greater and the distance being further.

Mr. Hodge: Part of our effort here as these discussions have occurred, our effort was to have a landscape architect do something that is esthetic. Let's make this a landscape barrier, and plant trees like crazy. Trees that are going to grow to thirty to forty feet at maturity. And, make this so that these back yards are usable, and they are not looking at an ugly freeway wall. Let's have it so that it is something that is a natural buffer, does something that it is suppose to do, and it is esthetic for those back yards.

Chairman Enfinger: I read through your presentation, and I made a few notes, and I have a few questions. As far as the orientation of the building and how it is moved all the way to the back, I know this is the typical application, but if you could expound and let me know why you are opposed to bringing it forward. There are some issues like the trucking and where that happens, but just top be dismissive as to it applying to this style of development, I think we could at least have that conversation. Could you address some of the concerns?

Mr. Hodge: As I mentioned earlier, Kroger, with relatively few exceptions, and these corporations are constantly improving and tinkering, and getting all of this down to an absolute science. An example of this is at a fast food restaurant, they even put feet on the floor to show guys where to stand. It is a time tested proven method, and with relatively few exceptions, this is the model with how these stores work best in terms of customer interface, in terms of parking lot circulation, in terms of customer safety, in terms of the deliveries, and from my perspective, in terms of esthetics. I drove into town, and I have been to Reynoldsburg a ton recently. I have seen the Harbor Freight many times. The Harbor

Freight building probably complies with the overlay, I do not know if they got variances or not, but in terms of a big box development, it does not promote the esthetic that those overlay standards are driving towards. For me, it is too massive of a structure. The overlay is for out lots and single lots development on Main Street where you have the window glass up front, you promote the pedestrian corridor. It doesn't really lend itself to a big box development like this.

Mr. Gardner: Andrew Gardner, Civil Engineer for Kroger. To expand on that question, this was not the first site plan we drew, it was not even the last. I have looked at spinning that blueprint many different ways, I have turned it, I have put it against the street, to try to match the overlay. A couple of things that happen when you do that, let's say you turn it sideways and you try to put it up against the street, what we wind up with is the majority of our parking field to the side of the store, which certainly does not work well for the grocery store model. People are coming out of the front of the store, they want to go to their vehicles. The other issue it creates, if you turn it and you put it up against the road, these Kroger stores have two entrances, one of those entrances invariably is very close to where traffic is trying to exit the site. You will have a drive coming in, and you will have people coming out, and what happens when we are that close to the road, cars are stacking up in front of the entrance. I have this on other Kroger stores, I do them all over the state, and it is a problem. That is a safety issue, having cars stacked with people coming out as well, to try to access the road. That combined with the parking, in working with Staff, I committed that the corner would be some type of future development where the building will need to be up on the corner to try to meet more of that overlay esthetic. So, to have this building up front, and to force the parking in the rear or side, really does not work well for the grocery store model, and it really does not leave us any room to make the site work. The trucks, similar issue, we will have the trucks pulling in and trying to back right down into the loading dock, very close to either the commercial properties there or over here. If we go into the store the other way, you have all this space behind it and then you try to get the trucks in there. We could not make it work and make a parking lot that was functional for Kroger with that orientation. Hopefully that makes sense.

Chairman Enfinger: My follow up would be, I find that the opposite would be the case if you go to like Easton. They built the new Whole Foods right up against the road. To me that looks fantastic, and the parking is on the other side. Hearing you say that you worked at it to try it, at least I know this wasn't the first thing and that you didn't say this is what we are going to do, end of discussion. It just doesn't work, you can't pull it forward?

Mr. Gardner: Again, it really makes it difficult for the parking lot if the bulk of the parking winds up on the side of the store to the north, which does not function well for Kroger. Unless we put an entrance out the north side, which doesn't work for fixturing inside of our store. You know, there are certain things that have to happen inside this store as well, where the pharmacy and deli are. So, to have all the parking on the side, really creates a difficult problem with pedestrians coming out without having to walk that distance. I am not familiar with where the Whole Foods is at Easton. Easton is largely also geared to a very pedestrian type development. People are going to drive to this Kroger store. I know the idea is to promote pedestrian traffic along Main St. But, by in large, people will be driving to this

Kroger store. They need the convenience of having the parking as close to the entrances as possible.

