

MINUTES

REYNOLDSBURG BOARD OF ZONING AND BUILDING APPEALS

APRIL 17, 2008

A. CALL TO ORDER - Meeting called to Order at 6:30 p.m.

1. ROLL CALL

Members Present:

Mr. Lucas Haire
Mr. Norman Brusk
Mr. Patrick Feeney

Members Absent:

Mr. Duane White
Mr. Thomas Kucera

Others Present:

Mrs. Nadine Morse (clerk)

Acting Chair Feeney: Just a little information. There's only three members here tonight, so it has to be a unanimous vote for anything to pass. So if you think that there's a hesitation that it won't pass, you can ask for it to be tabled until next month.

2. APPROVAL OF MINUTES OF MARCH 20, 2008 MEETING

Mr. Feeney: Are there any changes, deletions, corrections? (No response.) I didn't see any. If not, we'll approve those as written.

3. APPROVAL OF AGENDA

Mr. Feeney: Are there any changes to the agenda? (No response.) Okay, we'll approve the agenda as it stands.

4. SWEARING IN OF SPEAKERS

Mr. Feeney: If anybody's going to get up and speak tonight, if you'll stand and raise your right hand, please. (Mr. Feeney administers oath.) Please also sign in tonight over here to my left before you leave, please, if you haven't already.

5. PUBLIC COMMENT – None

B. UNFINISHED BUSINESS - None

C. NEW BUSINESS

1. SPECIAL EXCEPTION APPLICATION, 1924 BRICE RD.,
REYNOLDSBURG, OHIO; PRESENT OWNER, JAMES WIGGINS, TRUSTEE;
PRESENT ZONING, COMMUNITY COMMERCE (CC); EXISTING USE, BINGO HALL;
PROPOSED USE, GROCERY STORE WITH CARRY OUT BEER AND WINE SALES
TOGETHER WITH EATING AND DRINKING ESTABLISHMENT WITH FULL LIQUOR

PRIVILEGES ANCILLARY TO THE RESTAURANT USE. CONTACT PERSON:
ANGELA A. SAVINO OR JUAN JOSE PEREZ FOR PROPOSED TENANT (17-SE).

Mr. Feeney: Is there someone here to talk about that?

Ms. Angela Savino: Good evening, thank you for your time. I'm Angela Savino. We are counsel for the proposed tenant of the building. There is one error and I think you'll see some photos, but I had understood it was a bingo hall, but it was previously a bulk craft store, so it was a retail facility. In this situation, they are looking for – the predominant use initially will be for a grocery store with the intent to develop, as they get in operation, a small little restaurant within the grocery store, but it will be a grocery store with carryout. The full liquor privileges are for carry-out purposes. And then, of course, when they look at a restaurant situation, it will have to comply with the Division of Liquor Control and the Ohio Department of Commerce, so we'll have to have a full menu in order to use the sale for the liquor permit there and they intend to do all that once they get up and running and have everything developed within. I guess I'm available for questions. I'm not really sure how you would like me to proceed.

Mr. Haire: Ms. Savino, what's the timeline for establishing the restaurant within the facility?

Ms. Savino: I don't really have a timeline at this point. They're currently doing construction to open the grocery store first and to start that, at least in the permit phases and that kind of thing. I don't have a timeline for a restaurant.

Mr. Haire: With our Special Exception requirements, the process for permits needs to begin within six months of receiving the approval of City Council.

Ms. Savino: So help me understand. Can I move to have it as two at this point, or what do you suggest?

Mr. Haire: A Special Exception would not be required for a grocery with carryout.

Ms. Savino: Okay, but for the liquor permit, the six months. Okay.

Mr. Haire: For carryout alcohol, it's not necessary; for a dine-in eating and drinking establishment, your permit would be required.

Ms. Savino: Okay. Well, I'm authorized to proceed, so I guess I'd like to proceed, realizing that if they don't get it done in six months, they will have to come back and reapply.

