CITY OF REYNOLDSBURG

MINUTES

PLANNING COMMISSION
THURSDAY, APRIL 2, 2020 6:00 PM

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

A. CALL TO ORDER

PRESENT: Cullinan (Remote), Zollars (Remote), Hicks (Remote), Furst (Remote)
ABSENT: Benner

2. APPROVAL OF MINUTES

1. Planning Commission – Special Meeting – March 12, 2020

Minutes Stand Approved

3. APPROVAL OF AGENDA

Agenda Stands Approved

4. SWEARING IN OF SPEAKERS

Speakers sworn in by Mr. Zollars

B. PUBLIC COMMENT

Mr. Cicak: Between the February and March Planning Commission meetings, there were some changes to the Rosehill Rd. area. Was one or two parcels changed from RM to single family?

Mr. Bowsher: At this time there was only one property owner that requested... (Inaudible)... that is the only property that is being looked at for senior living facilities, and that property is owned by Ted Lemmon. That's a seven acre parcel that wraps around the back part to the creek and that's the only parcel at this time that is being looked at.

Mr. Cicak: I was contacted by Dr. Goetz who owns the property to the north and she was concerned that her property was included with it and I've come tonight to talk about the rules of the Planning Commission. Under article 5 section 6, asking for reconsideration. Essential facts were not brought to Planning Commission. There was no public comment brought to this body about the parcels on Rosehill Rd. being changed to RM. Neighbors and the owner of one parcel we are talking about were not notified. These changes were made after the February 13th Meeting and were done without the knowledge of the property owner of that was the case. This was also done after the first reading by City Council. Section 6.03 in your roles it requires 30 days to change any maps. Furthermore, section 6.4 an agenda was not available (Inaudible) days in advance. There was a one page agenda that was published with no attachments and no report from staff was included. So my one question is was that one or two parcels?

Mr. Bowsher: If the second parcel wanted to be changed at this point they would have to submit

for a zoning change.

Mr. Wible - We are the property owner of the parcel next to the one that was just rezoned RM. The rezoning of that parcel has a negative impact on our parcel and we we're not notified of that as we would have objected to that rezoning. I can go into details as to why we would reject that. (Inaudible due to echo). We own the three acre parcel directly adjacent to that parcel and we have been negatively affected by that property due to the elevation and the dirt that has been piled onto that property... Inaudible... flood plain and flood way. Furthermore, changing that property and rezoning it to allowing more hard surface to go in place and have further negative impact on our property. We were approached by the city a year ago considering the purchase of our property. We think this action is further going to have an impact there. The city met with us, the former Mayor, Andrew Bowsher and a representative from Parks and Recreation, the discussion was interest in purchasing this property and the adjacent property to create a park. Possibly retaining the house and turning that into a visitor's center as a part of the park. The interest in our property was that they needed to access the creek to build a bridge to access the bike way. So with that discussion, Andrew Bowsher told us that he could take our property by imminent domain and build the bridge. We thought that was a negotiation tactic, but we fully walked away from that day anticipating that we would be getting an offer from the city for our property. So I think this action of rezoning of the property adjacent to ours, not notifying us of any rezoning and having a negative impact on our property; we think these are related and part of a plan that we are not aware of that's either going to take our property to use that bridge or diminish the value of our property, such that we aren't going to have the opportunity or value to sell it for a home development. It's a great property for a walk out basement home, it's a beautiful piece of property, but if that piece of property adjacent to us is developed or put into an assisted living facility we're going to be negatively impacted by that. In addition to that, we feel as if something isn't right with that and we weren't made aware and that we were threatened by taking the property by imminent domain. In addition, the reason we think there wasn't a proper transaction was because earlier in the year, we own a property where we had a neighbor that wanted to put up a fence. They wanted to put up a privacy fence adjacent to our chain link fence. Naturally that caused a problem with weed removal, etc. They moved their privacy fence in several feet on all other sides of their property, but on our side, we came home on day after talking to the neighbor and telling him we didn't want him to remove our fence. We came home to find our fence was removed and discarded and his fence was in place of that. So we took exception to that and went to the city and expressed our concerns and go nowhere with that so we went to the City of Columbus and filed with small claims. We did have a hearing with a judge and we did have a survey done and the survey demonstrated that the fence was clearly on our property and we knew that was our fence that was removed without our permission and the neighbors fence was out up on our property. We took our survey to court and Andrew Bowsher did show up to court and when we went to conference to discuss this Andrew pulled out a survey that he brought with him, representing as being presented by the Reynoldsburg surveyor and his survey was in contradiction to the one we had done by a professional surveyor that was stamped, certified and signed. Andrew's survey didn't have any signature on it but he did present it as fact. It is submitted to the record in Franklin County and I recommend to the committee to retrieve the minutes and all the documents that were submitted in that case. I will forward that following this for your reference. The judge ruled in our favor, he found that the homeowner next door did not have our permission and that Andrew incorrectly gave the homeowner permission to remove our