Chairman Enfinger: I guess I hate to push the point, but people are going to come to Kroger no matter what. The responsibility we have is to take the long term view of things. The way the development is going, it is very pedestrian, it is multi use. This model is forty - fifty years old. I know it works, but as things move forward, to just re-install an old model, things are changing. I know you guys are confronting this and dealing with it. But, that is my perspective. I think that if the gas station works close to the street, why cant the actual building itself. I know we are really far into it and it is already at this point. This is probably a Design Review Board question, but it is a question that I had.

Mr. Snowden: It is a perfectly legitimate question, and I will state that the applicant has provided Staff with multiple site plans. With the exception of what you are talking about, they did everything else that staff asked them to do in terms of the building site. With regards to the issues that some of the neighbors are having, if you bring the building up to the front, then you are going to be pushing the parking towards the rear, and so there is going to be just as much, if not more activity of vehicles, and folks in that area. And, I think that concern is not mitigated regardless of that.

Pastor Linder: Mr. Hodge, can you speak a little bit to what Kroger's practices are as to security around the building and behind the building, in their present locations?

Mr. Hodge: Sure, we actually have their Loss Prevention Representative here with us this evening. The experience at the existing Kroger store is that throughout the day it is mostly seniors that shop at the store. In the evening hours there is a mix. Really low crime at the store. At this store, and at all their other stores, there are issues with shop-lifters. It is my understanding that the Reynoldsburg Police response time is phenomenal. Those are their words, not mine. There are video monitors. I am told that typically those come into play when somebody says their car was hit in the parking lot or that when someone states that their credit card was used at the store. It is all monitored. It is well lit. It is patrolled by the employees daily. It is something that Kroger has a designated group dedicated to loss prevention, and monitoring their site in terms of security, and this one will be no different.

Chairman Enfinger: To revisit the Comprehensive Sign Plan, are there any questions that we have on that?

Mr. Snowden: the applicant should just clarify, and I am pretty sure, that all of the fuel signs are LED signs, correct? The cut sheets show LED, so as long as any further submissions, the zoning sign plans, and the building plans show LED, then I think we are in the clear.

Chairman Enfinger: There was a Staff condition that the building material for the gas sales kiosk be the same building material as the store, and we do agree with that condition.

Mr. Snowden: So, Mr. Chairman, you want to make that condition under the site plan, which is number three on the Agenda. Before you make any motions, I would recommend, given

that I had to cut off one of the members of the public, that you give people another chance to speak. I do not want anyone to feel as if their voices were not heard, but I just can't have folks speaking at the same time, and not on microphone. I apologize Ms. Fleming, had I known about your foot, I would have had a microphone for you.

Chairman Enfinger: Yes, do any neighbors have rebuttal comments.

Mr. Fleming: I just want to reinstate my concerns. This ugly highway fence that he is talking about, some of those fences they have been putting up on 71, and around 270, to protect the homes that are along those highways. That wall would last forever. It looks nice, and it would be high enough to eliminate a lot of noise, and if they want to put those pine trees on the north side of that wall, in another ten to fifteen years, you probably would not see that wall anyway. But, it certainly would be more beneficial, and more secure, and more pleasant looking, than a pile of dirt and a wooden fence with deciduous trees. I am sorry, but that just don't get it. The other concern, the easement goes through our backyards. Those telephone poles are two feet inside of our fence line. Those AEP trucks, and some of those other utilities that come back there, can not come through our yards. They have to have access. There is going to be a problem down the road if they don't have some access. One final comment, whatever wall they put up there, we would appreciate the wall going up before construction starts. That's it.

