

MINUTES
REYNOLDSBURG BOARD OF ZONING
AND BUILDING APPEALS
MARCH 20, 2014
6:30 P.M.

A. CALL TO ORDER

1. ROLL CALL

Members Present:

Mr. David Stoffel
Ms. Libby Wallace
Mr. Rick Donovan
Mr. Aaron Enfinger
Mr. Anthony Rettke
Ms. Bonnie Armintrout

Others Present:

Mr. Justin Robbins

2. APPROVAL OF MINUTES OF FEBRUARY 20, 2014 MEETING

Chairman Rettke: Are there any additions or changes to the minutes of February 20, 2014?

Mr. Robbins: None from staff.

Mr. Rettke: Hearing none, we'll go ahead and approve those minutes.

3. APPROVAL OF AGENDA

Mr. Rettke: Any additions or corrections to the agenda as presented?

Mr. Robbins: None from staff.

Mr. Rettke: Hearing none, we'll go ahead and approve the agenda..

4. SWEARING IN OF SPEAKERS

(Mr. Rettke administers the oath.)

5. PUBLIC COMMENT

Mr. Rettke: Is there any Public Comment? (No response.) Seeing no Public Comment, we'll move on to Unfinished Business.

A. UNFINISHED BUSINESS

Mr. Rettke: None is listed on the agenda so we'll move on to New Business.

B. NEW BUSINESS

Mr. Rettke: Mr. Robbins, can you read Item B1, Special Exception Use Permit for 1914 Brice Road?

Mr. Robbins: Yes.

1. SPECIAL EXCEPTION USE PERMIT, 1914 BRICE RD, REYNOLDSBURG, OHIO; PRESENT ZONING CC; PRESENT OWNER'S NAME, DINO KUZMANOVSKI; REQUESTING A SPECIAL EXCEPTION FOR A DAYCARE CENTER. CONTACT: LATARSHA PRITCHARD (#163771).

Mr. Robbins: This is Application #163771 for 1914 Brice Road, Special Exception Use Permit for a proposed childcare facility. The property is located on the east side of Brice Road, south of Livingston Avenue. The existing zoning is CC and it is within our Community Commercial Overlay District. Again, requesting Special Exception Use Permit to operate the childcare facility within the Community Commerce District. Current use is vacant retail. The applicant is Latarsha Pritchard. The applicant is requesting to operate the facility of 120 children within the district. The applicant is proposing a childcare facility occupying a maximum of 150 people serving children six weeks to 12 years of age. Hours of operation are proposed to be from 5:30 A.M. to 7:30 P.M. Monday through Friday.

Just a bit of background on the site and the context. If anybody is unfamiliar, this is the site that currently has the Big Lots to the north. We've had a couple items come through. I believe this is the old Mamajuana and then there was – is that correct?

Ms. Oberst: (speaking off mic) No.

Mr. Robbins: No. Excuse me.

Ms. Oberst: (speaking off mic) This is the old Reynoldsburg Bingo, 8,000 square feet.

Mr. Robbins: Thank you. I apologize. The proposed square footage of the daycare is 8,000 square feet. The facility will be staffed proposed with 20 full time and part-time teachers. Again, the facility is proposed to have a capacity of 150 people. The proposed play area is roughly 2,100 square feet in size with the existing fenced area on the east side of the building. It will be surrounded by yellow concrete bollards.

The review of staff, we had a couple of concerns that came up with the operation of a childcare facility on this property, so, just going through the first one. There's going

to be parking and circulation. The second is going to be a play area and the third is going to be the character. We'll go through those items one at a time.

Reynoldsburg doesn't have necessarily an accurate standard for parking. This site, most of the area that you see in here is well parked so parking really isn't going to be a tremendous issue. On site there's a very large capacity of unused parking. What is going to be the issue is parking for the daycare and by that I mean you have 16 spaces that are out in front of the building. If you ever have a peak hour of people coming and going with more than 16 cars, then all of a sudden those folks have to park on the other side of a drive aisle. So then you're going to have people walking with their kids to and from those parking spaces into the building. Now let me—

Ms. Oberst: (speaking off mic)

Mr. Robbins: Okay. Again, I think that's going to be of some issue as well. We'll get to the rear area here in a second. But assuming that there are other businesses operating in the area that's also assuming that parking space is going to be completely free, which it may not be. So, again, you're going to have these peak areas of retail operation and then you're going to have a daycare that's going to be running with peak operation as well in the evenings and the mornings. There could be some conflicts there especially with traffic and especially with children, so we'd like to make that those are all carefully thought out.

As far as the play area, the State of Ohio requires that childcare establishments provide a suitable play area for children. The applicant proposes to designate the existing fenced area as a play area on the east side of the building which is used for loading and transportation goods. So if you consider the back of the building and the way it's currently set up right now, you have this play area that you can see in the red in the rear of the area. There's a loading dock loading door that's just to the north, so on the screen it's to the left. And then you have a fenced area, which inside of the fenced area you have mechanical equipment currently, just open. Staff does have concern that heavy semi-truck traffic will be a potential safety hazard for children. In addition, the noise and odor from the loading area and trash area does not create a safe or comfortable environment for children for an outdoor play area. And again, I do want to stress that this is basically asphalt with a fence around it. Again, I would like the Board to consider whether or not they would consider this—

Ms. Oberst: (speaking off mic)

Mr. Rettke: Ma'am, this is his presentation and then we'll open it up, but you'll have to step to the podium and state your name.