fence.

Mr. Zollars: Excuse me, we are talking about 8500 Taylor Chase Dr.

Mr. Wible: Yes, we are. So, after that, not long after, the property next to us was rezoned. I think it was intentional to get back at us for challenging him in court. He lied to the court and brought a false document in and submitted it to the court. I don't think it is a coincidence that a month and a half later that our property gets rezoned and after he talked to us at our property about taking our property by imminent domain to build a bridge. I can't help but to think that these things are related and that it's...

Mr. Zollars: Staff, can we please try to limit this to 3-5 minutes in the future? Let's address the first thing here if we could regarding public notice.

Mr. Bowsher: From my understanding we are ok, and the City Attorney is on the line if he would like to speak up. I just want to make it clear that the gentleman that was speaking was not discussing 8500 Taylor Chase. This was a civil matter and I'm not going to address the grievances that were made. Every parcel in the city was rezoned when we went through the zoning code. This parcel had nothing personally to do with the city, it was requested by the land owner when a developer had approached them. They had discussions with the city and we felt that internally this was the best course of action. As far as the imminent domain, that did not exist. No conversation about that was had on any form of record. That's not something we are wanting or looking to pursue. As far as the civil matter is concerned, it was not on the site that is in question.

Mr. Zollars: City Attorney are you on the call?

Mr. Shook: Yes

Mr. Zollars: Do you want to guide us or comment on 8500?

Mr. Shook: In reviewing the rules of the Reynoldsburg Planning Commission I would have to strongly disagree with Mr. Cicak regarding section 6.3. In addition I would note that under the charter 4.11-A with respect to notice. Notice goes out to adjacent property owners when the city is rezoning ten or less parcels. As the members of this commission are well aware with this particular zoning code, every single parcel within the city was given a new zoning designation. So, that kind of personal notification was not required.

Mr. Zollars: Mr. Shook so your guidance is to move forward as we have done our due diligence?

Mr. Shook: Correct. The zoning code is not in your hands anymore anyway. It went to City Council, City Council voted on it so you couldn't reconsider it right now if you wanted to. Only City Council.

Mr. Zollars: So let me bring this back full circle possibly. We are talking again about 8500 Taylor Chase Dr. This commission is not providing guidance for this particular property on

Rosehill.

Mr. Bowsher: We still have one more speaker on that individual's topic.

Mr. Hicks: Can I make a quick comment? Can staff pull up Rosehill road and this property this gentleman's comments are referring to? Can staff pull up on the shared screen the auditors site or something so we can identify the property? Andrew, if you could, please generally identify the property that Mr. Cicak's comment is related to and identify the gentleman's property that is adjacent so.

Mr. Bowsher: Absolutely, this parcel was part of the entire city's rezoning. This was not a one of thing. Mr. Lemmon's property starts here. His property is basically this L shape. The additional property that came up is right here just north of it. The map is 99% accurate. The GIS was overlaid on it, we then send it out to the county recorder and the county engineers office and is the most precise map is the one presented. What's drawn up is in illustrator and is more of a rough sketch and hard to get precise detail because there's not exact parcels on there. So, this parcel as it stands is not any of the parcels in question that they brought up about the fence. That parcel is off of Rocky Den Court and it between the LLC group that owns this and the family that owns the parcel next to it. So they are unrelated in the context of the parcels.

Mr. Zollars: Ok. Again I apologize as I'm trying to understand. So the fence issue has been addressed. Is there anything else we need to address on that issue?

