

MINUTES
CITY OF REYNOLDSBURG
PLANNING COMMISSION
APRIL 7, 2011
6:30 P.M.

A. CALL TO ORDER

1. ROLL CALL

Members Present:	Mr. Lucas Haire Mr. James Comeaux Mr. David Wall Mr. Charles McGrath
Members Absent:	Mrs. Marlene Wirth
Others Present:	Mr. Matthew Hansen, Planning Administrator

2. APPROVAL OF MINUTES OF MARCH 3, 2011

Chairman Comeaux: Everyone should have received a copy of the minutes in their packet. Are there any additions, deletions, corrections to those minutes?

Mr. Wall: No.

Mr. Comeaux: Hearing none, they will be approved as distributed.

3. APPROVAL OF AGENDA

Mr. Comeaux: Similarly, everyone should have received a copy of the agenda for tonight. There are no changes are there, Mr. Hansen?

Mr. Hansen: No.

Mr. Comeaux: So, that will be approved as distributed also.

4. SWEARING IN OF SPEAKERS

(Mr. Comeaux administers the oath.)

Mr. Comeaux: Mr. Bates, are you going to – you're going to testify, right?

Mr. James Bates: Yes, if you have questions for me.

(Mr. Comeaux administers the oath.)

Mr. Comeaux: Okay. Fantastic.

5. PUBLIC COMMENT

Mr. Comeaux: Now is the public comment portion. This is actually public comment for things that are not on our agenda for this evening, so if you're here to not comment on the rezoning application then this would be an opportunity to speak, but I kind of doubt there's anyone here for that purpose.

B. UNFINISHED BUSINESS

Mr. Comeaux: There's no any Unfinished Business.

Mr. Hansen: Correct.

C. NEW BUSINESS

1. REZONING APPLICATION FOR 7961 AND 7967 OAK VALLEY ROAD, REYNOLDSBURG, OHIO; PRESENT ZONING DISTRICT, CC, RD; PROPOSED ZONING DISTRICT, CO; EXISTING STRUCTURES, UNIMPROVED; PROPOSED USE, PROFESSIONAL OFFICES; SIZE OF AREA TO BE REZONED, 1.701 ACRES. CONTACT: JAMES L. BATES (7964-Z).

Mr. Comeaux: Mr. Hansen, you want to give us a brief presentation about the proposal?

Mr. Hansen: Proposed is rezoning of a 1.7 acre site. It's located off of Oak Valley Road just behind Main Street commercial properties. Here's the zoning of the site. A portion of it is zoned CC. As you see here, the majority of the west side of the property is zoned CC and there's a small arm that extends eastward that's also zoned CC. This southeast portion is zoned R-3 which is single-family residential. All adjacent properties to the north and the west are zoned CC currently. Properties to the south are zoned R-3 and then to the east is S-1. Here's an aerial of the site and an up-close view of the current zoning.

So the applicant is proposing to rezone to the Offices and Institutions District which is CO. In the staff report you can see the permitted uses on page 4. Permitted uses include administrative and business offices, professional offices, offices and associations, semi-public uses, mortuaries, residential care facilities, commercial recreation facilities and then there's the list of Special Exceptions for this district. On page 2 is a list of Community Commerce permitted uses and you can compare the two. The main difference is that retail is permitted in CC and not permitted in the CO District. The development standards for the CO District are also listed, so if this parcel was to be rezoned to the CO it would meet the lot standards for that district. On page 5 you can see a start of findings and fact for an approval of the rezoning. Those findings are

based upon the standards that are listed in Section 1151.04 of the zoning code and those standards are A through D.

And so, if the Commission finds that these standards are being met, then the recommendation will be made in the positive and the Board will vote yes or no. If the Commission finds that one of these standards is not being met, then this could be a basis for not bringing forward a recommendation of approval. Another option is that the Commission can make a recommendation with conditions that's forwarded to Council. These conditions could be the placement of a limitation text on the zoning or specific development concepts that would have to be incorporated into development plan. Just a note that the applicant has provided a conceptual development plan which is required for all rezonings and this is to ensure that the parcel zoned to CO will be able to accommodate appropriate development that meets the development standards. So the conceptual plan actually is tied to the rezoning and this is a part of the consideration that the Design Review Board would use to evaluate the proposal when final development actually occurs, so the rezoning and the conceptual development plan are essentially tied together. The Commission can make recommendations to change the conceptual development plan as they see fit and that will then get incorporated into the rezoning. Do you have any questions?

