

MINUTES
REYNOLDSBURG BOARD OF ZONING
AND BUILDING APPEALS
MARCH 19, 2015
6:30 P.M.

A. CALL TO ORDER

1. ROLL CALL

Members Present: Ms. Libby Wallace
Mr. Rick Donovan
Mr. Aaron Enfinger
Ms. Bonnie Armintrout

Members Absent: Mr. Anthony Rettke

Others Present: Mr. Eric Snowden, Planning Adm.

2. APPROVAL OF MINUTES OF FEBRUARY 19, 2015 MEETING

Acting Chairman Enfinger: We will table this and approve the minutes from the February meeting next month in April's meeting.

3. APPROVAL OF AGENDA

Mr. Enfinger: We would like to approve the Agenda. Any opposition? None stated. The agenda stands.

4. SWEARING IN OF SPEAKERS

Mr. Enfinger: If anyone is speaking tonight, could you please stand and raise your right hand? (Mr. Enfinger administers oath.)

Just a note of protocol, when you do step up to the mic to speak, make sure that you have signed in your name and address for the record, please. And before you do speak, we would appreciate you stating your name and address on the mic on the record as well.

5. PUBLIC COMMENT – None

B. UNFINISHED BUSINESS

1. **VARIANCE, 1933 BALTIMORE-REYNOLDSBURG ROAD, REYNOLDSBURG, OHIO;** PRESENT ZONING, CS; PROPERTY OWNER, WHIRLWIND CAR WASH INC; REQUESTING A VARIANCE FROM SECTION

1179.04(B) OF THE CITY CODE TO PERMIT A PARKING AREA WITHIN THE REQUIRED SETBACK. CONTACT: FRANK MASCARI (#168324).

Mr. Enfinger: Staff, could we have the presentation?

Mr. Snowden: Thank you, Mr. Chairman. 1933 Baltimore-Reynoldsburg Road: It's an application for a variance and the applicant was Whirlwind Car Wash Inc. Application #168324 for a variance. Please disregard my error there. It is on the west side of State Route 256 at Stone Trail Drive. Existing zoning is CS, Community Services and the request is for a variance from Section 1179.04(B) of the zoning code to allow parking within the required building setback area. Current use is a car wash and the applicant's representative is Frank Mascari.

This application was tabled at last month's BZBA meeting at the request of the applicant. I left most of the staff report intact, but staff's concern would have been, had we discussed it, that this particular set of variances wasn't tied to any specific development plan. It's generally staff's view that variances, especially packages such as these, are best served by coming with an accompanying site plan. It is my understanding, and Mr. Mascari can state, that he is looking to sell this property to another owner which would like to construct a small retail building on the site. In that case, the staff is comfortable with the variances being granted provided that the buyer is willing to commit to the concept plan that was sent out in your packet for this month as a condition to granting the variances. If the buyer were to change substantially from that concept plan, then those variances would not be granted and the buyer would have to do whatever they needed to develop the site, return to the Board for other permits, etc. So that's staff's view.

Mr. Enfinger: Thank you. Is there a representative who would like to make a presentation?

Mr. Dave Pontia: I'm Dave Pontia with Pontia Architecture, 39 E. Main Street, New Albany, Ohio. I'm representing not only Mr. Mascari, but also more relevant to the potential buyer. The variances requested are just very important for that site to be developable for that portion of the work. So, with those in place, the buyer has the opportunity to go out, find tenants and see if it's a good fit for that. So I'm happy – I think Mr. Snowden did quite well in presenting the item, so if there's any questions, we're happy to answer those.

Mr. Enfinger: What is he anticipating on filling the space with? Has he made any initial contact?

Mr. Pontia: There has been no initial contact. Until he has an understanding that the variances can be granted, it's tough to go out and really market that very well at all. He will be looking for a small restaurant user of approximately 2,000 square plus or minus, then the balance would fill that out with a

retail center approximately just slightly less than 6,500 square feet. So another 4-4,500 square feet retail users.

Mr. Snowden: Mr. Chairman and members of the Board, staff did an informal review of the concept plan as presented and found that with those ratios the applicant could meet their parking requirements in the stated concept plan.

Mr. Enfinger: Any questions from the Board?

Mr. Donovan: When would you demolish or raze the part of the car wash that's going to be gone and what would you do in the meantime before you started building a new building?

Mr. Pontia: I think there's a combination of items that need to happen, several items would need to move forward: the sale of the property would need to happen and, before that sale and demolition, I think at least some viable tenants would have to at least show an interest. So I think there's a lot of moving parts before that sequence would happen. I think once the demolition would happen and the sale of the property, I believe Mr. Mascari will be maintaining his portion of the car wash, finishing that end of the building that gets demolished and then the development of the next site would move forward.

Mr. Donovan: Now is his entrance and exit to that lot only going to be the driveway on 256?

Mr. Pontia: The main entrance to the car wash would stay on 256; however, the side road would also maintain that – we're looking to move that curb cut down slightly and access would be able to – probably more of an exit out of there, but would be able to be maintained between the two properties.

Mr. Donovan: So that would still stay there?

Mr. Pontia: Yeah, so both properties would have both ingress and egress opportunities there with both curb cuts on 256 and the side.

Mr. Donovan: It's kind of hard to make a left-hand turn out of that exit on 256.

Mr. Pontia: Yeah.

Mr. Enfinger: Seems like it's a real tight fit, a real tight fit.

Mr. Pontia: It is. It's a corner lot. With a corner lot, you have both front yard and side yard setbacks, so without the variances it's tough to get anything to fit on that corner that's usable to any regular tenant.

Mr. Enfinger: Yeah, you watch – you drive by there during the day whenever it's a nice day outside and there's many people trying to wash their cars, it's – there's just not enough room on here for anything else. You see the building is now going to take up a good portion of it, parking's going to be taking up a lot of the available space for vehicles to come in and out. I see this as a significant traffic hazard and traffic problem. I can understand and sympathize with his desire to maybe try to re-purpose the property, but, in my opinion, I think we need to go back to the drawing board. It's asking for a lot for the setbacks. Is there any other comment? Questions? Thoughts? Ideas? (No response.)

Well, I make a motion that we move to approve Item B1, Variance for 1933 Baltimore Road, Application #168324. Call the roll, please.

(Mr. Snowden called the roll. Ms. Armintrout voted "yes." Mr. Enfinger voted "No, because of Consideration for Standards for Variance 1147.05(C) states that the special circumstances and conditions are not self-imposed" and, in my opinion, they are. Mr. Donovan voted "yes." Ms. Wallace voted "yes.")

Mr. Enfinger: Your motion has passed. You have been granted the variance.

Mr. Snowden: So the development review process is not complete at this time and how the applicant proceeds is going to be up to them. However I want it to be clear that Mr. Mascari is going to require a demolition permit to demolish any portion of the building from the Building Division. He's also going to require a Certificate of Appropriateness from the Design Review Board in order to get the new structure, whatever details of that are approved, approved. And I would have to look at the application specifically that he may need to return to this Board for a new major site plan, depending on the amount of surface area that he would be adding to the front area of the property for additional stacking space as we discussed. So I'm going to encourage him to get in touch with me quickly after we complete this process.

C. NEW BUSINESS

1. **VARIANCE, 2299 AYERS DRIVE, REYNOLDSBURG, OHIO:**
PRESENT ZONING, CC; PROPERTY OWNER, ROBERTSON TRUCK SALES,
REQUESTING TO VARY FROM SECTIONS 1171.06, 1180.10 AND 1181.05 OF
THE ZONING CODE TO ALLOW FOR THE CONSTRUCTION OF AN AUTO
SALES BUSINESS WITH REDUCED DEVELOPMENT STANDARDS.
APPLICANT/CONTACT: ROBERT MILLER, JR. (#168362).

Mr. Enfinger: Can we have the presentation, please?

Mr. Snowden: Thank you, Mr. Chairman. 2299 Ayers Drive, Robertson Truck, request for a variance. It's application 168362. The property is located on

the south side of Ayers Drive, north of I-70. Current zoning district CC, Community Commercial. The request is for the Board to grant variances to the applicant from Sections 1171.06, 1180.11 and 1181.05 of the Zoning Code. Current use is automotive sales and the applicant's representative is Mr. Robert Miller.

This applicant was to this Board, I believe, in January, for approval of their – excuse me, it was March, pardon me – for approval of their major site plan and they needed to table it-- I'm mistaken. It was January. The applicant was to the Design Review Board earlier this month and were to secure their design review of the site as well, of the structure. During that time the Design Review Board elected to table and allowed this body to grant the variances that were determined when the major site plan was approved by this body. I left the items in there from the previous – talking about the previous review; talking about the building, the parking and the landscape buffering of the site.