Mr. Haire: You can ask for an extension as well.

Ms. Savino: Okay, thank you.

Mr. Feeney: What's the ratio of the restaurant versus the grocery store? Do you have an idea on that?

Ms. Savino: No. It is a large build-out. I believe it's 5,800 square feet. And, again, the predominant use – it's a little more than 5,800 square feet actually, and the predominant use is the grocery store. So they do foresee a small area being for dine-in restaurant. You know, kind of ancillary, mostly to the grocery and a delicatessen type of thing.

Mr. Brusk: Is this in the complex with the Big Bear?

Ms. Savino: No, it's the Big Lots.

Mr. Haire: It's on the south end of the Big Lots, the furthest south end. Where would the restaurant be located within the facility? Would it be towards the front of the facility, to the rear?

Ms. Savino: I don't have – again, that's all ancillary to the grocery being the predominant use. I can only speculate, because that's the case, that it will be to the rear or a far side. The predominant use is for the grocery.

Mr. Haire: And there's no intent to have any outdoor seating patio area?

Ms. Savino: No patio, no.

Mr. Feeney: Have you seen the signage that they're going to ask for? Is there anything special with that?

Mr. Haire: No, there's cabinet signs on the front of the building and an existing monument sign, so I imagine they'll just replace faces in those signs.

Ms. Savino: If there's anything additional, obviously it would be before the City to do that.

Mr. Haire: Right, it would have to go before the Design Review Board.

Mr. Brusk: You do know this has to go through Council after we give our recommendation?

Ms. Savino: I do. I guess my question is how quickly?

Mr. Haire: It typically would be the next committee meeting, so typically 10 days or so can start the proceedings.

Mr. Brusk: Be prepared to answer a lot of questions.

Mr. Haire: Well, not necessarily. It depends if they introduce legislation or not. They have an option to not introduce any legislation and, therefore, the recommendation of this Board's confirmed.

Ms. Savino: It will stand, right? Okay.

Mr. Brusk: The problem is that that's the Brice/Livingston corridor and that has been a lot of problems with any liquor permits of any sort, because of the great deal of liquor establishments of various types in that area, plus the higher crime rate in that particular part of Columbus and Reynoldsburg. So the Council may very well be concerned about that, so just be aware of that if you want to do your homework.

Ms. Savino: Okay, thank you.

Mr. Haire: I had a question about the hours of operation. When the restaurant use is open, will it still remain the same hours of operation, the 9-9 or 9-6? Or would those change to be later hours?

Ms. Savino: No, it's my understanding it'll be the hours of the grocery store.

Mr. Brusk: What type of restaurant would it be?

Ms. Savino: Mexican cuisine.

Mr. Haire: And the grocery would be an ethnic type grocery?

Ms. Savino: Yes, it would.

Mr. Haire: And do you have other operations existing in the Central Ohio area?

Ms. Savino: You mean the proposed tenant?

Mr. Haire: Yes.

Ms. Savino: They do. They are closing – and I, unfortunately didn't come with that information. They are currently closing one operation and moving their resources over to the Reynoldsburg area, but I can't remember where it is; but, yes, they have been established business owners. They've been doing this kind of business and they're looking for a larger market.

Mr. Haire: And you're not aware of where the other locations are?

Ms. Savino: I can find that out. I didn't come with that information, no.

Mr. Feeney: Is that a grocery store and restaurant at the place they're closing to move here?

Ms. Savino: It's my understanding it's just restaurant.

Mr. Feeney: So the grocery store's added to what they have now. Does the Board have any other questions, comments, concerns? (No response.)

Mr. Haire: I'll move approval of Item C1, 17-SE.

Mr. Feeney: I'll second.

(The Clerk called the roll. Mr. Haire voted "yes." Mr. Brusk voted "yes." Mr. Feeney voted "yes." Motion carries.)