Mr. Snowden: I did not want anyone to feel they got cut off, it really is a procedural thing.

Ms. Hartley: I just want to make a few comments. With respect to the semi truck traffic, this is in direct contradiction what we were told Monday evening by the Kroger Representatives, because they told us there would be deliveries there 24/7, and that is a problem for us. My ninety year old mother lives with us. There is no way she is going to be able to get any sleep with truck traffic coming in and out of there 24/7. You have to realize how close these homes are to that property line. I think we all want what is best for the community. We want something that is going to be esthetically pleasing to the residents, that is not going to hurt our property values more than it probably already is, something that is going to be well maintained. It is fine when you put up these structures and they look good for about six months, but we need assurances from the Kroger Company that it is always going to be maintained, it is going to be mowed and weeded, and it is not going to be an eyesore. I would like some clarification and I want it on the record about semi truck delivery. Is it going to be at all hours of the night? Can the trucks remain idle for a certain period of time? What are the ramifications if they don't meet those obligations?

Mr. Snowden: To answer those questions from the standpoint of zoning. There is no requirement. They can have deliveries at any time they wish. I recommend that the Board not make that a condition of any approval, because it simply is something that is impossible for Staff to attempt to enforce. I think we should confine ourselves to the physical characteristics of the site and not operations.

Chairman Enfinger: Did you understand what he was saying? We have certain limitations that this body has any purview over. Operationally, we don't have anything we can dictate

on that.

Mr. Donovan: I would like to know what your hours of operation are going to be.

Mr. Hodge: 6 am to 1 am are the standard hours of operation. Things change over time. They don't presently have twenty-four hours, but they could in the future. As it stands today, 6 am to 1 am.

Chairman Enfinger: is that for the gas station also?

Mr. Hodge: Typically 11 pm. Just to sum up. It is a big project for the property. It is a big project for the neighbors. It is a big project for Reynoldsburg. We understand it is difficult, and it is impossible for everybody to walk out of the room totally happy and satisfied. I recognize that. The property does have commercial zoning on it. We have worked in earnest to try to mitigate concerns, to build this landscape barrier, and to provide for responsible development. This is an important store for Kroger. They are forced out of the other location. They want to be on Main St. They want to build a store that is more than three times larger than their existing store to provide a better service to Reynoldsburg customers. State of the art, beautiful architecture, on a property that has been for a very long time on the development target in the City. We respectfully request approval of the variances, the Special Exception, the major Site Plan, the Comprehensive Sign Plan, and we stand ready to answer additional questions.

Chairman Enfinger: I have no further questions. Does anyone else from the Board have additional questions.

Mr. Snowden: I don't know what the Board has decided regarding the landscape plan revision, but that should be a condition under number three, if that is the will of the Board.

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

2. **6630 E. Main St.; Application #173127; Applicant: Tony Fredenberg; Business: the Kroger Co.; Special Exception Use - Drive Thru Service**

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

3. **6630 E. Main St.; Application #173128; Applicant: Tony Fredenberg; Business: the Kroger Co.; Major Site Plan Review - New Commercial Building**

Chairman Enfinger: I make a motion that we move to adopt given these certain conditions:
1. That the architect be required to submit two drawings to the Design Review Board and Staff, utilizing the same brick material for the gasoline structure that is used on the main building, as well as an amended landscape plan that includes the vinyl fence, and moving the evergreen trees to the north side of the fence submitted to Staff as well.