Mr. Robbins: So again, it's a concern that staff had regarding the character of the play area and the type of atmosphere the children will be occupying. Again, an area that's wide open asphalt and cars, so there's always the potential, I think, even if safety

precautions are there that a car running through the parking lot or a truck backing in could potentially come through that fence and be a serious safety issue.

The third is the character. Staff does have concern the proposed childcare establishment of 120 children is not necessarily keeping with the character of the district and could have negative impact concerning businesses and lots and could present a potential safety hazard for the children located at that facility. So, one of the reasons we have zoning is to provide areas for particular businesses to operate and provide them a good place to do so. By having a large amount of children like this, the concern by staff is that it's not going to necessarily match the character of the district and that could be a potential problem for neighboring retail. Again, we want to make sure that the businesses and operation have a place to do so. It's the finding of staff the proposed location was never intended for use as a childcare facility and is not conducive to the health, safety, morals, and welfare of the child occupants or surrounding properties.

It's the recommendation of staff that the Special Exception Use Permit for the proposed childcare facility to operate at 1914 Reynoldsburg be denied. Staff finds it does not meet the test as outlined in Section 1145.09 specifically for Items A and C. I'll go ahead and read those for the record. Section 1149, letter A: "The proposed use shall be in harmony with the existing or intended character of the district and nearby affected districts and shall not change the essential character of the district." Letter C: "The proposed use shall not adversely affect the health, safety, morals, and welfare of persons residing and working in the neighborhood." I'll open up to the Board for any questions or the applicants as well.

Mr. Rettke: Well, let's go ahead and have the applicant and anybody wishing to speak go ahead and step up, state your name and address for the record because I'm sure you'll want to rebut some of the -- or clarify

Ms. Latarsha Pritchard: Are you ready? Latarsha Pritchard. Do you want my home address?

Mr. Rettke: Yes.

Ms. Pritchard: 8038 Harvest Moon Drive, Reynoldsburg, Ohio 43068. To address a few things that he was stating as far as the parking. I currently run a center. Our maximum children we have is 120. It is in Columbus. It's in a strip mall kind of similar to what I'm asking to do here. We've never had 16 parents show up at once. I know that may seem a little impossible, but it's never happened due to the fact that we have parents coming from different locations around the city. The most parents I've ever seen is about five, six parents to come in maybe around the same time. I will remember because we would be happy if there were 16 parents that came in to pick up their kids at once and most of our children are multiple families. We have moms and dads, three kids, four kids, things of that nature.

As far as our playground in the back, we do have it fenced in. It is where there are deliveries because there's like a retail store there. We do have dumpsters out there. It is protected and we don't have a problem with the smell or flies or anything like that. We have never had that problem. We keep our dumpster dumped twice a week if we have to, so it's pretty much closed. There's really no smell or anything like that and we do a trash run in our center. We make sure everything is clean. We've been in business for about six years so we've kind of got it mastered down and we know what time-- We get our parents' schedules ahead of time so if we keep our kids colored-coded we don't like a bunch of traffic. We like to get them in and get them out. You know, if they have any questions we have times where we have set up for our parents to come in and sit down and talk to us if we have to spend more time with them or anything of that nature. I'm trying to think of what else. I think that's—

Mr. Robbins: Ms. Pritchard, what's the name of the business?

Ms. Pritchard: Kidding Around Daycare.

Mr. Robbins: Kidding Around? Okay. Thank you.

Ms. Pritchard: Well, the new – this center will have a new name. It'll be Happy Days Daycare.

Mr. Robbins: Happy Days Daycare?

Ms. Pritchard: Um-um.

Mr. Robbins: Okay.

Ms. Rose Oberst: I'm Rose Oberst. My address is 11518 Forest Lane. My business address is here in Reynoldsburg, 6420 East Main Street. I currently am the property manager for the Anderson's. I also have many of the shopping centers here. I have the Reynoldsburg Center for Schottenstein. I also have the Odd Lots Center for Dino Kuzmanovski, Scarborough Square, Sycamore Plaza in Pickerington. I want to address first – I'm also a general contractor. My company is a management company and a maintenance company. I want to address the fencing. According to Reynoldsburg and the plans, you must have bollards every 5 feet around a fence where there's children. You also have to have a 6 foot fence around any utilities, so we would not pass an inspection unless that was done and that's something that's in all daycares. I've done about 12 daycares. This is an 8,000 square foot room. It's almost ideal for a daycare because it has ADA bathrooms, ramps, things that are needed. She has a successful business across the street behind the US Bank. This isn't a new business. She's coming in with established kids.

The problem I'm having, and I need your support on, is that these shopping centers, this one and the one across the street has been vacant for two years. I've brought several people and each time, even if they have good credit, it's stretched out