But if I could draw your attention to the variance section there, I enumerated some details of each variance. The requested variance from 1171.06 is a request to place a fence within what would be the 40' building setback on Ayers Drive. The fence does have some existing mature landscaping around it. It was staff's view that there really isn't another way to fully secure the property given that it is auto sales. The unique part about this particular situation, and I can remind everyone on the map, is that the issue with this site that makes it unique is that the property fronts both on Ayers Drive and on I-70 and that creates some sort of unique conditions. The building is going to be constructed in this area as you can see from your site plan, but that creates a situation because this area, by our Code, is actually the quote/unquote "front yard," so they need to secure the site because it is auto sales and that's why they're requesting to build a fence. Normally we wouldn't allow fences to be built in front of a structure in commercial, so that's why they're requesting for the variance.

Secondly, the variance from 1180.10 is for a required landscape buffering along the freeway. The applicant's requesting that in order to – the hardship that they're stating is that the vehicles that are going to be on the site need that as additional turning radius. They've also pointed out that the area, although it does not appear to be in this particular photo, that this area here is being maintained by ODOT, so there is an additional landscape buffer that wouldn't be in place in other places, so it's not truly landscaped, it's simply an open space.

The variance from 1181.05 is to have a larger sign that would be permitted by code. The code permits one ground mounted sign per frontage; however, the code does not define exactly what frontage is. So obviously the property fronts on Ayers Drive. It also fronts on I-70. My view is that the writers of the code probably did not envision something exactly like this when they were making those decisions. The previous tenant, under a previous code, was approved for a sign that is approximately the same size as they are requesting. That previous

sign was, I believe, in this area. This sign is going to be located in this area. Staff felt that there were a couple considerations that could make this reasonable. One is that they've maintained all of the mature landscaping on the site, including the required resident buffer to the residential. Secondly, the building setback is measured to the lot line, however there is a pretty significant additional setback from the highway right-of-way. So staff didn't find that particular variance to be unreasonable. They would be permitted to build a 20' high sign. It could be 100 square feet. They've requested a 40' high sign, 240 square feet, so that includes both sides.

Mr. Enfinger: Could you give me those numbers again?

Mr. Snowden: Yes, sir. The permitted signage would be 20' high and could be 100 square feet in area. The proposed signage that the applicant would like to vary to is 40' high and 240 square feet in area. And the other reason staff didn't feel that was unreasonable is because there isn't direct access to Brice Road from the site, so maybe some additional signage could be warranted. So that was staff's view, Mr. Chairman.

Mr. Enfinger: Thank you. Do we have representatives from the applicant?

Mr. Robert Miller: I'm Robert Miller, 4805 East Main Street, Berlin, Ohio.

Mr. Ethan Robertson: Ethan Robertson, 18 Old Farm Road, Granville, Ohio.

Mr. Robert Kessler: Bob Kessler, 2669 Old National Road, Zanesville, Ohio.

Mr. Enfinger: Do you have any comments to add?

Mr. Miller: I think we're just here to answer questions. I think it was described very well.

Mr. Enfinger: I just have a protocol question. Are we having to address every variance and vote every variance independently, do we do it all in one shot?

Mr. Snowden: Mr. Chairman, that's a great question. I also put a note in the staff report that upon review of many previous staff reports from both the current Board, previous Boards and previous Planning Administrators, it has been done both ways. Actually it would be great, as I put the note in there, I view it's my job to serve this Board in the manner in which they would like to be served. So if they would like all variances enumerated-- This doesn't need to be decided this evening, but if Board members want to think about this and send me

an email we could announce a policy at a future meeting. I can do them as packages or they can be done totally independently. It's up to the Board. The Board could vote – so from a procedural standpoint, the Board could vote to approve them in one vote so long as the Chairman, or whoever was making the motion, enumerated the number of sections properly as we just discussed, or as you were making your notes. Or they could vote on them independently if there was a particular one that the Board wasn't feeling comfortable with.

Mr. Enfinger: Okay, very good. Do we have any questions from the Board?

Mr. Donovan: Did the lighting situation get figured out? Remember we were talking one time that the lighting was too close to the line.

Mr. Miller: The lighting in the center is the only thing we're adding additional to the existing lighting. When we ran our photometrics, there is no overcast of light into the neighbors. We had a lighting company actually do the design and they'll be involved throughout the whole process. We're actually adding additional screening along the residential property landscaping. But, also, the larger lights are in the center of the parcel and then along the edges are the shorter, existing black – I think they're like 12' tall – and they're all directed directly down. The center lights at night are the ones that will come on bright if there's motion detected and then they'll draw down for energy savings, but also just so they don't provide any light. But, regardless, even at full power, they don't spread into the neighboring property.

Mr. Snowden: Mr. Donovan, at the last Design Review Board meeting where this applicant was in front of the Design Review Board, staff reviewed the photometric plan and found that there was only .5 foot candles at any lot line, which has generally been consistent with our lighting. In fact, it's superior to many of our lighting systems that have been installed around the city. Although they are close to residential, they do have the mature required landscaping that would have been required by the code when the previous structure was built and the site was developed. Generally speaking, staff was comfortable and I did not experience any concern from the Design Review. I would point that it would probably be superior to many things that are existing.

Ms. Armintrout: Could you explain to me what neighbors are going to look at when they're looking at your lot right there? What kind of fence and the landscaping and stuff?

Mr. Enfinger: Do we have an elevation drawing of what the fence is going to be? I know we have a plot plan or a major site plan that has sort of the outline, but I don't know if we had an actual elevation.

Ms. Armintrout: I'm just really concerned that these neighbors are not going to like what they're seeing right there in their neighborhood.

Mr. Miller: Right now towards the east of the property there's mature trees already. There's mature pines that were planted since the property was built. I would say they're estimated 20-30' tall already. The trees that are in need of being replaced will be replaced with other like shrubs. We have an actual design on the drawing that you should have which does stipulate what screening will be back in place, but it will be a – the fence will be on the inside of the property as opposed to the outside of it. So the screening – they're actually not going to be changing their view as far as what they're seeing to the east. They'll be seeing all the screening shrubs. The fence will be elected to be put on the inside of the screening. That way their view isn't affected by our fence, which protects our equipment. To the north side, we're actually adding additional screening up front by planting several more trees and we're putting a hedge, which will hedge actually from one entrance to the other all the way around. And there is an elevation drawing on A202.

Mr. Snowden: It should be on page 4 of that large plan, Ms. Armintrout.

Mr. Miller: What that elevation is, currently above grade I think we're roughly 3' high on the embankment in general and then the plantings that we're looking to select, it's a fairly generic drawing – however the shrubs that we'd like to do – we're switching the viburnum to a burning bush. A burning bush has a pretty tall height. It's a thick, shrubby bush. Even when the leaves have fallen off of it, it's still a very dense bush. So with the burning bush installed, it'll grow – initially they'll be planted around the 24-28" mark, but they can grow up to 6-8', they're a real tall hedge. Basically you can grow the hedge as tall as you want. So with the 3' of elevation with the additional 2' minimum for the initial screening, the fence is only going to be a 6' tall fence that we're asking to install, so you'll see just barely the top of it from the road; within a year or two it will disappear completely, and that's just along Ayers Drive. Along the east side where the Cherry Blossom Apartments are, there's already mature screening 20-30' tall, so it probably won't affect their view at all actually by the time we get our other screening shrubs in place.

Mr. Enfinger: Are you raising the grade at all right there or just keeping the existing grade?

Mr. Miller: Existing grade on the front of the property, and it already has an earthen mound structure there that was put in previously. We're not raising the grade at all on that aside from putting the new bed in. So 6-8" possibly, new topsoil on top, but as far as grade being raised, we're not raising the grade. And the fence will be to the south side of Ayers Drive, north side of that curve you can see in the property. So, once again, the fence will be placed on the back side of the landscape buffer and shrubs. Therefore, it shouldn't affect what the general

public is seeing as they drive in. It actually will be pretty much hidden along the drive and along the residential to the east.

Mr. Enfinger: The height of the fence, the 6' and there's – it says 3' grassy mound, the existing there, are those shot? Did you guys shoot that or just sort of guessed it? Is that fairly accurate?

Mr. : When we go out, we're going to have plant areas we're taking the material out for the new building. If we need to – basically what I was thinking we would adjust that to make sure we maintain the 3'. From curb-to-curb we have plenty of room to basically put that where we need it to be. I'd say it probably ranges in that 3', maybe 2-1/2 in some spots. We took several elevation shots when we were initially out there when we did the site plan. As far as being consistent across, the idea is – I like to have something aesthetically appealing to people as they drive by. I know trucks aren't the best looking thing in the world. I think they're great, but some people might not. So it's not going to be a straight hedge either. It's going to be a meandering style, like "S" hedge across the front so it'll add some depth to it, as well as there's currently mature trees in the front. You can see several have died over the years and we will be replacing those. There's actually a landscape plan which I believe is drawn out.