Mr. Comeaux: Anyone have any questions for Mr. Hansen?

Mr. Hansen: I have a couple of site photos also just to get some context. This is looking east on Oak Valley and then slowly turning to the west. That's Pfeifer Funeral Home here. This is the shared drive that's being proposed to accommodate access to the site. Here's the Speedway Gas Station and then this is looking south towards Mulligan Court, and then back east down Oak Valley.

Mr. Comeaux: Okay. Are there any questions for Mr. Hansen and his presentation here? Mr. Bates, do you have anything you'd like to add to what Mr. Hansen has told us so far?

Mr. Bates: (inaudible)

Mr. Comeaux: I do actually have one question for you and if you can just come up to the microphone just so that it's captured on record and I don't know if the other members do as well. In terms of – you came in 2005, 2007. Between then and now, have you made any efforts to sell the parcels?

Mr. Bates: Between when?

Mr. Comeaux: Between 2007 and now.

Mr. Bates: No, because I didn't feel that with the existing zoning was appropriate.

Mr. Comeaux: Okay, so no purchaser has ever said to you, for example, “I can only come here if I had these two parcels, both zoned CC.” So, you haven’t—

Mr. Bates: I do have a party that’s interested if I can get it zoned, yeah, but they came to me. I didn’t market the site.

Mr. Comeaux: Okay. And they said that the only way they could develop it is if both parcels were CO?

Mr. Bates: Well, they would not be developers. They’re investors.

Mr. Comeaux: Okay.

Mr. Bates: I do have one thing I want to say, though.

Mr. Comeaux: Sure.

Mr. Bates: To point out. There’s a little confusion I notice on the part of some people as to the numbers, which street numbers apply to which parcel.

Mr. Comeaux: Right.

Mr. Bates: And I think there’s a reason for that confusion and it is that the numbers run, at this point on Oak Valley Road they run from east to west toward Columbus as opposed to being running from west to east, which you would think would be the normal case. Now on Oak Valley Road, it starts down at Layton Drive and goes east and it doesn’t change the name until it gets up to Main Street and that’s why, the way it bends around, it causes that anomaly in the address. So the 7961 is on the right as you look at it and 7967 is on the left. So it’s easy to remember that if you keep in mind where the road starts and the fact that the numbers run from east to west, but they go up to Main Street in sequence.

Mr. Comeaux: Okay.

Mr. McGrath: Excuse me, can I make a comment here. Generally speaking, the numbers are the same – the even and the odd numbers are the same. East and north throughout the city, east and north are always even numbers and west and south are odd numbers. But when you get curved roads like this, it’s the same thing you’re talking about happens, because you start out with a number that’s even and when it makes a curve they don’t like to change back over to – jump over the other side of the street so they keep them even all the way around. That’s true in a couple of different places here in town.

Mr. Bates: The engineers assign those numbers.

Mr. McGrath: Yeah, I know.

Mr. Bates: And if you keep in mind that the road – if you assume that the road, in spite of the actual physically the way it goes, if you assume it's numbered east to west and you start at the west end down there at Layton Village and go from that end of the road to the other end of the road, then the street – it's on the right if you start out going east are always going to be odd numbers because it's on – when it starts it's on the south side.

Mr. McGrath: And back – excuse me, I didn't mean to interrupt. Go ahead.

Mr. Bates: You have a question?

Mr. McGrath: No. I was going to say that back when streets were in grids that was never a problem. Well, now you have streets like this that curve and wind around and your numbers jump from – in some sites they jump – they're even on this side of the street. When they make the curve they the even jumps over to the other side, so we've got that throughout the city and it's confusing.

Mr. Bates: I—

Mr. McGrath: You're right. Some people just don't understand it.

Mr. Bates: City engineers assign them, so, you know.

Mr. Comeaux: Right. Are there any other questions for Mr. Bates? (answer inaudible) Did you sign in as a speaker?