to the point where many of them have walked. We're looking at 40,000 to 50,000 square feet of vacancy. This current landlord pays about \$94,000 in taxes. He has one unit, the Odd Lot and the Mexican grocery store. He's had 12,000, almost 13,000 square feet vacant for two years. Across the street there's triple that. So if we have established business that have been successful with no problems it's, I think, imperative that we try to help get these vacancies full. The neighboring retail right now, you have a grocery store a couple doors down and you have the Odd Lots center. There's not that much traffic. I mean, when you compare it to what Bingo had – when Bingo was there we had 150 people at all times with major traffic. We do have additional parking in the back. If it's required we can re-stripe it. If you would feel better about people being dropped off and picked up in the back where it's safer, that's not a problem. I think this owner, in 25 years, has never had a problem in this shopping center. I think you have a successful businesswoman here who is at 6,000 square feet and needs 8,000 square feet and I'd like to see her have the opportunity to do that and to say the area doesn't justify it when she's across the street with no problem at all, doesn't make sense to me. I think we need to get behind some of the landlords and try to get these places rented so that the tax bases go up in the area. Because you can't get national tenants if you have to traffic basically, and I can tell you we lost True Value for that reason. We just got an Ace Hardware. I don't know how long they're going to stay in the Reynoldsburg Center, but it's very hard when you're trying to lease something and you feel like your hands are tied. So I'd like you to consider what I'm saying and the fact that this landlord will comply with everything that you've asked him for and then some. He's never, to this date, had an incident even in the restaurant. And I would like to cite – I mean, I know it's not the same property, but I would like to cite something, is that we came here and got approval for a restaurant that was open until 2:00 in the morning that had alcohol. We had no incident for almost two years. When they vacated the property we went five months trying to find a restaurant because the Council here didn't want them opened past midnight, didn't want them to serve alcohol when we were already doing that. And when you take a shopping center who pays \$8 a square foot and that's the lowest in the entire area, \$2 triple net which is your taxes, insurance and outside maintenance, that's \$3,633. There's no way a restaurant can make that money without serving alcohol. Is it fair to the landlord then to say you built this restaurant, you've had it as a restaurant, you've never had a bad incident, but now we're not going to let you keep it as a restaurant, now you have to lose a couple thousand? To me it doesn't seem fair. If there was an incident or a bad thing that's happened I could understand it, but I think we need to start helping these landlords find very good people with good credit and good asset and help them get started so we can make the area grow. That's all I have to say.

Mr. Rettke: Any questions, concerns, comments from the Board? (No response.) Well, I'd like to start with the – the parking is relative. I think it can be looked at as being decent enough, so I'd like to look at the playground. Justin, I know you had the Google Earth up.

Mr. Robbins: Yes.

Mr. Rettke: If you could show us the current situation and somebody address how they're going to make this useable because in its current format I don't agree that's acceptable.

Ms. Oberst: In order for it pass inspection, it has to have bollards and it has to be covered. The utility box has to be covered, so that's what has to happen in order for us to even get open. She can't pass Board without it. She can't get her license without it.

Mr. Rettke: I understand that, but we're looking at the picture now so what are you going to do with the existing utilities?

Ms. Oberst: They'll have to have a 6-foot fence covering them and they'll have to be bollard around that and also around the outside every 5 feet.

Mr. Rettke: And that's what you plan on doing, exactly at 5 feet?

Ms. Oberst: That's the way – we won't pass inspection without it. I've been working with Reynoldsburg many times.

Mr. Rettke: Because when I look at your drawing, nothing's mentioned about that so, you know, we want to make sure that that—

Ms. Oberst: None of this has gone through plan review yet. None of its – this is just preliminary. None of this has gone through—

Mr. Rettke: Where is the existing trash going to be located at?

Ms. Oberst: It'll be outside the area, yeah.

Ms. Wallace: Is the play area going to remain that same size or is it going to be expanded and what is the size of that play area?

Ms. Oberst: Actually, it's big enough not to be expanded because you only allow six to 12 kids out at a time. Is that correct?

(speaking off mic)

Ms. Oberst: So you may add in the future, yeah. But generally, that's what they allow, six to 12 kids out at a time.

Ms. Wallace: Is it going to remain asphalt or is there going to be some sort of surface installed?

Mr. Oberst: It's required by her licensing that she has to have 9 inches of mulch and usually they use railroad ties – a lot of them use railroad ties and they actually, the

license place actually puts a pole in the ground to make sure that that's what it is. And, like I said, I've done several – I did the daycare on Brice Road. I did 1196 West Broad. I'm finishing one on High Street right now, so we're well aware of what's required.

Mr. Stoffel: This picture, to me, just really makes me not want to have that there. I see a semi backed up to that fence blowing fumes on the kids when I look at that. When you tell me about the other places you've done that other people have approved and accepted, is this what's being done?

Ms. Oberst: If you go down Tussing to Americana Blvd., you have an industrial parkway called Oakwood Management. There's a huge daycare there. It's now 6,000 square feet. And you do have trucks coming in in the back. It's an industrial area. They do have fold-up doors if you go down there but it's very safe. They have bollards around the fencing and we've never had a problem. You're welcome to drive down there and see how efficient it's worked. It's been there for about a year-and-a-half now. And that's why the bollards are required. That's why they're there, to keep everyone safe.

Mr. Stoffel: Yeah. I understand that. I just don't know if typically these—

Ms. Oberst: The Odd Lots—

Mr. Stoffel: --these daycares are put in a place where there is industrial traffic like this with semis backing up in that area and parking there. Is this typical?

Ms. Oberst: Well, if you look next to it you'll see a community garden and there's people out there everyday—

Mr. Stoffel: Well, that's a little different. That's—

Ms. Oberst: --is it not safe for the people to be there because of the trucks? It's not—

Mr. Stoffel: Well, that's—

Ms. Oberst: It's the same exact footage away. You've got a community garden.

Mr. Stoffel: Pan over, Justin. Can you?

Ms. Oberst: You've got people out there gardening all the time with children and they don't even have bollards.