Mr. Snowden: Mr. Enfinger, did you not receive that because you received the small plans? Is that what's happened?

Mr. Enfinger: Well, I didn't see it. It was tucked down. I do think it is on here.

Mr. Snowden: There were some different size plans sent out. Sometimes applicants do this. Staff always tries to make sure that everybody receives the complete, but once in a blue moon the small plans aren't the same and staff doesn't catch it, so I just wanted to make sure the chairman had it.

Ms. Wallace: Just to clarify, I think a lot of the stuff that we're kind of discussing now we've already discussed and kind of gone ahead with and it was fine. So we're just really looking at the three items which is the sign, the front fencing setback and the buffer on the other end. So everything else has been put through by the Board.

Mr. Snowden: To answer your question, Ms. Wallace, the answer is "sort of." This Board approved the major site plan at a previous meeting sans variances—

Ms. Wallace: Which are these three items.

Mr. Snowden: Yes, ma'am, and there was an opportunity for the applicant to decide if they were really something they wanted to pursue. So the

applicant, in this case, has come back and said they feel that they really need it more to construct the site that meets their needs and because they're experiencing some different conditions. When you're dealing with re-development, you're dealing with a site that was developed under a previous zoning code, you're going to deal with these types of issues. So they are approved for the site, they are not approved for the variances. And whatever conditions the Board needs to put in place to feel comfortable with the variances or not, that's up to the Board.

Mr. Miller: As far as the fence, which I think you were alluding to, as far as the setback, the reason why we're asking for the variance on the fence setback itself is due to the fact that the curb cuts are already there, infrastructures are already in place for the landscaping and everything. It's currently already there. It's already been developed that way. By pulling it back even farther, there's going to be quite a few additional costs. Being development, we're going to have to take out curbing, we're going to have to add there and eats up quite a bit of lot space for what we're doing and that's why we're asking for the variance on currently where it is. I think we're only asking for a 15' difference as far as off of the setback, but it currently doesn't change the footprint of the lot the way it sits right now. And that's the reason why I'm asking for the variance. The parking spots are already in place. That was a very big attraction. The lot, all the curbing, all of the hard scapes, everything is in place right there. And for trucks to be able to come in, there is a swing radius involved with them. All the curb cuts are in place. Everything is designed for that parking lot in general. If I have to cut that back, I have to cut back a lot of different stuff and it eats up quite a bit of lot space to park on. It might not seem like a lot, but it does eat up quite a bit. Another 15' takes that whole parking lot out of the back and then I have to reconfigure all of our underground lighting and everything. We're trying to utilize what the site already currently offers. That was a large attraction to the property itself. But, in doing so, I don't feel that it's a major change in the 15' versus the setback, because we have the two road frontages as Mr. Snowden mentioned. With the buffer in place, I don't even think the fence is going to be seen honestly. So that's the reason why we're asking for the 25' setback.

Ms. Armintrout: I'm sorry if this is a duplicate question. The lighting at night, how bright is it going to be? Because I would certainly hate to be sitting in my back yard right there and have your lights shining into my back yard.

Mr. Miller: Well, currently the previous property has 12' light structures all around the perimeter of the property and they're a very low candle power. I'm not sure the actual photometrics on it. I think we're talking 1-2' candles, which is very minimal. A typical restaurant might be 50' candles. Code minimum for egress is like 1 or 2. So it's very dim. Enough that you can see to walk, but it won't be in your face. Plus the units have like a protective globe, so it's a direct down lighting. It's not a flood style light. And we're keeping the outer light struc-

tures not in place necessarily for security reasons, more for the aesthetic appeal of what they do offer. It offers a nice dim lit area. The major light output, since these are trucks and the maximum I think can be is 13'6" tall, so we're having the towers in the center of the property, and those don't flood out past the property line in general. They're not past that on the photomatrix. I'm not sure of the actual numbers, but they're not to be flooding out there and they're set on a dimmer. So where most automotive dealers would be set up on a Saturday, Sunday, Monday – they're open all the time. so they're open till 9-10:00 in the summer. That's not our business model. Our business model, we close at 5:30-6:00 every night. We're open to the public, but we don't sell to the general consumer. We sell to businesses. So most businesses shut down at 5:30-6:00. So the general guy off the street coming in, that doesn't happen past our closing time. So the lights will actually be on a dimmer similar to – it'll take it to 30-40% of actual total light output in the centers themselves. It'll dim it down to a real low light. If somebody does come on the property, then it will raise itself back up. It's more of a safety factor for the lighting, but also for the energy savings as well. There's no reason to have it lit at night like a Christmas tree so-to-speak, if nobody's going to be operating on the site. So I like the energy saving affect of that photo, the way the cell pulls it down, but also you want to be a good neighbor. You don't need to have it lit up like crazy for no reason. So with the mature trees on the east as well as the shrubbery on the north, even without those, the photo matrix, the candle is .5 max, which is considerably lower and it's a directional down light, not a flood style on the sides.

Ms. Armintrout: Thank you.

Mr. Enfinger: So, Mr. Snowden, as far as for the first variance 1171.06, the variance is for not only the height, not only the length, but the setback as well. It says that the height of it shall be 36", 36' in length and installed no closer than 5' to the right-of-way.

Mr. Snowden: Yes, Mr. Enfinger. So in our code, that's a fence. It's a section about fences in general and it applies to all districts. It basically says that for all districts in the City, privacy fences aren't permitted in the front yard. That's pretty much the bottom line. So when I issue a fence permit in residential, you cannot—so you are correct. It's the height, it's the location specifically. However, as I was pointing out, this is unique and the reason the variance is requested is because they essentially have two front yards and that's what is creating the situation with the two frontages and the building being what it is. But, yes, to answer your question, it's all of the above.

Mr. Enfinger: Are there any other questions concerning the fence variance? (No response.) Okay. We'll move on to the property buffer requirements for 1180.10. This is for the buffer zone up towards the highway, correct?

Mr. Snowden: Yes, sir. Mr. Enfinger, I should have been more clear on my presentation. A 15' landscape buffer is required because it fronts a freeway. Normally only a 10' parking buffer would be required. But because it's a freeway or limited access highway per that section of the code, it has to be a 15' buffer. The applicant stated in their Statement of Hardship that because of the turning radius of the trucks, some of the existing paving layout that they needed the additional space as maneuvering space.

Mr. Enfinger: My concern is that you're going to park trucks right up at the street, right up at the highway. I think that with the sign, it's going to be obvious what you are. I'm just afraid that it's going to – you know, if we give you that variance, I think as a condition to that, we'll limit that there won't be any parking of vehicles there. If, in fact, the request is because of turning radiuses, it's implied then that they wouldn't be there anyway. So just to ensure that that would be the case, if we do grant the variance, I think I'd like to put that on it as a condition.

Mr. Robertson: The additional parking lot we're asking for is for parking; however right along the frontage there – if you can see in the drawing, it doesn't come all the way across, but where it does is in the front, the southeast corner of that property. We're asking for the 10' variance versus the 15' and that's due to the fact that we're trying to utilize quite a bit of the existing structure of the property where it is. All of the electric, gas, everything is already run to that area, so we've actually cut our building size back from 83' to 65' wide, because along the highway you want to have your trucks out. That's the reason why we have a property right along 70, to showcase the trucks and we're not showcasing it all the way across the front, just in this particular section. We're asking for that on the variance. And a lot of the trucks that will be out front, they'll be 20-25' length trucks, so you can't get big box trucks, but you can get dump trucks and single axle tractors and that type of equipment along the frontage. We're asking for the additional 5' for the fact that when trucks come out of the shop, those are drive-thru bays and they have a swing radius on them. So when you come out of a shop, if you have a 36' box truck that's coming out of it where it won't be necessarily displayed in the front, possibly in the rear where it'll be parked, you have to be able to make that turn as you pull through. Trucks are a lot safer to drive forward as opposed to backwards. We don't like them to be backed out. We're rather have them pull forward. As they pull forward out of the front of the shop, I think there's an aerial view you might be able to find in one of your drawings, I think C200 on the site plan shows it. The distance that we have in between there is roughly the 10' setback off the 73' less 25', we're roughly into that 40-some foot range or so, which would be the swing radius to get the trucks out and around. That's why the 5' we're requesting is somewhat important to us due to the fact to be able to get the trucks out of the shop and still have a showcase in the front is the reason why we're asking for the 10 versus 15' setback on that.