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

4. **6630 E. Main St.; Application #173129; Applicant: Tony Fredenberg; Business: the Kroger Co.; Variance from 1175.08 of the Zoning Code of the City of Reynoldsburg**

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

5. **6630 E. Main St.; Application #173130; Applicant: Tony Fredenberg; Business: the Kroger Co.; Variance from Section 1196.05(A) of the Zoning Code of the City of Reynoldsburg**

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

6. **6630 E. Main St.; Application #173131; Applicant: Tony Fredenberg; Business: the Kroger Co.; Variance from Section 1196.05(B) of the Zoning Code of the City of Reynoldsburg**

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

7. **6630 E. Main St.; Application #173132; Applicant: Tony Fredenberg; Business: the Kroger Co.; Variance from Section 1196.07(E) of the Zoning Code of the City of Reynoldsburg**

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

8. **6630 E. Main St.; Application #173133; Applicant: Tony Fredenberg; Business: the Kroger Co.; Variance from Section 1196.09(C) of the Zoning Code of the City of Reynoldsburg**

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

9. **6630 E. Main St.; Application #173134; Applicant: Tony Fredenberg; Business: the Kroger Co.; Variance from Section 1196.10(A) of the Zoning Code of the City of Reynoldsburg**

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

10. **6630 E. Main St.; Application #173135; Applicant: Tony Fredenberg; Business: the Kroger Co.; Variance from Section 1196.10(B) of the Zoning Code of the City of Reynoldsburg**

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

11. **6630 E. Main St.; Application #173136; Applicant: Tony Fredenberg; Business: the Kroger Co.; Comprehensive Sign Plan**

Mr. Snowden: I think Mr. Hodge has worked with us enough to know the procedure almost as well as I do at this point. But, the items to complete your review are listed on page six of our Staff Report, except that the Special Exceptions will be forwarded to City Council. I will provide that to you in writing. Any other questions, you are welcome to get a hold of me during our normal business hours.

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

12. ORDINANCE APPROVING SPECIAL EXCEPTION USE PERMIT - (7088 E. Main Street; Proposed Use – Commercial Recreation Facility); Applicant, Viktor Prozapas AND DECLARING AN EMERGENCY.

Mr. Snowden: 7088 E. Main Street - Adrenaline Trampoline Park - Special Exception Use Permit. Application: #173147 - Special Exception Use Permit. Location: Property is located on the north side of E. Main Street between Aide Drive and Briarcliff Road. Existing Zoning: CC - Community Commerce / CCO - Community Commercial Overlay. Request is for a special exception use permit to operate a commercial recreation facility. Current Use: Retail Sales. Applicant: Viktor Prozapas. The request of the applicant is for a special exception use permit to convert an existing retail sales establishment into a commercial recreation facility use. The facility will be a trampoline park that has small attached party rooms. The entire site consists of a multi-tenant commercial building in the CC - Community Commerce District. The properties to the north are single family homes in the R-3 district, which are screened by fencing of various styles. To the east, the property is adjacent to a commercial shopping center in the CC district across Aide Drive. To the south, across E. Main Street, the property abuts other commercial businesses. To the west, the property abuts a residential care facility use in the AR-1 district. All parcels that front E. Main Street are within the Community Commercial Overlay. In this case, just a couple of comments from staff. Commercial recreation facilities are listed as a special exception use, which is why this permit is required. The proposed facility will be adjacent to a fitness gym, and several retail stores. Although the use will appeal to all ages, children are one of the primary users of the property facility. Since the trampoline activity takes place inside of the structure, no exterior loading or unloading activity along the rear service drive will be adjacent to any location accessible to children utilizing the facility. That is always one of our concerns when we are dealing with any use that appeals to children. Although we have dealt with daycares that have play areas adjacent to these loading areas. In this case, the activity takes place inside of the structure. Staff is not concerned that there will be a danger of children becoming injured due to any adjacent uses. The interior nature of the use will not increase the noise impacts to the adjacent single family beyond the impact of the retail sale use. The exterior appearance of this is not going to be significantly different, than the retail sales, because it is taking place inside. I think one of the reasons that a commercial recreation is a special exception is because it also can include golf courses and batting cages, and outdoor sports activities. But, in this case, the applicant is proposing to utilize an existing building. The difference between this and commercial retail is going to be pretty limited from the standpoint of the physical site. The applicant has provided a parking plan showing that 513 spaces are provided on site. If the entire complex was developed as retail sales uses, only 509 spaces would be required. The parking requirements for the proposed recreation facility are the same as retail sales: 1 space/200SF of building area. So again, the parking requirements for this type of use are not different than retail, so it still can be

accommodated at the existing site. I recommend that the Board should apply the standards for review of special exceptions contained in Section 1145.09 of the Zoning Code and determine if the proposed special exception complies with those standards. With that I will turn it back over to the Board and I would be happy to answer any questions.