Mr. Stoffel: Well, that's off of the road for one thing and for another, those semis aren't backing up to the community garden, so it's different.

Ms. Oberst: They're backing up to a—

Mr. Stoffel: They're not loading and unloading at the community garden. They're unloading and loading at the back of this building where this playground is, so it is different.

Ms. Oberst: The doors that open for the Odd Lot building when the trucks pull in, there's still bollards there to protect the playground area. And if you would like to have the playground area moved to the other end where there's not trucks, that wouldn't be an issue. It could be put closer to the restaurant. And that's a very minor expense.

Mr. Robbins: I just want to be clear on this space that's being proposed to be leased out. I'm going to shut the lights off here for a second so you can see the screen as well. Is that better? I've got a laser pointer here. So this is definitely the space being leased out? The larger portion, is it over here or is it over here?

Ms. Oberst: Well, there's the Mexican grocery store, then there's Mamajuannas and then the next portion, keep going over, that's where it's starting in the middle. There's there it starts and it goes to the end of Odd Lots. No, go one more over this way. It's in the middle, yeah. The grocery store has this end and then Mamajuannas-- Am I looking at this the right way?

Mr. Robbins: Let me get it so it faces north. Okay. So on the plans it's indicated that it's this area right here and right here.

(Ladies speaking off mic.)

Mr. Robbins: This is what the drawing shows. This half right here of the dumbbell and then the handle right here.

Ms. Oberst: So if the fencing, in your opinion, is too close to the trucks, we could always move it where the restaurant is and have the fencing there. It's not an issue. It's just the fence is already built there for bingo, but that's inexpensive if that's something that's bothering you. As I said, if you look right there where the green space is, that's community garden. She has a business across the street with grocery stores and trucks and we've never had an issue. I mean that's why we have that protection. That's why Reynoldsburg demands that we have bollards and you're not talking 14-16 bollards.

Mr. Donovan: You keep talking about Mamajuannas. Can you tell me what you're planning on that, because there's been work trucks outside of that building, that area and people inside working. What's going on with that?

Ms. Oberst: When the previous tenant left, they destroyed the place and all they're doing is making repairs. They took a hammer to some of the tile, they took the urinals, they stole the oak doors, they let off the insul system, they tore down the drop ceiling and the grocery store would like to eventually open that, but right now the owner

is making repairs to put it back to what they destroyed. So basically that's what he's doing right now is just making the repairs. There's no change. He's bringing it back to bar status or restaurant status?

Ms. Oberst: Bringing it back to restaurant status, putting in the insul system—

Mr. Donovan: With the premise of having alcohol served in there?

Ms. Oberst: Well, that has to go through here.

Mr. Donovan: I realize that, but is that going to be an attempt on your part?

Ms. Oberst: Well, to be perfectly honest with you, we didn't have an incident. We even had the police—

Mr. Donovan: That doesn't matter. I'm not asking that. I'm just asking if you're going to have alcohol in there.

Ms. Oberst: I would imagine they would.

Mr. Donovan: Next to a daycare? I don't think so. Not with City Council.

Ms. Oberst: Well, there's no law that says you can't.

Mr. Donovan: I thought you had to be a certain distance away.

Ms. Oberst: No, no. And there's many daycares in shopping centers where there's restaurants.

Mr. Donovan: Right next door to it?

Ms. Oberst: Yes, many, and they're different hours of operation. She ends at 5, they don't even open till 5.

Mr. Rettke: Not according to the staff report. She's claiming 7:30.

Mr. Oberst: Okay, well, then there might be an overlap, but most daycares. And I can't speak on the person who's going to do this. I don't know, but I'm assuming not, only because you can't pay \$3,600 a month with just food and that's the bottom line rent in that area. Most of the owners like Gilbert Group is \$9.90 a square foot; Schottenstein is \$12 triple net. He's asking \$8. And the other thing I don't understand is it was a restaurant. It was serving alcohol until 2:00. It never had an incident. Even the police said they never came there. They never had a problem. There's many restaurants – you allowed BW3's, they served alcohol till 2. They had children in there on the weekends that came after the games with their families. Applebee's, there's a lot of restaurants that do very well.

Mr. Robbins: There's one thing I want to clarify with our code for the Board members and for the applicants as well. The way that our code is written, we don't make a differentiation between places that serve alcohol and places that serve food. So within this district, any restaurant or any bar wanting to come in is classified as an eating and drinking establishment and it's up to the Board to determine whether or not those conflicts exist. So I want to be clear. There might be other codes that exist with liquor licensing and so forth over how far they have to be away from daycares, but as far as it's concerned through our zoning code, it's up to the Board to make the determinations.

Ms. Oberst: If these landlords continue to be vacant, I don't see how they can pay their tax base to be honest with you, after two years. I can understand it if there were incidents. I could understand it if you did have trouble, but you've never had trouble from this landlord. He's more particular than you are. He owns 6-7 restaurant bars himself, Classic Pizzas, he owns the Odd Lots Center, he owns the Tuttle Center, he owns a Holiday Inn Express. He's never once had a problem in Reynoldsburg.

Mr. Rettke: I'm looking at the way this is kind of carved up. There's not going to be one primary entrance. It's going to be all – for instance if you want to go from the five year to 12-year, you enter one door?

Mr. Oberst: No. There's actually, I think—

Ms. Pritchard: (Inaudible – off mic.)

Mr. Rettke: There's going to be one main entrance? Okay.