Mr. Enfinger: And that's exactly what I kind of don't want to see there, is the fact to make it a car lot. I think we're already granting – allowing you to be there in that situation and highlighting the fact, and bringing them all the way up to the highway. To me it would be less attractive if they were there. I think that I'd rather see them not there.

Mr. Robertson: I think normally, if this was an undeveloped site, we would probably set the building further back so that we could display the trucks. That's why we're only asking for a small section. We're putting concrete to get our truck radius and, like Ethan was talking about, putting smaller trucks. Because as a consumer driving the highway, seeing a facility like this, it's important to see the product. I mean you drive down the road, you see a lot of places, they'll even have a pad. I know a lot of the equipment places put a concrete pad and display their truck and that's the reason we're asking for the variance, just because we're trying to utilize existing grading and the building site. It would be pretty cost prohibitive to not use that nice flat location, which does reduce the setback of our display, but that's kind of the main reason we're asking for it, because of the site characteristics.

Mr. Enfinger: Are there any requirements as far as displaying of merchandise within certain setbacks? I know that happens to be the case with some up and down Main Street. Does that apply also in this situation due to the setbacks from the property line?

Mr. Snowden: Mr. Enfinger, my understanding is that that would have been something that would have been needed to be applied in the Special Exception procedure. If the Board wants to continue their discussion, I'll check the code and see if I can find anything in particular to that. I think we're getting a finer clarification of exactly what's going to be happening where. If you'll just give me a moment, I'll be happy to look into it.

Ms. Wallace: I personally don't have an issue with trucks being parked on there. If the concrete pad was 5' back, they'd be parked there anyway. So I mean they can either pour another 5' of concrete on the other side of their building and park their trucks there. They're new trucks. I don't have an issue with that in the least with having them out there.

Mr. Robertson: That's one of the main reasons why we actually chose this site was freeway visibility, not necessarily accessibility. The visibility is extremely a big part of our business. You decrease your advertising, you decrease a lot of stuff because you're investing a lot of money in a new building on this particular site because you have the big traffic count. That's what drew us to this property in general in the Reynoldsburg area. So the visibility is what I'm after to get those trucks to be showcased out there. And they're not old, derelict, dilapidated trucks. They're quality trucks that we build in our shop up in Mount Vernon and we bring them down here. This is our retail sales facility. So

we are actually trying to showcase the trucks along the freeway. By having that small footprint out front, that is a big deal for me, because that's how we make our money and pay our taxes. So that's why I'm asking for that additional 5'. The trucks could still be parked there as far as without the 5'. It's just going to make operating through and maneuvering out of the building a little more difficult. That's why we're asking for the 5' variance. It doesn't seem like a lot, but 5' on a length does add quite a bit. You know, they're not going to be nosed up in the grass up to the fence. They're going to be still set back off of – if we can do the 10' setback, which is what I'm hoping, you know, you're still 10' back. You still have a nice landscape buffer and, like was mentioned earlier, the state maintains that whole landscape buffer out front. So there's quite a large setback off of the freeway, but that's the reason we're asking for the variance.

Ms. Wallace: I was under the impression that's what was going to happen anyway from the first time these guys came here is to have some trucks along that edge of the property. We had discussed trees and the setback before. Like I said before, I don't have an issue with any of that.

Mr. Donovan: How many vehicles are you talking about having in this area?

Mr. Robertson: Roughly you need about 12-14' per vehicle width-wise. A truck is usually 8-1/2' wide. So by the time you have walk radius of 2-3' on each side gets you that buffer. Currently up front there we're showing roughly-- The considerable bulk of the trucks are going to be in the back obviously. That's going to be the trucks that you want to show off, kind of get their attention out front. They're not going to be sitting there for weeks and weeks and weeks on end. Hopefully they're going to be selling, but that's why we're putting them out front to kind of showcase them.

It's approximately about 170', so 170' divided by 15, so you're going to get, what, 12 trucks out front there maybe? Twelve trucks total and they're going to be short trucks, tractors, little dump trucks stuff like that. There's not going to be like a trailer parked there with a big billboard along the side or anything. It's going to be trucks nosed out towards the freeway just to garner attention.

Ms. Armintrout: How many trucks overall do you think business will have?

Mr. Robertson: On the property itself, we're looking anywhere – probably in that 40-60 range worth of trucks on the property itself and then we'll have some trailers. We deal in trailers also; not big van trailers on the property, tag-along style trailers is what we sell and they don't take up much space at all, but they'll be on the lot as well in a little retail area. This isn't more of a high moving style lot, so there's a lot of turnover hopefully is what we're after for this style of property. So 40-60 trucks is max of what I think this lot would hold for what we're

doing. So, like I say, it's more of a showcase lot. We're not trying to cram them on for storage. It's more of a you can walk around and look at them type deal. So that's the 40-60 is what I'd say, probably 20-30 trailers and they would be parked probably on the interior part of the lot.

Mr. Enfinger: That number keeps growing every time we ask that question, "How many vehicles are you going to have on the lot." This is the first time I heard 60.

Mr. Miller: It was originally 30-50 or so. These are just estimates, of course, depending on the size of the truck. Dump trucks are a little smaller, you can get a few more on. It's just an estimate, you know 30-50, 40-60, somewhere in that range. Currently we're on 15 acres and we house about 200 trucks at our Mount Vernon facility, so there's a lot of room obviously to play out there. But in here, depending on – these are going to have a nice spacing on them. They're not going to be jammed in real tight where you can't open the door to get in them. It's going to have more of a walk around type appeal. So I'm not trying to jam them on the lot. It's more of an open concept, more pleasing to walk around to view the vehicle itself as opposed to having to fight and back it out to look at it like a lot of dealerships do have because they're so tight on space. So we're not looking to jam the lot full. Four and a half acres is quite a bit of land. On the 15 acres we have, there's probably 150 of them housed on 6.5 acres at our current facility, so those are really jammed in there on 6.5. This is roughly a little bit shy of 4.5 acres, so we're looking at a reduction of two-thirds what we have on our current lot. We're not even half the size of this lot – or, I'm sorry, twice the size of this lot, so they won't be jammed on there by any means.

Mr. Enfinger: Okay. Do we have any other questions on the property buffer requirement variance? (No response.) Okay, so for commentary questions on the general sign regulations, take a look at that. So, allowable again we can review. Allowable is 20' high with 100 square feet and the applicant is requesting a sign 40' high and 240 square feet in area. Any other information from what we had asked earlier about the merchandise up by the right-of-ways?

Mr. Snowden: In a cursory review of the code, I'm not seeing anything. I recall in previous issues with car dealerships or being on very small lots, that specific restrictions were put on in a Special Exception Use procedure; however, I will continue to research this following this meeting. I know that's not the answer the Board wants, but I can only promise what I'm capable of.

Mr. Enfinger: That's fine and if it has to be addressed in a different setting than this, it's a moot point to bring it up. So, thank you. So the height of the sign, the square footage, do we have any other questions concerning that? (No response.) Do you happen to know the square footage of the Home Depot sign?

Mr. Snowden: Mr. Chairman, I do not. I'm not aware of what the square footage was of the previous sign on this site, but I know that they were also approved for a 40' sign and my review of previous regulations indicates, when this was developed previously, to me that that was probably a variance as well, although it predates our electronic record system, so it's more difficult to review.

Mr. Robert Kessler: I'm Bob Kessler at 2669 Old National Road, Zanesville, Ohio. I'm with Kessler Sign Company and I did measure the Home Depot sign. It's approximately – the sign itself is 15 x 16. I couldn't get clear to the top, but measured it from the ground and estimated. It's not quite a square. So it's roughly 240 square feet.

Mr. Snowden: That would have also been a variance request at the time.

Mr. Enfinger: I remember Mr. Rettke talking about they had gone through the variance at that time and had come to an agreement with the size of it, I just was wondering what it was.

Mr. Snowden: Sometimes it's difficult to know, when you're dealing with redevelopment, as I said, it's always more difficult than green field development. So you're looking what was the code at the time, people say, "This guy got permitted for this," well, but was he under a different code. Home Depot would have been under essentially the same zoning code that we're dealing with today.

Mr. Enfinger: And did you happen to estimate the height of the Home Depot sign, since that's your specialty and expertise?

Mr. Kessler: From what I could tell, to the top of the sign part is roughly 32' and then you have the escutcheon around the sign and I estimate that to be roughly 6-7' from what I could tell. So it's roughly about the same size.

Ms. Armintrout: Where are you going to place the sign.

Mr. Miller: It will be on the southeast corner of the property. We're trying to get away from the electrical lines overhead currently where the electrical lines come across the freeway and they adjoin another set of electrical lines running to the west of the property and where the current sign base is. It's not feasible to put in there. I don't think by code you can.

Mr. Kessler: With the new power requirements, you're only allowed to be 20' from the power lines and that would be us about 8, so we can't do it right there.