Mr. Cicak: The only thing that I want to address is that, after the open house... (Inaudible)... I understand we rezoned every property, however; after the open house that we did in late October, first readings and multiple times at Planning Commission. This change was made between February 13th and the meeting you had in March. There was not a single public comment that was made about this change, which was the only change from RM to single family that I'm aware of, besides the Taylor road from Commercial to Residential. Those are the only two other changes I'm aware of.

Mr. Zollars: Thank you Mr. Cicak. Mr. Shook again your guidance is we can move forward?

Mr. Shook: Planning Commission couldn't address that right now, even if they wanted to because it was sent back to City Council. We can move forward.

Mr. Zollars: Thank you Mr. Cicak for your comments.

Mr. Hicks: Can I make a quick comment? I just want to say to Mr. Cicak that I appreciate your intense focus on this issue. The rezoning was a compromise for everyone in the city and I didn't get everything I exactly wanted in the new zoning code and nobody did. I think that's a good sign of any good compromise that nobody leaves 100% satisfied with the result. I think long term and across the city this new zoning code will improve the lives of everyone in Reynoldsburg. I appreciate your concern but I ultimately want to stress that this was a very important change and it got challenging towards the end as we tried to meet the needs of everybody. This is where were at now and we have to look forward to the future and what's best with everybody.

Mr. Cicak: The issue that I have is that the people on Waggoner road were able to see the proposed changes to their area long in advance and were able to organize and produce a petition and be heard. The people in ward one had no opportunity to be heard at all. As far as I know, no Council member was aware of the changes and was only noticed at the last minute.

Mr. Zollars: Mr. Cicak I want to refer to what Mr. Shook said and that's that there is nothing this commission can do. I appreciate your words and comments but this doesn't seem like the venue to have something changed. Mr. Bowsher, what do we have next?

Mr. Bowsher: We have one other speaker.

Dr. Goetz: I own the property directly north of the property in question, the 10 acres owned by Ted Lemmon. I do have an issue with the rezoning for a couple of reasons. One I do believe it is a personal vendetta against me by Andrew Bowsher because I did take him to court back in October.

Mr. Bowsher: You didn't take me to court.

Dr. Goetz: I took my name to court that Andrew Bowsher said that he could remove the fence without my permission. Yes, I did prove in court that Andrew Bowsher did lie. He did submit bogus documents. Beside the point, I'm here to talk about the 10 acres. I want everyone to know that I've owned that property for approximately 19 years. Ted Lemmon did a mound and land fill approximately 8-9 years ago. I objected to that and the City of Reynoldsburg pushed it through with an attorney named Mike Shannon, who happens to be a friend of mine. He told me at this point that he did not know I was the property owner to the north and had he known that I owned that property, he would have never pulled some strings and pushed that through to have the land mound filled. With that, two weeks ago we had a horrendous flood here in Reynoldsburg. White Butterfly and Roundley flooded tremendously than it has in 30 years, we do have property owner that can attest to that as well that still live in the Briarcliff neighborhood. My property downstream sustained over 100,000 in damages. It's in a flood way and I don't even know at this point if I can repair it and sell it. So this asset that I have of mine is technically useless because of this land mound that Ted Lemmon put in on the 10 acres, of which now these developers want to put an assisted living. I am going ...Inaudible.... this tonight, but I will be taking it further. I have no problems talking to the attorney on this and I do think this is a personal vendetta that Andrew Bowsher did and I intend to make it come to light. I have a right to be heard and I think the neighbors have a right to be heard. This community should rule from the neighbors and not from the top down. It needs to be ruled from the neighbors up.

Mr. Zollars: Is that is from public comment?

Mr. Bowsher: I believe so.

C. NEW BUSINESS

1. App #2020-5070; 8500 Taylor Chase Drive; Mid-Ohio Development Corporation; Major Site Plan

Mr. Bowsher: We are going to open this up to a full discussion. At this stage we can discuss it, give recommendations to the developers to make changes and in order to not cause hardship on the developers we recommend that we hold a special Planning Commission on April 23rd, which would be the last day of the referendum and we could vote at that time. If everyone can agree on that, then we can proceed forward and open up for discussion. Shawn and Ronnie Murphy, the developers, are on the call. You can ask them questions and I will try to scroll through the agenda packet at the same time. We do have a couple of speakers.