Mr. Mally: No, I didn't.

Mr. Comeaux: Okay. Can you please sign in as a speaker? Did you swear in?

Mr. Mally: Yes, I did.

Mr. Comeaux: Okay. Good. Go ahead and sign in and I'll let you be the first to talk since you asked. Okay. Great. If you could just say your name for the record and then go ahead and give your comments, sir.

Mr. Mally: My name is Wayne Mally. I live on 1544 Mulligan Court. Mr. Bates mentioned he has not attempted to sell that property, but for quite awhile there was For Sale signs up on that property; underneath said Commercial. So I just wanted to put my comment that he said he hasn't tried to sell it, but he did.

Mr. Comeaux: Okay. Well, just so you know, if it said Commercial on it that's because a portion of it is currently zoned Commercial and so--

Mr. Mally: Right.

Mr. Comeaux: Okay.

Mr. Mally: I'm not sure, maybe somebody can help me out. Was there retail on there, on the—

Mr. Comeaux: Well, again—

Mr. Mally: I think there was retail on there at one time.

Mr. Comeaux: Sure. And my understanding is the zoning currently is for CC, right, which retail would be allowed, correct? Right, Mr. Hansen?

Mr. Hansen: That's correct.

Mr. Comeaux: Okay. Great. Anything else, sir?

Mr. Mally: No, that's—

Mr. Comeaux: Mr. Bates, do you have a quick comment?

Mr. Bates: I had put up a sign to inform people--

Mr. Hansen: Can you step up to the mic, please?

Mr. Bates: My reason for putting up that sign is to give notice to everybody that the site was retail.

Mr. Comeaux: Okay.

Mr. Bates: And it was not really a function to sell it, but when we had the hearing before there was a general misunderstanding that that was not the zoning and there's still some people that believe that because not everybody reads the sign.

Mr. Comeaux: Thank you, sir.

Mr. Haire: Mr. Bates, have you tried to move forward with developing this with just one building on the CC zoning instead of the two buildings?

Mr. Bates: I did and they turned it down. Oh, well let's see, no, I believe the first time I came through there were two buildings but the larger building, it included – I think it included the house that's there which I since sold off.

Mr. Haire: Okay. Well, I'm just looking at the development plan that you submitted and it shows an office building that's 5,250 square feet and a number of parking spaces that would all be on that Community Commerce side and they wouldn't

impact that residential at all. So, I didn't know if there'd been an attempt to just develop this with the one 5,000 square foot building or—

Mr. Bates: Oh, no. We submitted it – it's always been submitted with two buildings on the zoning. Technically you could build on it with one building, but then that leaves the other – you really need to have the parking for both parcels and to put the parking in without having the zoning for both buildings, you know, first things first. You've got to get it zoned first.

Mr. Haire: It wouldn't be that efficient, that's for sure.

Mr. Comeaux: Is the remainder of 7961 which is CC – I can't tell from the-- You couldn't put a building there, but could ancillary parking be put there for it to service a building on the other parcel or anything like that, or is it not – again, I can't estimate from looking at this on the screen or up there, but this little tail that's—

Mr. Bates: I understand, yeah.

Mr. Comeaux: Do you understand? Is it useful for anything commercial or including parking?

Mr. Bates: Well—

Mr. Comeaux: Or by itself is it not worth anything?

Mr. Bates: Well, if you put a building on the CC in that west portion, the parking to go way across that other piece for parking, to get adequate parking you could do it but it would not be at all convenient.

Mr. Comeaux: Right.

Mr. Bates: If you put the other building there, those people are going to park in that area.

Mr. Comeaux: I understand. Okay. Thank you. I take it there are two or three more speakers that wanted to be heard this evening, is that correct? Who's up? And again, you signed in I think and if you could just—

Mr. Kevin Hodnett: Yes I did.

Mr. Comeaux: Okay. Fantastic. If you can just say your name for the record, sir, that'd be much appreciated.