Mr. Snowden: So, as you're stating, reutilizing the current-- It wasn't possible for the applicant to request to conform the existing non-conforming sign because of the requirement related to power.

Mr. Miller: Correct. That's why we're looking to move it from the current structure. If the current structure's still viable, they'll do a determination on that when they take it down; but that's why we're trying to move it out and over. We're trying to get it out of the way of all the electrical lines that we can.

Mr. Enfinger: Any other questions from the Board? (No response.) I make a motion that we vote on each variance independently and separately. How should I state that?

Mr. Snowden: Mr. Chairman, I would suggest rather than make a motion, unless there are objections from Board members, you make the motion to approve the variance from the particular section as I've enumerated there in the staff report.

Mr. Enfinger: Okay, then for Item C1, I move to approve the Accessory Use/Accessory Structure Variance for 1171.06.

Mr. Donovan: I second it.

(Mr. Snowden called the roll. Ms. Armintrout voted "yes." Mr. Enfinger voted "yes." Mr. Donovan voted "yes." Ms. Wallace voted "yes." Stands as approved.)

Mr. Enfinger: I make a motion that we move to approve as a part of Application 168362, the variance for the property buffer requirements from Section 1180.10.

Ms. Armintrout: I'll second.

(Mr. Snowden called the roll. Ms. Armintrout voted "yes." Mr. Enfinger voted "No, as pursuant to the Standards for Variance of Section 1147.05(D), which states that the hardship complained of is not self-created and it is my opinion that it is, so no." Mr. Donovan voted "yes." Ms. Wallace voted "yes." Stands as approved.)

Mr. Enfinger: I make a motion we move to adopt of Item C1, Application 168362, the variance for the general sign regulations 1181.05.

Ms. Armintrout: I'll second.

(Mr. Snowden called the roll. Ms. Armintrout voted "yes." Mr. Enfinger voted "yes." Mr. Donovan voted "yes." Ms. Wallace voted "yes." It stands as approved.)

Mr. Snowden: Mr. Chairman, I'd be happy, in the future, to sit down with you and/or Mr. Rettke and decide how we want to do those as far as enumerating them Variance 1, 2 and 3, you know, having separate cases

presented. It could also be on a case-by-case basis, whatever the Board's comfortable with. It can be confusing to go through the variances in order that way, so whatever the Board's comfortable with.

Mr. Enfinger: I just didn't know if we needed to keep referring to the same application number. If that was the reference point, it might get confusing.

Mr. Snowden: All right, gentlemen, as you know, we're going to be having our Special Design Review Board meeting immediately after this and that should be your last administrative level or, excuse me, Board level approval. However, I will be following this issuing a letter giving you a very specific enumerated list of what will need to happen to complete all your development needs. So stay tuned and we'll see you after this meeting.

2. **SPECIAL EXCEPTION USE PERMIT, 6541-43 E. MAIN STREET, REYNOLDSBURG, OHIO;** PRESENT ZONING, CC/CCO; PROPERTY OWNER, VOTEM VENTURES, REQUESTING A SPECIAL EXCEPTION FOR THE OPERATION OF SEMIPUBLIC USE. APPLICANT/CONTACT: ROBERT ANTHONY CHANDLER (#168461).

Mr. Snowden: Thank you, Mr. Chairman. The property is 6541-43 East Main Street. The applicant is Build Our Soul Foundation. They are requesting a Special Exception Use Permit to operate a semi-public use at this particular site. Application number is 168461 for Special Exception and the property is located on the south side of East Main Street west of Crest Street. Current zoning is CC, Community Commerce and it is within the CCO, Community Commercial Overlay. Current use is partially vacant. It's also used for professional office. The applicant is Mr. Robert Chandler, who is the President of the Build Our Soul Foundation.

This property is a former banquet facility, as I've been informed by many long-time Reynoldsburg residents who know the place when it was called The Cattle Club. It was acquired in 2004—

Mr. Donovan: It used to be The Longhorn.

Mr. Snowden: It used to be The Longhorn. Thank you, Mr. Donovan. I stand corrected. Thank you, sir. And the current ownership bought this property approximately 10-11 years ago and converted it to a professional office for a professional engineering and design firm. They used most of the building. My understanding is a good portion of the building is now vacant.

The property owner is going to be looking to sell the property and the property owner has also initiated a rezoning through Council. The current zoning district is CC. The applicant is proposing to change the zoning to CO as part of the sale of this property. The major difference there, although CO is a less

intense zoning district in general than CC, is that semi-public use would then be a permitted use in that particular zoning district. And this type of organization in the future could utilize the property as a permitted use without the need for a Special Exception Use. So that's going to be going through Council in the Planning Commission.

In the meantime, in order to expedite the sale of the property, the potential buyer, Mr. Chandler's organization, has requested this Special Exception Use Permit in order to begin their operations at the site. I'm sorry, Mr. Donovan, do you have a question?

Mr. Donovan: The question I have is that if they're going to consider rezoning this area, will that change the flavor of this need for a variance or anything like that?

Mr. Snowden: Well, Mr. Donovan, it's not a variance. It's a Special Exception Use Permit. If the rezoning change-- Excuse me. If the zoning was changed, or if the process were to be complete, they would then not need the Special Exception Use Permit. The problem is it's proximately a three-month process and it's begun approximately three or four weeks ago. So it's going to be a long time before that happens. So the applicant elected to begin this process, but you're welcome to ask them what their views would be on that. But staff, in some ways, encouraged the rezoning because staff thinks it could be used for this. I'll explain more clearly. The problem with this permit in general was determining what exactly the use was. What is the organization, what does it do. Staff had a hard time classifying the use in particular and we'll ask Mr. Chandler to clarify as much as he can. The problem was that staff was aware of the situation with day cares in this type of structure. So, therefore, it sort of headed in the direction of rezoning; however, the applicant elected to do this. Now if the applicant got approved for this and the current owner wanted to change and not rezone, that would be their choice. We can discuss that with them. I'm going to try and get back on what I was saying, but that's a question for them.

It's a 2500 square foot building, approximately two acre site. As I say, the majority is vacant. Adjacent uses are a mobile home park in the mobile home district of the City – manufactured home district of the City. To the rear is a single family home that's also in the CC district and it was zoned in that manner because it has access to East Main Street, although it's not really practically developable given most of the style of development in most of our CC zoning district. Then this property here to the west is a vacant CC – also zoned CC and I believe the property is for sale.

Staff mainly wanted to just clarify with the applicant what exactly the use is. Staff estimated the parking one for every 200 square feet based on the use of community center. The uses in the main use table are not consistent with the

uses in the parking section, so that creates some challenges. Staff's parking calculation determined that 62 parking spaces would be required, applicant has provided for 60 and, that being said, I feel all of this hinges on what exactly the use of the property is and what this organization will be doing. Mr. Chandler explained to staff that the organization's going to be working with kids on site and most of the site would be used for offices for his organization that does mentoring and some other things. So you do have his brochure on your desk and I would just turn this back over to the Chairman, just asking staff just wants more clarification of exactly what will be happening there.

Mr. Enfinger: Thank you. Do we have representatives from the Foundation who would like to come and address the Board?

Mr. Robert Chandler: Robert Chandler, 485 E. Gates Street, Columbus Ohio 43206.

Mr. Enfinger: If everybody that's going to speak, go ahead and speak on the mic for the record, please.

Ms. Kimberly Jackson: Kimberly Jackson, 485 E. Gates Street, Columbus, Ohio 43206.

Mr. Anthony Udeagbala: Anthony Udeagbala, 2046 _____ Place, Blacklick, Ohio 43004.

Mr. Enfinger: Okay, Mr. Chandler, go ahead and make your presentation if you'd like to say anything.

Mr. Chandler: Yes. I was coming through Reynoldsburg one day and I sighted this building. I have a crew – we're basically mentors. We want to help underprivileged use, 13-19 year olds. We basically want to use the site for offices, not a particular place for kids to stay there constantly. Most of the activities for these youths will be outside of this unit. This will basically be used for some counseling. As far as us taking them places, they may come here to wait for their transportation, pretty much some counseling will be done there, but most of the youths that we are dealing with are in school, so there won't be a lot of use there on site. This will be mainly an office counseling/mentoring place for these youths.

Mr. Enfinger: Is this a new venture for you guys? Are you currently operating in another area of town?

Mr. Chandler: This is a new venture for us.

Mr. Enfinger: Are the individuals you're going to be mentoring and counseling, are they Reynoldsburg residents?

Mr. Chandler: We're going to generally go out of Columbus where I'm based out of. I've been a mentor through my church for like 14 years working with youths. So we're generally going to applicant 200 youths, 100 females and 100 males. We really don't care, just within the State of Ohio. We just want to do 200 a years right now.