Ms. Wheeler: Our first case this evening is for application 2020- 5070 for 8500 Taylor Chase Drive. The application Mid-Ohio Development Corporation is requesting Planning Commission approval for a major site plan this evening. The proposal is for the removal of three existing buildings as well as the addition of eight condo and 24 apartment buildings including utilities. The total of all units together will be 160 units. All the documents are provided for you. If there are any specific questions as far as the site plan. I do believe we have both applicants on the line.

Mr. Zollars: Let's start with the applicants. Do you have anything you want to add? Hearing nothing, commissioners do you have any comments or questions?

Mr. Furst: Applicants, in reviewing the topographical map you provided it looks like a significant portion of the property slopes toward the property lines on the West and North boundaries. When prior development has been proposed for this site, the residence who live directly to the west of this site did express some concern about run off and as your plan does call for significant amounts of hard scaping that would produce additional run off could you speak to any of your plans to mitigate that?

Mr. Murphy: We had retained EMH&T and were made aware of this. One of the things I noticed on a walk at the site is that the properties that you are referencing have a couple storm structures on their parcels as they exist today. That indicates to us and the engineers that there was a storm water concern before this site was proposed. We are sensitive to it thought and that's why we have provided more than one retention pond. We're planning on collecting the hard surface water and directing them to the retention ponds to eliminate the water going to the single family homes.

Mr. Furst: That answers my question. Thank you.

Mr. Zollars: Mr. Hicks, anything?

Mr. Hicks: I do want to point out and thank staff for making the extra effort to allow this meeting to happen. My comments for the record would be; can we identify the density as far as units to the acre. Maybe some context as to the original project that was planned to be in that area versus what we are looking at now. If the applicant could describe a little bit about the neighbors to the west and the boundary and landscape plan that the applicant is doing in order to make sure that this project is being buffered from the west. Those would be my questions in regards to the site.

Mr. Murphy: The proposed density is under seven units per acre. We're about 6.34 density per acre. Regarding the buffering, we have a colored rendering where you can picture the landscape buffering a little better along the residential area. Addition to our landscape buffer, the majority of those houses do have fences already along that west property line. We could give you a list of properties to drive to, but along our property lines we typically do shield our properties to be a good neighbor. The majority of those houses do have fences already which will help in addition to the landscape.

Mr. Hicks: The comment I'm kind of leaning to on landscape buffer is in regards to the areas in zone 1 on the northern part of the property. Those buildings are closer to the building set back line than the others so I want to make sure we have a nice landscape buffer and we're in compliance with our new code. Really just to make sure we're properly screening the neighbors.

Mr. Murphy: Are you talking to north property line?

Mr. Hicks: Yes, so that's zone one and it shows a great landscape buffer. If you look at the sheet you have a pond, three builds and another building. I don't' see a great landscape on the first two buildings and I think it would be great to add some arbor variety to fill in some space.

Mr. Murphy: That is our intent. The drawing shown there is not showing what we intend to do. What we're planning to do is heavily landscape that on the north and use the materials you suggested.

Mr. Furst: Are you able to provide a rendering of that prior to...

Mr. Murphy: Yes, we have one and we can email it. I can try to hold it up to the screen, but I can email it over. We do have a colored landscape rendering that we can provide.

Mr. Furst: Do you also happen to have color renderings of the buildings themselves so we can view the materials?

Mr. Murphy: We do not have that at this time. One of the things and I don't mean to burden anybody, but we have communities, most recently on Long road in Pickerington, that we encourage anybody to go look at. We actually have a community about a mile north on Taylor road called, Taylor Ridge just north of the elementary school.

Mr. Furst: I did actually visit all your communities in the area here. I actually found that they were well maintained and constructed. The only reason I'm asking is because we have had some prior issues with building renovations and development where the final product was different than what was presented to us. So I just wanted a more detailed rendering for the record.

Mr. Murphy: We can certainly provide elevation renderings. We use a mix of masonry and vinyl siding. We have six or eight different elevations that we use and we strategically place

them.... there, if we can go. I apologize I'm changing the subject matter. You can see the northern property line and the green area. That green area is an existing concrete slab that we will remove and place top soil on the lawn.

Mr. Hicks: So just to clarify, the property line on the top of the screen that we are looking at is the western property line?

Mr. Murphy: Correct.