Chairman Enfinger: Do we have any questions?

Pastor Linder: I know you opened one up in Hilliard. How long has that been opened.

Mr. Prozapas: I am Viktor Prozapas of Adrenaline Trampoline Park. The Hilliard location has been open for about six months now.

Pastor Linder: You mentioned that most of your staff members are younger people, is there any age limit in terms of coming into the park unaccompanied by an adult, or that sort of thing?

Mr. Prozapas: Everybody under eighteen has to have adult supervision to come in because at least first time they have to come in with their parents to sign the waiver. After that, we would allow teenagers to come in, but anyone under ten years old has to be with their parents to come into the building. After that, if they would leave the kids in the building, kids under sixteen have to be accompanied with somebody else, if not parents, staying in the building.

Mr. Donovan: Are you going to have any kind of food service there?

Mr. Prozapas: yes, there will be parties and we will service food in the parties, such as pizza and drinks, but we will not have anything on the premise besides the vending machines. All the pizza will be brought over from Massey's Pizza from across the shopping plaza.

Mr. Donovan: So there will not be any cooking going on there?

Mr. Prozapas: No.

Chairman Enfinger: Do you have health personnel on staff for all the injuries.

Mr. Prozapas: Yes, basically everybody who works there has to be certified and they go through training, So everybody is certified, to work there they have to be certified. Plus, we will have at least one person with basic knowledge to give first aide if necessary.

Mr. Donovan: What about alcohol?

Mr. Prozapas: Nothing allowed.

Chairman Enfinger: Any other questions?

Mr. Prozapas: I want to add, if we succeed and do this project in Reynoldsburg, it is going to add huge value, not just for that shopping plaza that is already half to 60% empty, but it is

going to bring a lot of kids into one space. It is going to add, schools will have ability to do fundraising. Churches and everybody will be able to do fundraising like we do in Hilliard location. Also, having a place here in Reynoldsburg where you can go and have a birthday party, corporate event, team building, playing dodge ball and everything on a trampoline. It adds that uniqueness that a lot of people don't have right now. There is nothing around this area.

Mr. Donovan: What are you going to do about security?

Mr. Prozapas: So, there is only one entrance to the building. The back exit door is always on alarm, so you can not just walk out without seeing that someone walked out. Also there will be video surveillance inside 24/7, so if there is anything going on, we will be able to track what happened, and why. As far as security, in our first location in Hilliard, we never had an issue of kids fighting, nor any of that stuff we because a lifeguard position throughout the trampoline. So, for every area, there is a dodge ball area, so there is a lifeguard there all the time to control and monitor what is going on with the kids.

(Vote)

Mr. Snowden: Viktor, the items that you are going to have to complete are listed on page nine. To be clear, I will forward this to City Council and the clerk will contact you when Council elects to hold additional hearings. I would think the first or second Monday in May. I will be there and do the same presentation. If you are interested in having it passed as an emergency, as you stated in our pre-application meeting, that would be the time to ask the City Council. The procedure will be very similar to what happens his evening. And then, at the following meeting, that is when Council could pass the permit. From there you can proceed to make any other plans to make it happen.

RESULT:	REFERRED TO COMMITTEE [UNANIMOUS]	Next: 5/16/2016 7:30 PM
MOVER:	Aaron Enfinger, Chairman	
SECONDER:	Richard Donovan	
AYES:	Linder, Donovan, Enfinger	
ABSENT:	Rettke	

E. OTHER BUSINESS

F. ADJOURNMENT

Chairman



Planning Administrator