2. SPECIAL EXCEPTION APPLICATION, 6006 E.LIVINGSTON AVE., REYNOLDSBURG, OHIO; PRESENT OWNER, JUDY BROWNER; PRESENT ZONING, COMMUNITY COMMERCE (CC); EXISTING USE, VACANT DINE-IN RESTAURANT, CARRY OUT AND DELIVERY; PROPOSED USE, EATING AND DRINKING ESTABLISHMENT WITH DINE-IN AND CARRY OUT – FULL LIQUOR PRIVILEGES ANCILLARY TO THE RESTAURANT USE. CONTACT PERSON: ANGELA A. SAVINO FOR PROPOSED TENANT (18-SE).

Ms. Savino: It may be of interest to you to know that of this company, these are both entities, but they have the same managing members. So this is another facility they're looking at to create a different kind – it's a very small building. I'm sure you've seen it, a very small – it's intended to be more of a smaller little dine-in thing for families to come in and sit. You know, more of a sit-down, not the bustle of the grocery store. So they're looking for a different kind of atmosphere and to have more of a dine-in type of restaurant here.

Mr. Brusk: What would the hours of this establishment be?

Ms. Savino: It is typical restaurant and the hours here – I see that they say from 9:00 a.m. to 9:00 p.m. and that's not correct. The hours they were looking at where from, I understood, 10:00 a.m. through 10:00p.m., with earlier closing hours on Sunday. It's meant to mirror a restaurant use. This is not also a grocery store and not to mirror retail facilities.

Mr. Brusk: Are they intending to have a patio, outdoor patio?

Ms. Savino: There is currently a small little patio there that they are intending to use. It's already constructed behind a half wall.

Mr. Haire: So they'll be, I guess, updating that patio with fencing?

Ms. Savino: They would have to if they intend to use that for any kind of liquor sales, that's correct.

Mr. Haire: The restrooms for this building are located outside. You have to actually go outside to use the restroom facilities. I don't know that there's a door on the inside. Is that something that's looked at to be changed?

Ms. Savino: I have not heard that that was something that was to be changed. I was not aware of that until early today and there's not been any discussions to revamp that. Now this restaurant – this has always been used, I think, for a restaurant and the prior use – at least the representation they've received from the owner is that it's been a restaurant use.

Mr. Haire: It's last use was an African restaurant until probably late last year.

Ms. Savino: Until December. At least that's what the tenant was told.

Mr. Haire: Are you aware that there are a number of active code violations against the building in regards to some of the maintenance of the building, painting, gutters and downspouts, trash, litter? How does the proposed tenant or owner plan to address those prior to the tenant locating in the building?

Ms. Savino: In answer to your first question, I was not aware until immediately before the meeting when you mentioned that to me. That has never been communicated that there's been any kind of violations. Certainly the tenant and the landlord will have worked out maintenance requirements. The lease is just recently signed, like within the last day or two, so none of that has occurred. I know nothing of timeframes, though, for compliance of the violations or specifics about the violations, but do intend to follow-up on that if I can get some specifics, because we've never heard anything about it.

Mr. Haire: I'm sure it will be addressed prior to an occupancy for the building being issued. On a final walk-through with the Building Department, I'm sure they'll address all those issues prior to issuing that.

Mr. Feeney: As you mentioned, the restrooms are outside. I saw those in the picture.

Mr. Haire: Right, and that may be an issue for alcohol sales. I don't know how that's handled with—

Ms. Savino: It may be for the Division of Liquor Control when they do their own inspection. I've not encountered that issue before, so I can't answer that.

Mr. Haire: It's kind of rare.

Ms. Savino: It looks like an old Zantigo restaurant, so it's interesting that that's where the restrooms are, but I don't know the history.

Mr. Feeney: There may be doors inside, too, I don't know.

Mr. Brusk: This will also be a Mexican type of restaurant?

Ms. Savino: Yes, but, again it'll be kind of to more of the dine-in, stay type of crowd. It'll be family style, but more for them to come in and have a leisurely meal.

Mr. Haire: Do you know the square footage of this building, or the proposed occupancy?