Mr. Hodnett: My name is Kevin Hodnett. I live at 7940 Oak Valley Road. I don't have a large crowd with me tonight like I did the other night and I apologize that my wife's not here to speak tonight, so I'll have to speak on her behalf also. My daughter

had a soccer game. She had to take her to it. But to get to the point, we came in Monday night. I came in with a signed petition. I had gone around to all the neighborhood, had spoken to virtually everybody. There were a few people that were traveling and were not available that I could not get signatures on, but I did wind up submitting the other night 111 names of people that live in the neighborhood that are completely and totally against this.

Mr. Comeaux: I'm sorry to interrupt you but just so you know, we received copies of that.

Mr. Hodnett: Yes. I was just going to briefly talk about the streets that cover the neighborhood where the two courts up towards Main Street – Oak Valley itself, Bath Court, and around through Palmer Crossing area, the court back there, Godfrey Circle. So I did cover everybody that could and possibly would be affected by this directly, more or less with the additional traffic that would spill onto the street, which brings me to my first point – is that Oak Valley is utilized as a through thoroughfare from Main Street to Palmer. We have numerous school buses that pick up a lot of children through there. This is not a young neighborhood, but certainly there are a lot of young families there that have a lot of school-age children that travel up and down to the various Reynoldsburg schools. Matt, could you do me a favor and pull up the – no, keep going, the court picture that you have there where everything dumps off into – right there. The entryway or the shared easement that Mr. Bates is going to have with Pfeifer Funeral Home will be pulling out both left and right off this onto Oak Valley from this area right here. Where that car is sitting is a major school bus pickup and drop-off area, so you stop and think about what's going to happen in the morning. People are going to be trying to come to work here, delivery drivers are going to be pulling in, trash trucks are going to be trying to pull in and out of this area going into this business development and we've got children standing there on the street corner trying to get picked up by a school bus, we've got other people coming through trying to get in and out of Oak Valley to go to work. This is going to be a traffic nightmare right here, both in the morning and in the afternoons trying to get in and out of this area.

On top of that, we're talking another 100 feet to your left going around towards the south, this curve right here is a fairly sharp curve. Yes, Mr. Bates stated that it was a four-lane area out here and you can park cars on both sides and get two vehicles in and out of here. It becomes a very serious issue through here as far as the traffic and endangerment of people going in and out of this area. I know for a fact because I live a couple of doors down to the south here on the right hand side. When I try to back out of my driveway and there's vehicles parked in the street, I've almost been hit a couple of times. My next door neighbor did get hit one day. People come around that curve going pretty fast. It's a 25 mile an hour speed limit. Yes, they should be obeying the laws but it's a blind curve, believe it or not. It is a dangerous situation. Just 100 feet up you've got this driveway going in the shared easement with Mr. Pfeifer, so we've got a real serious problem with school buses coming in and out in the morning and in this additional traffic.

As far as the rezoning, I have stated in the past that I'm very adamant about this, is that this is a residential neighborhood. Yes, there is a residual piece of commercial property here that Mr. Bates hung on to, but I feel strongly that there's a piece of residential property sitting there. It could be developed as a residential home for this neighborhood and I know he wants to have this converted into commercial property so he can finish up his little project. Right now, his little piece of commercial property does not have Main Street access, which is part of my argument. If it had Main Street access, I probably wouldn't be here arguing about it but he cut himself off. He kept this piece of property for himself and now he's trying to take part of our residential neighborhood to satisfy his needs. I can't agree to that. No way, I can't.

Mr. Snyder's not here tonight, so I'll mention what he mentioned the other night and this is another very serious issue. Along with the school bus pickup that we have here, we have six handicapped children in this neighborhood. Five of them live in the court that this driveway is going to be emptying into. These children get picked up by school buses hauled in and out of here. They play in the streets – or not in the streets, excuse me, but they play in the neighborhoods and everything and the added traffic and the potential danger that we have here is a great concern and I know Mr. Snyder would mention that tonight if he was here. On top of that, I know, Mr. Haire, you mentioned the fact and you did, too, Mr. Comeaux, that if he built one building in here and we had some parking spots and everything, it may be workable. I don't want to see, as a neighborhood, and I can speak on behalf of the 111 people that signed this petition, we don't want to see a set of commercial buildings in our neighborhood. Everything that is commercial right now is up and down Main Street, Main Street footage, Main Street emptying into and out of ingress/egress areas. This is just not a good thing. We've asked Mr. Bates to possibly use this area as a tax write-off, donate it to the City, donate it to the neighborhood, put a park there. We've got a lot of children that would like to play on swing sets and everything.