Mr. Enfinger: When they're in your program, is it for a long period of time? Is it for a specific amount of time?

Mr. Chandler: One year per the 200.

Mr. Enfinger: Okay, so the different events and things, you said they'll be waiting on transportation. So as you – what kind of transportation are you going to provide that you're going to actually keep on the property?

Mr. Chandler: I'm in the process now of buying a couple of passenger vans to move them if we need to, but most of them will be moved by their parent. Ninety percent of the activities that these youths will be doing will be outside of this facility. But if they have to get somewhere, if they have to be dropped off, we will try to provide some kind of activity for them while they're waiting to be transported.

Mr. Snowden: Mr. Chairman, if I could just put a finer point on what I said. I don't want it to be misinterpreted that staff didn't like this particular application. Staff just didn't have a similar use to compare it to and what we eventually settled on was – or what I settled on was semi-public use, because in the semi-public use definition it states that it can be any educational, charitable, or philanthropic organization. It doesn't really specify whether the use is pre-dominantly office type use or the use is predominantly activities. It simply states that it's that type of organization. So that's a Special Exception in the CC District and that's kind of the crux of this whole thing, what is the use. I just wanted to be more clear, sir.

Mr. Enfinger: So as far as for the CO District, the semi-public use is permitted?

Mr. Snowden: It's a permitted use and I think the idea was that this organization or maybe a similar organization – this organization's only going to be occupying a portion of the space is my understanding. And that would allow this organization, or a similar organization, to expand into the entire structure in the future. That is the rationale on how the rezoning was arrived at.

Ms. Wallace: How are you going to get referrals or where do they come from? From school guidance counselors, or where are you getting your kids that you're going to mentor?

Mr. Chandler: We're currently taking applications through local churches. Some will be utilized through some of our mentored youths that we have now through the schools. The majority of them will be coming through local churches, mainly through Columbus as of right now.

Ms. Jackson: We would eventually like to expand this outreach to the schools, Reynoldsburg, Columbus Public Schools and also work with Franklin County Children Services.

Mr. Donovan: It's my understanding now that you're dealing mainly with churches for kids that need to be assisted or mentored or whatever, or even asking to be mentored. Are they going to be all kids in school? Is that a requirement that they're in some kind of educational program for them to be in your program?

Mr. Chandler: I've discussed this through my board. My dilemma is that there are a lot of youths out here that are getting in a lot of trouble. It's a scary thing to say we want to bring in troubled youths. I mean we want to help them, but we want to try to concentrate first on the youth that need help to be stronger and trying to be more productive. Eventually, as time goes on, I will have a very insight on trying to help these troubled youths. It's kind of hard to bring a troubled youth somewhere when you know they could cause havoc, but it's not out of the mix. It's not like we're not looking at that, but we want to work with the productive ones first so we can get some kind of positive thing going before we try to venture into trying to bring in like she mentioned about youths that are in Franklin County Juvenile Systems. I don't want to bring in youths that could bring a potential trouble, especially for me to come into Reynoldsburg potentially to try to help the youth; but, as we get stronger, yes, it's a very strong possibility we will look into that.

Mr. Donovan: My concern is that some of these kids are really-- I'm glad to see that you're doing -- I commend you for trying to get this going, because there are a lot of kids out there that just have no direction and they need somebody to sit there and talk to them or at least get some reasoning into them, because they don't seem to care or they have no drive or motivation for their future. I'm glad to see you doing this.

Mr. Chandler: I've been a mentor at my church for approximately 14 years. What I've found out was instead of just helping the youth, we've also incorporated to help the parent of the youth. We want to get both of them in the situation where we get the youth, we get the parent and we try to help both work out together. In the process, we monitor the youth and we also keep our eye on the parent so that the stress is not put on the parent as it was before. Then, in the process, if we can get the youth to be more positive, it takes the stress off of the parent and we see production coming out of that. At my church, from approximately eight years ago, I was told that we had a number of 80% youth

that was looking to go downward and, because of our mentor ability, praise God, we've dropped that to 20% in the last eight years. So I decided to plunge out and try to help the outside youth and just believe and accept the fact that if you put your heart and soul into something, something positive is bound to come out of it. We don't know, but we're hoping that we do something, because there's just too many youths out here that are just spiraling downhill.

Mr. Donovan: Well, I'm glad that you're focusing on some of the parents too, because I know one guy down the street here, he told me his wife was a school teacher at the Reynoldsburg School and had a problem with one of her students and she called and got ahold of the mother and the mother told the teacher, "Well, my son doesn't feel he has to respect you because he doesn't think you respect him." I can't imagine going home and telling my mother that. I just can't.

Mr. Chandler: I was in the same category growing up. I did have a mother and father but, because of our living conditions, they weren't able to help me. At this point in my life, because of trying to keep a positive attitude and having a child mentor thing has helped me to see that. I'm one of those youths that I'm trying to help and I just have a good connection with them for some reason. So I think God has put it in my heart to try this and I really think we're going to do it. We've got a good thing going so far through my church in the 14 years, so it makes more sense to go outside of my church and try to venture out to help the children, because a lot of people don't let their children go to church. So if I can reach out to the community and bring them in and hopefully get them on a positive track, who knows where it'll take them; but we're definitely looking at them to go positive and not just more or less blow smoke up their head. We want to really help them, but we know if we don't help the parent, there's no help for the child, so that's what we're trying to do.

Ms. Armintrout: What kind of activities were you planning? You said they were outside of the building? Can you explain to us?

Mr. Chandler: In the brochure that I gave you, I have a number of acquaintances that I've dealt with in the past such as people that have been in sports, counselors, there's activities in Columbus alone. I have approximately 30 places that youths can go to and do activities and they're going to be monitored, not just sent there. We're going to try and find their interest and put them in the appropriate place so that they can function and produce, not just take them like for instance if we've got a youth and says he likes to do ballet, that's not normal for most kids, but we have somebody who specializes in the ballet field that we're going to send that youth to take ballet and they feel comfortable in their environment. There's so many activities out there that some of these associates that I've met and talked to, they're willing to put the time in and also help us and say, "Hey, whatever it takes to get them where they need to be, we'll do it." We want to find out what the youth wants to do and get them in that direction; not just say,

“Okay, we know you’re getting in trouble,” talk to them and pray they do good. We want to actually walk them through the whole motion. That’s why we’re going to sponsor that youth for a whole year, basically being responsible for them.

Mr. Enfinger: So, Mr. Snowden, what are some of the available options that we have to classify this organization, some that kind of stand out to you that we could kind of talk about or try to figure out. That’s ultimately our goal here is trying to determine what type of organization this is and whether it fits within the CO, the CC.

Mr. Snowden: Mr. Enfinger, what the Board is trying to determine is whether a semi-public use fits this – the Special Exception for a semi-public use fits this site. I am comfortable-- I don’t feel that the Board needs to make a specific ruling on that. I am comfortable, after presenting this to the Board as a semi-public use. Now that we’ve heard a little bit more information, I’m comfortable with my initial feeling. From a land use standpoint, the main concern was going to be parking. I’m generally satisfied the parking’s going to be okay. However, given that it’s going to be a mentoring use and there’s going to be some coming and going, my only recommendation to the Board would be perhaps this is a good location to consider for a six-month review. That way staff can administratively review, make sure they’ve haven’t been any issues as far as traffic coming and going that would be beyond what is reasonable. But what I’m hearing is a mentoring organization, predominantly office type use and it’s a semi-public use. That’s what I’m hearing unless the Board has other feelings.

Mr. Enfinger: So if we grant the Special Exception Use, however Council is taking up a rezoning of this and at that point there would be no further six-month review, correct?

Mr. Snowden: The permit wouldn’t be required anymore, so the permit would simply expire. So if the process went through as CO rezoning, the permit would simply expire. It wouldn’t be required anymore. I could just issue a zoning certificate at that point. And I think Tony, the property owner, has something he would like to say.

Mr. Udeagbala: I’d just like to help with some clarification. This is a non-profit organization and, based on conversations, discussions with the office, even to lease to this entity would require approval from you as a semi-public use area. So it’s 12,500 square feet and we do have a lot of land, we can add more parking to the back if that becomes an issue. Because Longhorn used to park all around, but we restricted parking – we removed parking from the area, so that is why I _____, just to address the parking. The original intention of the building, as it was used, it was used as a banquet hall, restaurant and then office. Now to the east side of the building, the 6543 portion is mainly offices and they want to use that, maintain that side for office use in times of taking in people, registration and all that. Now the 6541 portion used to be a banquet hall and

kitchen. They want to convert that side for assembly use, conference rooms where they host mostly the donors and have lectures and meetings. So that is where the issue is. So one, for them to really use the facility, we need to come through you. And, two, for us to actually use – convert the other side to assembly, that is to return to the original intention of that portion as assembly, not necessarily banquet, which they have to come through you. I don't know if I'm making sense to you.