Mr. Hicks: There's probably some existing trees along the fence row of the property line and I want to make sure that with this rendering that landscape buffer is being included. I want to make sure that the existing trees will stay and you are adding additional trees. It's not where you get in there and say, there are already trees we don't need to add more. Maybe that could be at the discretion of staff that we're filling in those holes and continuing that buffer along those homes.

Mr. Murphy: That would be our intent. We would not point to existing trees and say that's adequate.

Mr. Hicks: One other comment in regards to the existing condo development. Are some of these unit being finished as part of that condo section? Other units.... Inaudible

Mr. Murphy: Yes, the H style building that is adjoining the loop road of Taylor Chase existing condominiums. We have a very similar building and for those of you not aware, my brother Michael did Taylor Chase phase one. Mid-Ohio Development is a family company and Mike is a shareholder and investor in this project. We are going to finish the H buildings and use his brick and shingle. We have talked to the association and they have showed an interesting in combining their properties with ours to make it one community. The want to combine services as far as asphalt repairs, snow removal, lawn care and landscape. We haven't achieved that yet but they are open to that conversation. The remaining building that are more lineal are ranch luxury apartments. To give you an idea, the one bedroom is going to start at $900. We have two, two bedroom style units and they are going to run ... Apartments are going to run $900- $1600 on this site for the apartments. The condominium portion will start at 199 and go to 270. They are a higher end finish that Taylor Chase phase one. When I say that we do cathedral ceilings, updated fixtures, granite, plank flooring and some different things than Taylor Chase phase one is. That’s what Mr. Furst would have seen on Long Road in Pickerington. We're going to bring that exact property to Taylor Chase phase two.

Mr. Zollars: You said something about aluminum siding?

Mr. Murphy: Vinyl siding.

Mr. Zollars: Ok, I thought I saw aluminum siding.

Mr. Murphy: No, we do a mix on masonry and vinyl. We'll try to mirror, as best possible to

the condominiums. Our goal is to not see the ten year lag between the two developments besides the more mature trees on the older portion. The apartments, although we don't' discriminate, we market to the empty nester. This will be our 13th or 14th community in this style and we've built in eight other counties in Ohio. Our demographics are predominately 55 and older, doesn't mean we won't start with younger professionals, but our experience has been that after four or five years our communities are heavily weighted with 55 and older. One of the good things it does for your community is the older people that move into this open up housing stock for Reynoldsburg. In theory, we would be potentially opening up 75-100 single family homes. Typically it is a more mature community.

Mr. Bowsher: If Planning Commission has any asks of the developer we can continue working through those. Also, Pat if you can make a motion one to table this after we're done discussing and two if we are in agreement to hold a special meeting on the 23rd. That is up to you as Commissioners.

Mr. Zollars: First off can we get that screen shot incorporated into the plan so we know what to expect at the end of the day?

Mr. Bowsher: Yes

Mr. Zollars: Two, does anyone care to make a motion to table this and follow up on the 23rd?

Mr. Hicks: Before I make my motion, I think I made it clear but just to be sure about landscape buffers. If you need to amend that landscape plan, not just this rendering but the landscape plan as part of this submittal please make sure that it's completed before it comes back. Also, as Mr. Furst had asked please provide actual colors or actual samples of the materials, especially the building along Taylor road. We want to make surer there's plenty of stone or brick and those elevations would be fantastic. I really appreciate you trying your best out of a challenging situation in regards to a condo community. I believe your product will appeal to seniors and I appreciate your honestly in coming in here and saying you’re not targeting seniors but that seniors will show up. I see a lot of developer’s say that they have empty nester product and unless you’re truly age restricted you can lease or sell to anybody. With that I'd like to make a motion that we table the submittal until our next meeting.

Mr. Furst: Second

Ms. Wheeler: Mr. Benner, No Response. Mr. Cullinan, Yes. Mr. Furst, Yes. Mr. Hicks, Yes. Mr. Zollars, Yes

Mr. Furst: I move that we hold the previously asked for meeting on the 23rd.

Mr. Hicks: Second.

Ms. Wheeler: Mr. Benner, No Response. Mr. Cullinan, Yes. Mr. Furst, Yes. Mr. Hicks, Yes. Mr. Zollars, Yes

RESULT:	**HELD**	**Next: 4/23/2020 6:00 PM**

D. ADJOURNMENT

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Chairman Planning and Zoning Administrator