There are other alternatives. I believe one of the alternatives is, Matt, I believe the alternative is recreational, right? Maybe not for the CC property but for the R3 property, but there are other alternatives. He's determined to do this, as he stated, you stated. He's been here in 2005, 2007, now 2011. I have to say I'm tired of it. I've been here every time. I've gotten three sets of petitions somewhere in the neighborhood of 100 signatures each time. I think the neighborhood's tired of it. I want to see something go in there, either that or a nice green space, but I certainly don't want to wake up in the morning and look at a couple of commercial buildings right across the street from where I live. He stated that it's going to benefit our property values. How? There's no way that a commercial property stuck in my neighborhood across the street from my house is going to make my house more attractive for a buyer if I ever decide to sell. So I won't stand up here and rant and rave. I appreciate your time and allowing me to speak, but I believe that the neighborhood has spoken. I appreciate it.

Mr. Comeaux: If I can just say one thing. You seem to have a very good grasp of this residual CC – I just want to make it clear to you that if one commercial building pops up over there, that could still happen, regardless of what we do tonight. He could,

for instance, put in a retail store at this point, which might be less attractive to you than a doctor's office.

Mr. Hodnett: Well, all right, let me say this. If he can, good luck to him.

Mr. Comeaux: Okay. And that's fine but I—

Mr. Hodnett: I understand—

Mr. Comeaux: My only point to you is, and you're clear on this, but I want to make sure everybody is, that part of it is already zoned for commercial development and the current zoning would provide for certain things that would be, you know, not what you'd want and so that's—

Mr. Hodnett: There's a scenario that I would like to throw out here and I know you gentlemen will have the final call, but he has the current CC property, he has the R-3 property. You give in to this, you're going to set a precedent. His son owns the other two parcels that the house sits on and the vacant lot on the other side of that, so stop and think about what the potential could be. I mean, he may not do it but the next – he sells off that property and the next developer may come in and try to take the whole thing.

Mr. Comeaux: I was just saying this to you and, again, I think you have a very good grasp of it but to be honest with you, I'm not sure that everyone does have a grasp. That part that's there now, you know, the further west parcel, he could put something in there that would be equally or more offensive than a doctor's office.

Mr. Hodnett: I'm not a developer but I work for the Department of Transportation. I do a lot of this work myself, so I do understand.

Mr. Comeaux: Okay. That's fine. I was just trying to make sure everyone's clear. Thank you very much for your comment. We have one or two more people, I think.

Ms. Melody Huffman: My name is Melody Huffman and I live at 7841 Oak Valley Road and I won't, obviously, repeat everything that Mr. Hodnett mentioned, but I am in total agreement with him, just an extra voice here tonight. For me, unfortunately, I'm kind of disappointed we have the one CC to begin with. I really wish it were all residential since that is what currently encompasses this area. I obviously agree with him on the traffic, the impact there. And as a homeowner this is my single, biggest investment, is my home and I think we all here are aware of the situation right now in the housing industry. Home values are plummeting. Everybody's losing value and it – this neighborhood, I have noticed since I've lived here, there's been a few houses in our area that have been for sale before. Some of them have never moved and this is a very nice neighborhood. The homes are well-maintained, they're not in disrepair. And I know right now there's a house, I believe, on the market that's been on the market for

eight months that hasn't moved. And I have no children but people – there're always people walking their pets and children playing and riding their bikes. So I'm very concerned about the safety for my neighbors' children. But for me, and like I said, my home is my biggest investment and at this point in time I am very, very concerned about what this will do to the value of our homes. I dread seeing what my appraisal's going to be when the new ones come out, because I'm sure I've lost value as anybody here that owns a home probably has. So that is a big concern for me because I really don't believe that a commercial building – one, two, whatever the case may be, retail offices, it doesn't matter. This is not going to benefit the value of our homes right now. So I just wanted to speak and make it brief so thank you very much for your consideration.

Mr. Comeaux: Is there anyone else? Yes, ma'am, please.