Ms. Oberst: But there are exists. You're required to have an exit if you have infants.

Ms. Pritchard: (Inaudible – off mic.)

Mr. Rettke: The drawing has them all like separate rooms with no connectors or anything like that. You're stating your business is across the street and you're going to relocate and we're not going to have that over on the other side anymore? That one's going to close?

Ms. Pritchard: (Inaudible – off mic.)

Mr. _____: Where's it at? Can you pull up – can we see the area where that is? I think I know.

Ms. Oberst: It's behind US Bank, next to the grocery store.

Mr. Robbins: Let me get this on the screen real quick and I'll turn the lights off so we can all see it. I just want to be clear where we are.

Ms. Oberst: Find the US Bank first.

Ms. Wallace: Is US Bank the gold building?

Mr. Robbins: So this guy right here?

Ms. Pritchard: Yes, it's right where you are. It goes from the front of the building all the way to the back of the building.

Mr. Robbins: So it's that space right there?

Ms. Pritchard: Uh-huh.

Mr. Rettke: Any other questions, concerns, comments?

Mr. Stoffel: Oh, is that the current play area that I'm looking at?

Mr. Rettke: Yeah.

Mr. Robbins: This is Mr. Robbins speaking. I'm going to turn the lights on.

Ms. Oberst: Also, I think Andy Delzappa's going to be doing these drawings. I think many of you know him and respect him. He's been around for over 40 years.

Mr. Robbins: How many children do you currently have in your business?

Ms. Pritchard: (Inaudible – off mic.)

Mr. Robbins: About 100? Okay.

Mr. Stoffel: And again, and you may have said before, how long have you been operating in your current location?

Ms. Pritchard: Five years.

Ms. Wallace: I appreciate all the points about the empty buildings and everything and the fact that you're an established business owner who seems to have a well-run business. My huge concern is just the location and the parking and the semis, just for safety. And I know that there hasn't been an incident and you haven't had an incident in the same thing over in Columbus, but it just makes me nervous to have all those semis coming around the back. I know that living here my entire life that people use that back drive as a cut-thru and not a slow cut-thru, cause they want to avoid the light. Just the speed of the traffic—

Ms. Oberst: (Inaudible – off mic.) -- but if it is a problem, we can always move the fence closer to the grocery store and away from the trucks which would get you over 100' away. If that makes everybody feel better, it can be done. It's very simple.

Mr. Stoffel: Part of my concern—I'm really struggling with this. We've got empty square footage and we're losing tax base, I understand that. But this area – this district was made for retail. It was made for commerce and this isn't commerce. So there's where I'm struggling with that.

Ms. Oberst: Well, I think you should go into the K-mart center. You have a large daycare there. Then you should go across the street to RG Kennedy's. You've got Romake, who was in the K-mart center for 20 years and now is in the RG Kennedy center and doing highly well. And you have both infant and childcare in the Gilbert Group center, which is attached to the K-mart center. I used to manage that. It's still going strong. All of those have daycares in them. It helps when you have a lot of vacancy, like 8,000 square feet open space. They've never had an incident and Romake's been here over 20 years.

Ms Armintrout: I have a question. On the document here it says there will be two separate play areas, one for infant and toddlers. Are they located in the same place or can you explain that?

Ms. Pritchard: Yeah. I stated that when she was discussing that and then she stated something about moving them. In the area that she wanted to move it to, that's where I was going to put another one. So that's what I was considering when I initially wrote that out.

Mr. Rettke: Eventually or immediately?

Ms. Pritchard: I was going to immediately. That's why when she stated that I kind of told her that was my original plan.

Ms. Oberst: (Inaudible – speaking off mic.) --but she could easily make it bigger and just put a wall between them and move the full playground there. It wouldn't have to be--

Mr. Rettke: I don't know. Personally, there's a lot of shoulda-woulda-couldas going on here. I'd like a more comprehensive approach to this. The way the drawing is laid out is each room doesn't connect to another room. Now we're adding a second playground after we were told there is one playground. I, you know, I get discouraged with this. It's a hard enough issue and now we're kind of changing our mind here on what we're doing. So now we're at two playgrounds, correct?

Ms. Oberst: No. We're at one playground with a divider.

Mr. Rettke: So it's the same area, just divided off?

Ms. Oberst: You expressed that you were concerned about trucks. I said it's easy, that we could move it down if that's a concern and she said she was thinking about putting in a toddler playground.

Mr. Rettke: And then she said—

Ms. Oberst: She doesn't have to by law, have a toddler playground. She can share—

Mr. Rettke: I said, is that going to be in the future or immediately and I was told immediately so now there's two playgrounds.

Ms. Oberst: No. Because she—

Mr. Rettke: She's sharing the existing squared, boxed-in area?

Ms. Oberst: No. She could move the older kids' playground down where the infant/toddler playground is and just put a divider. It can easily be done by any architect.

Mr. Rettke: Well, I don't have to be an architect and I could do it. I mean—

Ms. Oberst: That's right—

Ms. Pritchard: That's not what I originally said. Whatever is stated in my summary is what I intend to do. I said it was going to be two playgrounds and that's what it is going to be. If the architect did not state that on there, he should have because that was my intent; because I would prefer a toddlers and infants to have their own playground and preschool and school age to have their own playground.

Ms. Oberst: (inaudible – off mic.)

Mr. Rettke: Yeah. So now we're talking about moving it down, but that's going to bump the playground that we didn't know about until a couple minutes ago.