Ms. Savino: This is a small building. I seem to remember 1,316 square feet, so it is a very small type of building. The occupancy currently, I do not know the current occupancy amount.

Mr. Feeney: There doesn't appear to be any outside site lighting. Especially with restrooms in the back, I would think that there would be-- I guess that would come under code requirements for outside lighting at restaurants or something like that.

Mr. Haire: I'm sure it would and then any changes they make to the exterior would go before the Design Review Board, including the fencing in the front, signing, lighting.

Mr. Feeney: Did you take these pictures?

Mr. Haire: I did.

Mr. Feeney: Is this the rear?

Mr. Haire: It is. It's looking north from the site, so it's the back of the parking lot and that's the litter and trash that the code violations were referring to.

Mr. Feeney: Is that a residential neighborhood back there or do you know?

Mr. Haire: It's a vacant lot. It's currently for sale.

Mr. Brusk: That bottom corner picture, what's that laying on the ground there?

Mr. Haire: It's a basketball hoop from the neighbor's lot.

Mr. Feeney: Is there any residential around this building? I know it's mixed back in there.

Mr. Haire: No. The property directly behind it is zoned Community Commerce, and like I said, it's currently for sale.

Mr. Feeney: Okay.

Ms. Savino: From the pictures, it looks like it would be nice to have an occupant who will take care of this property.

Mr. Feeney: It would be.

Mr. Brusk: You've made a good point. Is that a light above the door in that picture of the restroom in the bottom right hand corner?

Mr. Haire: Yeah, maybe.

Mr. Brusk: It looks pretty dirty if it is.

Mr. Haire: Well, the building needs some attention. It would be good to have an occupant in there that will take care of it.

Mr. Feeney: Is there any other Board comment? Questions?

Mr. Brusk: Again, be sure to do your homework.

Ms. Savino: Yes, thank you. Is there any way I can get – do you have information on code violations?

Mr. Haire: You can contact the Building Department and it's 322-6824.

Ms. Savino: Okay, thank you.

Mr. Brusk: I move that we approve the Special Exception application C2, 18-SE.

Mr. Feeney: I'll second.

(The Clerk called the roll. Mr. Haire voted "yes." Mr. Brusk voted "yes." Mr. Feeney voted "yes." Motion carries.)

3. MAJOR SITE PLAN REVIEW APPLICATION, 8139 EAST BROAD STREET, REYNOLDSBURG, OHIO; PRESENT USE, VACANT; PROPOSED USE, BANK BRANCH OFFICE (CHASE BANK); PRESENT ZONING, COMMUNITY SERVICE DISTRICT (CS); PRESENT OWNER, ONE REYNOLDSBURG CO., L.L.C. CONTACT NAME: DAVIS A. YOUSE, ARCHITECT (17-MS).

Mr. David Youse: Good evening. I have Alan Davis with me from EMH&T, the civil engineers, also, as well as a representative from Chase.

Mr. Haire: Could you just explain the proposal?

Mr. Youse: It's a new branch bank on a new, clean site. It's adjacent to Burger King, I believe, on the main entry to this site. The other side of the street is essentially fully developed and we're just east of Waggoner Road off of Broad Street. We're one of the major entry out lots, which I believe is number 3 on the site. Drive-thru and full landscaping. We've sort of gone through this with Lucas and so far I think we've got all the requirements that you're looking for. So anything I can answer, I'd be happy to do that. We have 40 parking spaces, 17 were required.

Mr. Haire: As Mr. Youse mentioned, I've worked with this project, just to disclose that, for probably a year now.

Mr. Youse: It's been a little while. We actually changed the complete design of the branch from what you have now, so it's a little different.

Mr. Haire: It's at the signalized intersection that's there, the one that has the signal up already.

Mr. Brusk: That leads you into the Target on the other side.

Mr. Feeney: I looked through these plans the other night and I think about everything that we need is there.