Ms. Sheri McMillan: Thank you. My name is Sheri McMillan. I live at 7936 Oak Valley and I know that I will be reiterating what she said to some degree, but my husband and I built our house on Oak Valley about 10 years ago. Like virtually everyone in this country, we have seen our investment tank. I know that I could not sell it now for what I paid to build it 10 years ago, but I also know that when I stand in my driveway, I can count five empty properties on Oak Valley, not just for sale, empty. This neighborhood has taken a financial hit and I cannot believe that putting this property in with an entrance to Oak Valley with all of the safety concerns, etc. is going to help the situation any. I cannot believe that anyone considering to purchase a property would see that as an asset. Mr. Bates has commented before that it would help the property values in the neighborhood and I cannot fathom that in the least.

One of the properties that is empty is the brick home that is just south of his son's home, I believe. The brick home is sitting empty. It would be – it has the smallest sliver between it and the other home that's not really good for anything and then the residential half acre or so is right beyond that. I'm just really concerned that we have really taken a major hit, all of us in the neighborhood, and on our property. And I don't like feeling like I'm living in a ghost town when I stand out there and see all of these empty homes and I cannot believe that this situation will not make it even worse, and I ask you to please consider the investment of the families that live in this area. And this is the biggest investment of our lives and we're already seeing it dwindle away by forces that are totally out of our control. But I ask you to please consider that and when making your decision, that this can only hurt us more. Thank you.

Mr. Comeaux: Is there anybody else here to comment on that matter? (No response.) Seeing none, is there any discussion among the Commission or can I get a motion or—

Mr. McGrath: Well, I have a concern. Having been on this Committee for many years unfortunately, I was here at other times when we were going through the same effort and my concern at that time hasn't changed much. Perhaps even the main concern at that time, to me, I could understand that property values, etc. and I agree. That's a good point and my concern, though, is with those handicapped children to a

larger extent. Especially since we're coming right out -- people leave a business, they don't know where they're going sometimes and they, instead of driving to the right or to the left they drive straight down the nearest street in front of them to try to find a way out. And that really concerned me, especially the fact that several of those children that need help live on the same street and that concerns me. And I know the parents probably keep tabs on them pretty close and all, but anything can happen. I think that affected me the most in the past. Then Mr. Hodnett made a statement that I hadn't thought of. I realize that Mr. Bates' son owned that other property with a house on it and he has no intention of going for a different rating on it, but the next person up there could, and using that for an example because more and more the property on that side is getting commercialized and that's a problem for all those people there. And I see it, just like when the speaker said, I see just like the rest of you do and my house going down in value and I feel your concerns. I can't see any reason for me to change my views in the past and as this comes up, I feel you should know it now that I'm not going to vote for it.

Mr. Comeaux: Okay. Any discussion among the Commission?

Mr. Wall: No.

Mr. Comeaux: Can I get a motion on the proposal?

Mr. McGrath: I'll make a motion to deny the rezoning application.

Mr. Comeaux: Yeah. You have to make the motion in the affirmative. Can a person make a motion who's not intending to vote?

Mr. Hansen: Yes.

Mr. Comeaux: Okay. Mr. McGrath, you can make the motion that we approve the measure.

Mr. McGrath: (inaudible)

Mr. Comeaux: What's that? Then you'll wait for somebody to make a motion?

Mr. Haire: I'll move approval of Item C1, 7964-Z.

Mr. Comeaux: And can I get a second for that motion, please?

Mr. Wall: Second.

Mr. Comeaux: We have a motion and a second.

(Mr. Hansen called the roll. Mr. McGrath voted “no.” Mr. Wall voted “no.” Mr. Haire stated, “I don’t believe that it would benefit the welfare of the area and that’s one of the considerations, so I’m going to vote no.” Mr. Comeaux voted “no.”)

Mr. Comeaux: Okay. That is the vote on the matter.

D. OTHER BUSINESS

Mr. Comeaux: There’s no other business before and so we will stand adjourned.

E. ADJOURNMENT

The meeting was adjourned at 7:10 o’clock, p.m.

James Comeaux, Chair

Matthew Hansen, Planning Administrator

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