Ms. Oberst: (speaking off mic)

Ms. Pritchard: (speaking off mic)

Mr. Robbins: I'll go ahead – just for the record I'm just going to read what you had written on there. So we have one paragraph that describes the age group of the children being proposed in there and then the second paragraph starts, "There will be two separate play areas for one infant and toddlers and the other for preschool and school-age children. The play areas will be protected by yellow concrete bollards

installed 3 foot in the ground at 5 foot apart around the complete play areas. Parking spaces will be available for 75 to 100 for parents.” So I guess in there, in that description what you’re saying is that the existing fenced area is to be the complete playground area and then you’re going to separate it between age groups. Is that right?

Ms. Pritchard: But what she was stating is if there was a problem to move it over.

Mr. Robbins: Okay.

Ms. Oberst: There will be no problem to move it down.

Mr. Robbins: Okay. I just wanted to be clear.

Mr. Rettke: Okay. So the current plan is one playground with a divider between the two?

Ms. Pritchard: For two separate areas.

Mr. Rettke: For two separate areas? So we’re not putting up another fence and another playground?

Ms. Pritchard: She said that if that would please you guys, that would be an option.

Ms. Oberst: It would be inexpensive to move it down closer to the restaurant if it (Inaudible – off mic.)

Mr. Robbins: I just had a quick question as well. We have on the screen the plan. Would you like me to turn the lights off again? I keep going back and forth with that. Mr. Rettke had brought up the fact that you have one, two, three, four, five – basically six different classroom areas. The door to the very left, which is on the north side of the building, is the one that would be accessing the current play area. Is it the intent to have some sort of hallway or doors that connect those different spaces within the building?

Ms. Pritchard: Yes. There should be a hallway adjacent to the classrooms. He didn’t—

(speaking off mic)

Mr. Robbins: Sure. So the drawings that we were given just show basically a demising wall between these spaces. I guess my—

Ms. Oberst: There’s exit doors for each of those spaces. There’s four exit doors on the back of the building.

Mr. Robbins: Sure. As required.

Ms. Oberst: Yes.

Mr. Robbins: My question was, let's say we have infants or we have on the very right hand side of the space we have infant six weeks to 18 months. I guess they won't necessarily need a play area so much but young toddlers, let's say. Is there a way for them to get from that room to the exit door that exits into the proposed play area?

Ms. Oberst: (Inaudible – off mic) exit door out back.

Mr. Robbins: So the have to walk outside.

Ms. Oberst: They would walk out and it's required by Reynoldsburg to actually have a fence to that area. You have to have a fence where they can walk down.

Mr. Rettke: This is what I'm talking about. We don't have a good conceptual picture of what this is looking like. We don't have a hallway. We're now assuming – that's why I brought it up. Is there one entrance or is each classroom going to have its own separate entrance? Then we have the issue with getting to the playground, ingress/egress.

Ms. Oberst: There's exits on each of those areas – (inaudible – off mic.)

Mr. Rettke: I can see that.

Mr. Stoffel: I don't see – where's the exit on the preschool age? Because it looks like there's a wall dividing the school-age and the, you know, the second unit from the north is the preschool age. You have an entrance.

Ms. Oberst: There's an exit here.

Mr. Stoffel: Where? I don't see it.

Mr. Rettke: Not the way the drawing is made. That's what we're saying.

Mr. Stoffel: Right. There's no access there. And how do I know? There's no direct access for your southern – I believe, it's hard to read, but I think it says infants. There's no exit access out the rear for that.

Ms. Oberst: (Inaudible – off mic) --this is a preliminary drawing. This isn't a mechanical drawing or a drawing _____. This is just a preliminary drawing. But it's required if you have infants that you can exit both front and back.

Ms. Wallace: If everybody has their own door to go out the back, then your fence would have to go all the way from the one end of the play area on the left on the outside all the way to where the building makes the 90° angle, so that would make your whole fenced-in area the whole back of that center portion. Or how would – if the kids in the young toddlers go outside they wouldn't be within the proposed fenced area. Do you understand?

Ms. Oberst: (Speaking off mic.) Yeah. There would either have to be a bollard inside or there would have to be a fence outside with bollards so that they could safely walk down to the fenced area. But since we heard from you and you have an issue being closer to Odd Lots, we could easily move the fence to where the infant room and the first two rooms are and put that fence right there. There would be no problem. And you _____ open the door they're in the play area.

Mr. Stoffel: This, to me, is incomplete. I mean, when you come and ask for a variance on something, you're asking us to change what is to something different and for us to do that, for me to even consider it, I have to really know what you're thinking. To say that "it might move here, it might move there, there might be a hallway here, there might be a door there, we may extend it here, we may extend it there," it's hard for me to really say yes to something I don't know what I'm saying yes to. You know, I want a really objectively look at what's going on here but—

Ms. Oberst: Well, that's why you have a plan review. That's why--

Mr. Stoffel: Well, I can't—

Ms. Oberst: --we put the plans in and we have to get them approved by Reynoldsburg in order to build out. This is just a preliminary drawing.

Mr. Stoffel: But your preliminary drawing should show me that there's a door there on that second unit, or that preliminary drawing, what we're dealing with here, should show me that there's a hallway connecting those that go back to the proposed play area. That's what that should show me.