Mr. Enfinger: Could you maybe address the part about the 501(c)(3) portion of it.

Mr. Snowden: The code doesn't specifically recognize this, but the code section for semi-public use just says any "public not-for-profit educational philanthropic organization". So it doesn't necessarily define what activities that organization is going to be doing. So that could mean that entities who are classified as a semi-public use that had wildly different operating – daily operating procedures. So I'm still comfortable with the use classification. I mean if the Board is not comfortable with it, that's fine.

Mr. Enfinger: Well, he basically said if it's a 501(c)(3), they don't even have to come before us. Am I understanding what you had said correctly?

Mr. Udeagbala: No. In other words we have to come through you. You have to approve the use.

Mr. Snowden: Yeah, the code doesn't specifically reference 501(c)(3), because that section probably was not in existence in its current form back when that was originally formed in the 1950s. That's when our zoning code dates from, so it doesn't really address that.

Ms. Wallace: So can I clarify? We're deciding is this a semi-public use and, if it is, that's what we're deciding; not like what all's happening in the building. We're deciding is this organization a semi-public use?

Mr. Snowden: And can it fit the building at this site and based on what they're describing. So, for example, if Mr. Chandler had come in and said, "Yeah, you know, it's a not-for-profit use, but it runs a full basketball program." Well, they don't have a large enough space and enough parking to accommodate that type of use like a gymnasium type of use, but they would still be a semi-public use. It's a really difficult – a lot of different types of organizations being placed into one use classification and that's why, when the code was written, it was written to require semi-public use to be a Special Exception in the CC District so that way this Board could work through these types of issues and come to something that was positive that could work for everybody. That's the rationale behind it.

Mr. Enfinger: Do we have any other questions or comments? (No response.) Then I make a motion that we move to adopt Item C2, Application number 168461.

Mr. Donovan: I second it.

(Mr. Snowden called the roll. Ms. Armintrout voted “yes.” Mr. Enfinger voted “No. The applicant does not reach the threshold required by 1145.09 which states that the proposed use shall not adversely affect the use of the adjacent properties. In my opinion, it will.” Mr. Donovan voted “yes.” Ms. Wallace voted “yes.” Stands as approved.)

Mr. Snowden: Mr. Chandler, I will provide you with a letter stating exactly what things you’re going to need to do. This portion of the review is complete, but we’re going to need to get a zoning certificate for you and building occupancy for you. So I will contact you, if not tomorrow, earlier next week with a letter stating exactly what you need to do.

3. **MAJOR SITE PLAN REVIEW, 8173 (8097) E. BROAD ST., REYNOLDSBURG, OHIO;** PRESENT ZONING, CS; PROPERTY OWNER, DN REYNOLDSBURG LLC; REQUESTING REVIEW OF A MAJOR SITE PLAN FOR NEW COMMERCIAL RETAIL CENTER. APPLICANT/CONTACT: GRANT GILTZ (#168590).

Mr. Enfinger: While our gentlemen are getting signed in, do you want to go ahead and give the presentation, Mr. Snowden?

Mr. Snowden: It would be my pleasure. Thank you, Mr. Chairman. This property address – and let me explain the rationale behind the two addresses. The application was made as 8173 E. Broad Street. The underlying parcel address is 8097, so I made a note of that because that’s how we’re going to record it at the City.

Shoppes at East Broad, request for a major site plan review. It’s application #168590 for a major site plan review. The property is located on the south side of East Broad Street, east of Waggoner Road. The zoning district is CS, Community Services and it has its own limited overlay text, of which I have a copy on file. The request is for review of a major site plan for a new retail shopping center. Current use, this current parcel is vacant land although there are other phases of the shopping center that are developed. The applicant was DN Reynoldsburg LLC and I believe Giltz & Associates are the developer. If you gentlemen want to have a seat, this is going to be a second.

The applicant is proposing to construct a 121,000 square foot commercial retail center and related site developments. Now for my considerations. Administrative: The site was last rezoned in 2006 and, in conjunction with that

process, a limited overlay was placed on the site and that text is on file. Generally speaking, the applicant's current major site plan is meeting the intent and letter of that particular overlay. The applicant has provided building elevations on the last page of the provided plan and those will need to go before the Design Review Board for approval. They were previously committed to elevations in a prior major site plan development. Staff reviewed those and the current proposed and staff found that the current proposed elevations are superior. They have more natural materials. There are more windows. The heights of the individual tenant spaces are varied in order to articulate the individual spaces and how to enter them. The awning system was consistent throughout. So staff was generally happy and it was meeting the intent and letter of the limited overlay.

Parking: For the 121,000 square retail space, the limited overlay requires one space for every 250 square feet of retail. That would place them at 484 parking spaces. The applicant is proposing 529 parking spaces plus parking at the rear of the site, so staff was comfortable that there was more than adequate parking given the use mix. In the overlay there are some provisions for different parking calculations based on a different use mix. So if the applicant wanted to change use mixes or get zoning certificates for different uses, staff would recalculate the parking at that time. For example, I don't see any restaurants proposed at this time, but if a restaurant was proposed for the site, that would place us at one parking space for every 100 square feet, so it's a lot higher standard. The applicant also, speaking of restaurants, the applicant also committed to a list of national restaurants in the limited overlay from '06.

Pedestrian connectivity. This is a unique situation. If you look on the map on the monitor in front of you, you will see that there were sidewalks placed on the public street. You can also see from Google Maps showing the location of some bus stops in front of the site. When this site was platted, it was platted as you can see on the plans that you're looking at so that only the drive was actually part of the larger parcel. This sidewalk that was constructed here and abuts the street as a sidewalk would on a normal public street, is actually on the property that is out lot number 2 that is now Burger King, as you can see on the screen.

For reasons that staff has not been able to determine, the parking – the sidewalk simply terminated at Burger King's rear drive and does not continue into the remainder of the site, which is somewhat bizarre to say the least. Staff would like to see some sort of pedestrian connection made to the main retail structure. The problem with that is that the Burger King property is really owned by another entity. However, it's also staff's view that this entire site, which was conceived at one time, needs to be developed with some consistency throughout the entire site. So staff would like the applicant to work towards getting a sidewalk connected through there across this T intersection and then up one of the parking lanes in order to allow access to the site. I mean you do have a bus stop in front of the site and some of the retail workers and visitors will probably be

accessing the site that way. So that's something we can ask the applicant when they come up.

Landscaping. Staff reviewed the landscaping plan. It was consistent with code. The rear of the property in the limited overlay, the applicant – or the previous applicant committed to a 6' wooden fence if there were buildings constructed within 120' of the south lot line and staff did not see that enumerated on the plan. The issue is now that the property immediately to the south is really not developable. In 2006 it was still developable, but since that time has been placed in a farmland trust that makes it not able to be developed. So essentially we'd be screening something that's going to continue to be open land. However it was committed to in the overlay which technically means that this property has its own zoning text, so staff's view is there's really not a way to not comply with that particular provision. So it's a 6' privacy fence, wood or vinyl that has to be constructed along the south lot line.

Lighting. The applicant did not provide a lighting plan. It came to staff's attention that the handouts that have been handed out from the Building Division and Planning and Zoning Division counter for some time omit the requirement to submit a light plan from the list of enumerated items that must be submitted. Staff would suggest to the Board, if they are comfortable, that we ask the applicant to submit a lighting photometric plan as part of their zoning certificate and staff will review that for compliance with the code and share any concerns with the Board at that time with regard to their zoning certificate.

In addition to that, staff is going to work as quickly as possible to correct that particular oversight, because it is something that is enumerated in the code with regard to major site plan review and it's something that staff and Board members like to review. So that's a major oversight we will work to correct.

Lastly, I listed there under staff recommendation some conditions basically enumerating what I've said to you in this presentation and also I would note that it's Section D of the Limited Overlay that requires the fence. Generally staff could review these – if the Board was comfortable in conjunction with the zoning certificate, and of course staff would report to the Board that they are in compliance and that way the Board members know what they've approved and what I've done on their behalf. With that, I will turn it back over to the Chairman. Thank you.

Mr. Enfinger: Thank you, Mr. Snowden. Would the representatives from the applicant please stand?

Mr. Grant Giltz: Grant Giltz, 4835 Munson Avenue, Canton, Ohio 44718.

Mr. Steve Hermiller: Steve Hermiller, Mannik Smith, 815 Grandview Avenue, Suite 650, Columbus Ohio 43215.

Mr. Dan Giltz: Dan Giltz, 4835 Munson Street, Canton, Ohio.