Mr. Haire: The only thing that's changed from what you have is the landscape plan is not completely accurate. What they're showing on the plans that you have is a 5' hedgerow surrounding the building and it's actually going to be a 3' hedgerow. And I think what they show is a sea green juniper and what will be across at least the front portion of that, as a condition of the Design Review Board approval, was that it would be burning bush. So those are the only changes. And a dumpster location—

Mr. Youse: We added the dumpster and it's on the drawings I brought this evening as well, if you want to see that.

Mr. Haire: Could you pass those around so we can review them?

Mr. Brusk: I assume The Limited has reviewed it also quite thoroughly.

Mr. Haire: You mentioned this is a LEED certified building? So that'll be a first for Reynoldsburg.

Mr. Brusk: What's that?

Mr. Haire: Leadership in Energy Efficient Design.

(Gentleman speaking off mike – inaudible.)

Mr. Haire: That's okay, if you just want to pass one up here, we can take a quick look at the location. But, yeah, this will be the first LEED building that I know of that's been built in Reynoldsburg, so it's something we look forward to working with in the future.

Mr. Haire: And the materials for the dumpster enclosure are the same as the building? Wood gates?

Mr. Youse: There's an air conditioning enclosure here that—

Mr. Brusk: They're not putting the air conditioner on top?

Mr. Youse: No.

Mr. Feeney: I see this is exit only. Is that defined enough that somebody's not going to try to shoot across here? Maybe they should have a do not enter sign there or something.

Mr. Haire: The reason for the width on that is so they can turn out of the drive-thru and be able to make that curve, because you'll come around the circulate the site through the drive-thru and then you have to turn across back through there.

Mr. Youse: The ATM will be in this island and there's also a walk-in one, too.

Mr. Feeney: What are some of the things that qualified this building for LEED? I'm just curious.

Mr. Youse: There are lots of requirements for LEED and energy efficiency for the HVAC is one of them. That's actually one of the biggest ones that you get the most points for. We're looking at some things that are special about it. For example, they don't really want you to irrigate, meaning water the plants, so that means you have to have the right varieties and we may end up coming back to talk to Lucas about that in the future if that doesn't work out right. But we're looking at storm drainage tank on site that will be activated by a sump pump and if it runs out of water, then we're done. So if you use tap water or if you have an irrigation system, you actually lose points on it. There's lots of different products inside the building, if they're recycled products it's important. Actually the glues and paints that are used inside have to be essentially a low off-gassing, so low VOC is the technical term for it, so you have to use that paint. Where you get the products from, so if it's less than a 500 mile radius, so if you bring in all the products from less than 500 miles away, that helps also, so you can get points for that. There's lots of different ones and, unfortunately, we sort of have to go one-by-one and try to figure out if we're going to get enough to get it done or not. Actually the goal at the moment is that this is LEED Silver. They have four steps: just LEED certification is the lowest, LEED Silver's next, then there's Bronze, Gold and Platinum. So one thing that would be nice, for example, is if there's two bus lines that crossed here, so if we were at the intersection at Waggoner and the buses came from both directions, you

could get a point for that, too. So we need to have, I believe, 33 points to make Silver out of the possible 60, but we've done one LEED project for the Ohio Department of Natural Resources, too, so we've done it before and we're confident we'll get it on this one, too.

Mr. Feeney: Great. Are the lighting fixtures matching with any other—

Mr. Youse: They'll match what the shopping center has, the parking lighting.

Mr. Feeney: I don't have any other questions. Board members have any questions or comments? (No response.)

Mr. Haire: I'll move that we approve Item C3, 17-MS.

Mr. Brusk: I'll second.

(The Clerk called the roll. Mr. Feeney voted "yes." Mr. Brusk voted "yes." Mr. Haire voted "yes." Motion carries.)

D. OTHER BUSINESS - None

E. ADJOURNMENT

The meeting was adjourned at 7:00 p.m.

Clerk

Patrick Feeney, Chair

This document was transcribed by:
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