Ms. Oberst: Well, I agree with you. I think Andy _____ just didn't put it in. I agree with you, but he also showed the play area that's in existence and it wouldn't be divided. So it is there and there's a door there that everybody could use and—

Mr. Stoffel: Well, no, not what I'm looking at. There isn't a door there that everyone can use. What I'm looking at, there is not a door that everyone could use. I mean, there's not and that's great that you can say that would be there or there would be an adjoining hallway or that, any number of things, but what I'm given to look at to make a decision on isn't that. That's not what I'm seeing and I can't go with that.

Ms. Oberst: (speaking off mic) --tomorrow we get with him and get you a – showing how it's going to be exited and would you feel better having the fenced area

closer to a grocery store, because that's not a issue. If that's the only thing holding this up, it can be done in one day.

Mr. Stoffel: No. I'm not saying that's the only thing holding me up from voting yes or no, because I have a problem with how it affects the character of the strip, but what I am saying was I could make a more informed decision if I had what is actually proposed. I have a real problem with the play area where it's at. I have a problem with that. I have a problem with the trucks backing up right beside it there and fumes blowing there and it's not the same as the community garden. I have a problem with that. So when I had these other issues that I have issues with, the stuff that I should feel good about should be pretty darn clear to me so that I can balance that. And that's not saying if you provide access like we spoke, that you provide all that, that it's a slam dunk for me because it's not. But I have to know what I'm looking at.

Ms. Oberst: Moving the playground down is not a big issue. If that makes everyone feel better, it's not a big issue. And I understand the concern. I do want to express that almost every shopping center in Reynoldsburg has a daycare and is it unfair – is it fair to this landlord to say, "Oh, well, we granted it for everybody else but not you because we don't like the way it's designed"? That's not fair. If Gilbert Group's allow 12,000 square feet for daycare, if Kennedy's allowed 8,000 square feet for daycare, why is it that, you know, Kusman. who has been here all these years and never even had an incident, is not allowed and has to remain vacant. It doesn't make sense.

Mr. Rettke: I've got a couple issues here and I don't know how to phrase it nicely. All these daycares go through the same scrutiny. We have much the same issues with where that playground is going to go. We have much issues with the foot traffic in and out, the parking, so nobody's getting an unfair shake. Boards change over time. I know we put the Romake's through major scrutiny on that when she wanted to move from one side of the street to the other. Pretty much any and every daycare, same issues always come up. And as we get more experienced as a Board, we have some new faces, different questions come up, but to necessarily keep throwing same scenarios at us it's the same argument over and over again. I agree with Dave. It's the same issue here. We're looking at a drawing. We're visual people, both Dave and I are in the engineering profession. We like to see exactly how it's going to look. You're taking a use that is commercial and now you're saying, okay, we're going to use it for some other use that has a different purpose, a different flow to what the building was designed for. There's different considerations, so we want a better picture. We want to look at it and say okay. Given the scenario, you could've just handed us a blank room and gotten the same thing, you know. You've got lines going through, buildings don't connect, we have to worry about the flow of children because of the parking, because of the semis. The playground, when we see it on the picture it shows all these major mechanical devices sitting out there. We know the bollards have to go up and we struggled with that with the two we denied down where the Hostess used to be. So, I mean, these are all considerations. We see probably the majority of our applications anymore are daycares and we do put them through a rigorous scrutiny, but to sit here

and say there's an unfair advantage over this guy or that guy, I think it's kind of uncalled for. We're evaluating this situation with this Board. Four of us have been on here less than six months probably, maybe eight months. Dave and I are the resident experts here as far as time goes. It leaves a bad taste in my mouth, honestly.

Mr. Stoffel: I want to say, too, that it's not fair to the current Board to compare what could have happened before and that's what Tony was saying. There's no – to make it sound like, to imply that we're discriminating against one developer over another one or—

Ms. Oberst: I never said that.

Mr. Stoffel: --we're not appreciating the fact that other people do it.

Ms. Oberst: I never said that.

Mr. Stoffel: It doesn't change what this Board feels is appropriate at this time.

Ms. Oberst: I understand that. What I said was there's a daycare in the K-Mart Center, there's trucks pulling in and they've never had an issue. They've been there over 20 years. That's what I said. I never said that you were discriminating against anybody but I will say this, I do lease most of the places in Reynoldsburg. I've lost five clients already because they don't want to wait four or five months to get through Council. A lot of them need to make money. Some of them have professional businesses. The last restaurant I had five months and it wasn't you, you passed it through. It was Council. They continued it five months until they walked. I've lost – and the 12,000 square feet has been vacant for two years. You've got 40,000 square feet or more across the street. That's all I'm saying.

Mr. Stoffel: And you've got to understand—

Ms. Oberst: And I want, you know – and this daycare is coming across the street. It's not adding something to the area. It's already in existence with 100 kids. I wasn't trying to say you were being discriminating. I'm saying it's very hard in the landlord's eyes to justify when he can't get it rented.

Ms. Stoffel: Well, and you have to understand, too, that this Board – now I can speak for myself. I want nothing more than that space to be rented. I don't want vacancies in the City. I want the income. I want a viable City which makes it even more difficult for me to be able to look at someone that wants to pay rent and say I don't know that it's right for this area or it's right for this space.

Ms. Oberst: And I'm sorry—

Mr. Stoffel: I want that. I want it leased out.