Mr. Dave Pontia: Dave Pontia with Pontia Architecture, 39 E. Main Street, New Albany, Ohio.

Mr. Enfinger: Thank you, gentlemen. Do we have any questions or comments from the Board? (No response.) Do you guys have anything that you would like to add or maybe comment on staff's recommendations?

Mr. Dan Giltz: I was thinking I was going to be here for window dressing, not actually having to address. However, this center is as Eric enumerated is a center that had originally been proposed-- It was a much larger center. We've scaled it back approximately 20%, changed the some of the prospective tenants. The property prior to got caught just before the economy went into the dumper and we've acquired the property and would like to bring the new and improved version back. The economy is kicking back into gear and we'd like to be able to participate with the City of Reynoldsburg, which has been a good supporter of the project from Day One.

Mr. Grant Giltz: Just to comment on Mr. Snowden's comments on what staff had recommended about the sidewalk, obviously we see what the sidewalk is today. To create that harmonious path for pedestrian walkway, I guess there's a sidewalk more so to the east that ties into Lowe's and there's a sidewalk from Waggoner Avenue that kind of joins into our shopping center also. So our thought, we talked just briefly, where the hotel is proposed towards the Waggoner side, there's a sidewalk you can see on the aerial that sort of dead ends right there. So if we sort of meander that through into the hotel and into our shopping center, it actually links into where Lowe's is, you sort of get what I think staff is trying to accomplish. Having people walk through the center of a parking lot, it's never a good thing, but we understand what staff is trying to achieve, so those were our suggestions just talking outside before we came in here on how we could bring this together.

Mr. Hermiller: I don't know whether you have a copy of the site plan.

Mr. Snowden: I don't on the screen, but the Board members have them in front of them if you want to describe a specific location.

Mr. Hermiller: Exactly. To refer back to what Mr. Giltz was suggesting on the site plan there's Sheet 1 and Sheet 2 and you can clearly see that the sidewalk that goes to the north side of the existing detention pond closest to Waggoner Road and it would jog to the south about 50' and then it would head due east across the front of the hotel and then jump over. We would put a cross-walk in right over the drive lane and then it would have access to navigate through the continuum of the entire front of the shopping center all the way over to Lowe's. So that would give you your pedestrian access route to a public

street. As you had mentioned earlier, in front of Burger King it is private property where they do have the sidewalk, so by running this pedestrian access route east and west, you would have a direct route to Waggoner Road or a public street. So, hopefully, you'll find that acceptable as an alternative solution.

I do want to – on Item 2, I don't think that showing a lighting plan is any big problem. We plan on doing that anyway, so happy to do that.

Item 3 is an item that I had presented before in front of the commission and it was about the 6' fence. We did get a variance approved to eliminate that fence because, obviously, it was a fence that would be screening the conservation easement and the prairie there. It's a significant amount of fence that really, as you said earlier, really has no purpose to screen the conservation area.

Mr. Snowden: Do you know what year that was just so that I can research that and make sure we have all that in order?

Mr. Hermiller: I think it was like six months ago.

Mr. Snowden: In my defense, I was not informed of that particular detail. I was informed that there were some issues with the hotel site, but I was not aware that that applied to the entire site. So I will be happy to look into that.

Mr. Enfinger: Was that for the hotel?

Mr. Hermiller: Yes.

Mr. Enfinger: And we discussed eliminating the fence?

Mr. Hermiller: Correct.

Mr. Donovan: We did?

Mr. Enfinger: I'm not remembering that. I know we did—

Mr. Hermiller: Lane Beougher.

Mr. Snowden: The problem with that is because this is a limited overlay, it essentially has its own zoning and that is a higher standard that DRB can grant. This Board can grant variances, DRB cannot grant variances. So essentially it's a variance because it's something that was – it's almost as if there is a zoning text just for this individual property. So if the Board is comfortable approving it without it, this Board could do it, but DRB cannot. So I'll have to follow-up on the hotel site, because that could be an oversight that needs to be addressed. I'd be happy to follow up on that, but regards to this, it would be something that the Board would specifically state. If the Board were to specifically state that they

were going to not require that, that would be acceptable because that Board has that power.

Ms. Wallace: That is never going to be developed because it's farmland and it can't be developed and there's natural screening with huge trees that have been there since I was a kid here. So putting a fence there does seem like a—

Mr. Hermiller: There's a ditch and there's already curbing along there.

Ms. Wallace: It would just seem silly to spend hundreds of thousands of dollars to screen those trees.

Mr. Snowden: Generally the natural material is more attractive anyway than having to put up a fence.

Ms. Wallace: And if you're in the hotel, you're going to want to look out and see the deer running through the cornfields over there anyway and not look at a fence.

Mr. Donovan: My suggestion is to go along with the sidewalk thing. Has anybody ever thought about talking to COTA to try to get them to jog into there because all those businesses seem to be fronting on this access road there. They could come down that road and go all the way down to Aldi's is and come back out onto Broad Street again. On the Broad Street side of it, there's nothing there that they could walk into. If you could get them to go through there, maybe give you more access to these stores and everything. Just something you might want to talk to COTA about.

Mr. Hermiller: It's probably an owner issue then. There's probably covenants that need discussed and it's a private road too.

Mr. Donovan: That would solve a lot of your access for pedestrian type traffic.

Mr. Grant Giltz: It would make it a safer situation.

Mr. Donovan: It sure would.

Mr. Hermiller: What you're suggesting is to try and get COTA to come down into the private drive—

Mr. Donovan: Turn right where the Burger King is and then turn left, follow that road all the way down past Lowe's and where Aldi's is, turn left again and then you're right back to Broad Street.

Ms. Wallace: I think the problem is that that's a service road and not a major right-of-way.

Mr. Donovan: I'm sure it is, but I mean you could find out about that.

Mr. Hermiller: I don't know what bylaws they have to get onto private streets either, much like a snow service vehicle or something like that, but it's worth investigating.

Mr. Snowden: Mr. Donovan, it's certainly not a terrible idea from a transportation standpoint. I'm going to suggest that the Board not make that a condition of getting approval, only because we don't have control of COTA as an agency, but certainly something to keep in mind. I would argue there needs to be better bus connections throughout the City of Reynoldsburg. I'd be happy to talk to you about that more.

Mr. Hermiller: I don't believe I have any other comments. Thank you.

Mr. Enfinger: Any other questions or comments from the Board? (No response.) Just for the record, has there been any contact made with the Burger King? Do they own that property? Or whoever does own it and would they be compliant with that? Cause since there's not an actual crosswalk there – inevitably there's going to be a lot of pedestrian traffic and as this whole retail area does continue to grow and become a big attraction, the people are going to walk in the quickest way, the fastest way there and if they don't have a sidewalk, they're going to walk on the road, walk on the street. So have you guys made contact with them or has anyone?

Mr. Snowden: Mr. Enfinger, first of all, I think staff's initial proposal – or, excuse me, the applicant's kind of rebuttal proposal is also a great addition to the site. However, based on the proposal that I initially stated, I feel the same way that you do, which is this is going to happen anyway and it would be better to be accommodated. I understand what Mr. Giltz said when he said we don't want excessive pedestrian traffic in the parking lot, because it's dangerous, period. But staff feels it's going to happen anyway and it would be superior to have a defined path. With regards to the Burger King property, staff did look specifically at the individual lot line and, for whatever reason, the out lot, all of that property belongs to them. The lot line is very close to the drive that is already existing there on the map and I'll put my cursor on it right here. Unlike a normal right-of-way for a public street where the city's land would end outside of the sidewalk as it does for most single family homes. So this is a unique situation because it's a private street, but Burger King does own it.

Mr. Enfinger: Any other questions or comments? (No response.) Okay, I move that we adopt Item C3, Application #168590, with the plans as submitted.

Ms. Wallace: I'll second.

(Mr. Snowden called the roll. Ms. Armintrout voted "yes." Mr. Enfinger voted "yes." Mr. Donovan voted "yes." Ms. Wallace voted "yes." It stands approved.)

Mr. Enfinger: It sure would be nice for you guys to look into that sidewalk. It would be good to have a crosswalk there.

Mr. Snowden: Gentlemen, we'll have you submit the updated plans to me when we're getting our zoning certificate to start construction. I will contact – I assume you'd like Mr. Pontia to be the contact for building, or who would be the contact? Okay, correct. I already have his submission materials in my office, so we are moving forward with the next review. I will provide a letter enumerating the subsequent steps just so we're all on the same page, but, yes, Design Review coming up next month.

D. OTHER BUSINESS – None

E. ADJOURNMENT

The meeting was adjourned at 8:17 p.m.

Aaron Enfinger, Acting Chair

Eric Snowden, Planning Administrator

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