Ms. Oberst: I'm sorry if you took me the wrong way, but I know Andy Dezappa and I know if he was here today he might be able to explain. I'm not an architect so I can't really explain what is, you know, what his thoughts were. I know on some daycares they make us keep one wall open with an arch so that everybody can get out easily and safely. On the one I did on West Broad, they wouldn't allow four walls. They wanted an archway so every single person could easily access the exit. And I know he works very well with Reynoldsburg. I don't want you to think that's what I was thinking. I want you to understand that we work with you, we work – just like I work in the Schottenstein Center or the Ace Hardware where we work to comply and we've always complied. There's never been an incident but, you know, but we've got to get these spaces rented.

Mr. Stoffel: Well, this will be the last thing I say about it, because everyone probably wants to get home at some point. But as much as everything, whether it's this space or that space or whatever, which is important to me but the fact that I can't make a decision. – I can't even make a reasonable decision in my own mind if I don't have – if I'm not looking at what I'm having to decide on, what I have to make a decision on and I just don't have that right now. I'm not comfortable with it in general to begin with and then when I'm looking at stuff that's incomplete in my mind, it just – it gives me a bad taste.

Ms. Wallace: Like the doors and the playground and everything aside, for me is the strip mall and I truly want – I've lived here my entire life. I want businesses to come here. I want everything that's empty to be filled up. I almost feel as if it was in any other location and not in the strip mall where you're going to have a store at one end and then a restaurant hopefully that will be able to reopen also, I just think it's just where it is. And if it was in something that was not meant to be a store or whatever, a bingo hall or whatever it was over the course of the last couple of decades, but I think for me it's just where it is. It's the strip mall thing and, I mean, excluding the doors and the playground and everything else I just think it needs, I don't know, it needs to be not in with a restaurant and a store and things like that.

Ms. Oberst: And just reminder that bingo was a change of use, too, and there was over close to 150 people probably Tuesday and Wednesday night you couldn't even get in, it was packed with people.

Ms. Wallace: It's not the number of people, it's the type of people that are going to be in there. They're kids and I have children and as a parent that had my children in daycare I would have serious concerns about having them in a daycare, no matter how great your reputation is, it's in a strip mall as opposed to a freestanding facility and that's just my opinion. For me, it's what else would be in there and if there's a restaurant with alcohol beside it, I don't know how that would affect it.

Ms. Oberst: Well, if you go down the street on Reynoldsburg – it is Reynoldsburg, the K-Mart Center you have about a 12,000 square foot daycare inside that center. When you go across the street to RG Kennedy's you have the new

Romake which is about 6,000 square feet with a bar, not a restaurant, but a bar in that center. And that Romake was once in the K-Mart Center for 20 years. They moved across the street. They're both very successful with full kids and I think if you go by there and you see that it doesn't change the area, but it does help fill some vacancy. It's still safe—

Ms. Wallace: I truly appreciate that.

Ms. Oberst: It's still safe for the children. They've never had an incident and I think part of the reason they never had an incident is Reynoldsburg inspectors are so good they make sure the fire is done, the buttons – the doors are on all things right, the bollards are in, there's enough, you know, they make sure of that. But if you take out of three centers that you have and two of them are holding daycares successfully, that's all I'm trying to say. It's not like it's the first one that has asked for a daycare.

Mr. Rettke: Any other questions, concerns, comments? (No response.)

Mr. Stoffel: I'll make a motion that we approve Item B1, Application #163771.

Mr. Enfinger: Second.

Mr. Robbins: Who seconded it? Mr. Enfinger.

Mr. Rettke: Just one thing here. For the record, if there is a no vote cast, we need to state the objections, site the code. The applicable Section is 1145.09 and then usually state the subsection you don't think it meets. Of course, a yes vote just goes without saying, you think it meets all the characteristics of the code. Sorry, Justin.

Mr. Robbins: No. It's okay. I was going to say the same thing.

(Mr. Robbins called the roll. Mr. Stoffel states, "No. Based on the fact I do not believe it meets the requirements of Section 1145.0, Part A, B or C." Ms. Wallace states, "No, citing Section 1145.09, A." Mr. Donovan states, "No, citing Section 1145.09, Statements A, B and C." Mr. Enfinger states, "No. I do not think it meets the requirements stated in Section 1145.09, Section A, B and C." Mr. Rettke states, "It doesn't really matter at this point, but I appreciate bringing new business or existing businesses across the street and, you know, don't get me wrong, we have been part of these in the past. I just – I don't think so, so I'm going to have to vote no because I don't think it meets the characteristics of the neighborhood, 1145.09 and Subsection F.)

Ms. Oberst: (Inaudible -- speaking off mic)

Mr. Rettke: We're in the middle of a vote.

(Mr. Robbins called the roll. Ms. Armintrout states, "No, Section 1145.09, Section A and F.")

Mr. Robbins: Any action by the Board can be appealed to Council. It has to be done in writing within 30 days, delivered to the Council Clerk who's office is here within the City. And Council shall, upon their findings, make a judgment based on their findings.

Mr. Rettke: Moving on to Item C.

C. OTHER BUSINESS

Mr. Rettke: Having no Other Business, any announcements or anything like that, Mr. Robbins?

Mr. Robbins: No.

Mr. Rettke: Since I wasn't here, I'd like to welcome Mr. Donovan to the Board and we've got a lot of good things to come, I guess.

Mr. Donovan: I hope so.

D. ADJOURNMENT

Mr. Rettke: So, with that being said, I'll move for adjournment at 7:36 p.m. o'clock.

Anthony Rettke, Chair

Justin Robbins, Planning Administrator

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