



MINUTES

BOARD OF ZONING AND BUILDING APPEALS THURSDAY, MARCH 17, 2016 6:30 PM

PLACE: COUNCIL CHAMBERS
7232 E. MAIN ST, REYNOLDSBURG, OH 43068

A. CALL TO ORDER

PRESENT: Rettke, Linder, Donovan
ABSENT: Enfinger

2. APPROVAL OF MINUTES

1. Board of Zoning and Building Appeals – Regular Meeting – February 18, 2016

Minutes stand approved.

3. APPROVAL OF AGENDA

Agenda stands approved.

4. SWEARING IN OF SPEAKERS

Chairman Rettke: Speakers, If I could have anyone wishing to present before the Board to please stand and raise your right hand. Do you solemnly swear or affirm that the information being presented before the Board of Zoning and Building Appeals is true to your ability? If so, say, "I do".

(Audible "I do's")

Chairman Rettke: We ask that you sign in and state your name and address before you speak.

B. PUBLIC COMMENT

C. UNFINISHED BUSINESS

D. NEW BUSINESS

1. **1909 Baltimore-Reynoldsburg Rd.; Application #172905; Applicant: Jeanne Cabral; Business Name: MI Fonda Cristo Rey; Special Exception Use**

Mr. Snowden: 1909 Baltimore-Reynoldsburg Road - Mi Fonda Cristo Rey - Special Exception Use Permit. Application: #172905 - Special Exception Use Permit. Property is located on the west side of Baltimore-Reynoldsburg Road just south of Livingston Avenue. Existing Zoning: CC - Community Commerce District. Request: Request for the Board to review and approve a special exception use permit for a new eating or drinking establishment use in the CC - Community Commerce District of the City. Current Use: Vacant Space. Applicant: Jeanne Cabral. The applicant is requesting the Board to review and approve a special exception use permit for a new eating or drinking establishment within an existing

multi-tenant commercial building in the CC Community Commerce District of the City. The proposed eating and drinking establishment would be a take-out style restaurant with counter service and extremely limited seating. The site is located on the west side of Baltimore-Reynoldsborg Road (SR256), just south of the intersection with Livingston Avenue. The site contains an existing multi-tenant commercial building, associated parking and other improvements. Adjacent uses include commercial businesses in the CC - Community Commerce District, including retail sales, professional activities/office and personal service uses. All adjacent properties that front Baltimore-Reynoldsborg Road are in the Community Commerce District and include an eating or drinking establishment with drive-thru service. To the south, the property abuts multi-family dwellings in the R-20 Townhouse District. Those of you that are familiar, know that those are townhouses off of Stonetrail Way. Use Classification - Staff has classified this use as an eating or drinking establishment because food is prepared and sold on site. This definition can include various types of restaurants from carry-out only establishments like this, to bar/restaurants that offer entertainment and have a very long guest length of stay. Although it meets the eating or drinking establishment definition, Staff's view is that the proposed carry-out restaurant is probably more similar in operation to a retail use, given that guest length of stay will be extremely short. Parking - Given the length of stay of many establishments that meet the definition of eating or drinking establishments, Table 1179 of the Zoning Code requires one parking space for every 100SF of area within this use. This would require the applicant to provide 12 parking spaces. There are 102 parking spaces provided on site, and this would exceed the requirements of the Code if the entire site was utilized for retail. There are two other eating or drinking establishments on the site, so the site probably does not meet the parking requirements for new construction. Staff has reviewed the remaining uses at the site, and does not feel that the addition of this use changes the parking load requirements of the site. Staff's view is that the proposed carry-out restaurant may even reduce traffic to the site because no delivery will be offered. Since this is taking over a pizza shop, which was a carry-out restaurant that offered delivery, given that fact, and given the amount of traffic that is generally generated by delivery uses, because not many places offer delivery and you have to store the vehicles on site, possibly load in the back or front, etc..., I think that the traffic may be even less than the pizza shop. That is why I can support this given the fact that they may not be meeting the letter of the parking requirements for new construction. I do not feel that the one for one hundred for eating and drinking establishments was intended for this type of operation. It was intended for a sit down style restaurants where you are in the restaurant for an extended period of time. The Board should apply the standards for review of special exceptions contained in Section 1145.09 of the Zoning Code and determine if the proposed special exception complies with those standards. Staff finds the proposed special exception in compliance with those standards and recommends approval of the special exception use permit. With that, I would be happy to answer questions, and I will turn things back over to our Chairman, Mr. Rettke.

Ms. Cabral: My name is Jeanne Cabral, 2939 Bexley Park Rd, Columbus 43209.

Chairman Rettke: Any questions, comments, concerns?

Ms. Cabral: I had already done the construction signs, to redo the place. Two-thirds of it is kitchen, maybe even three-quarters of it is the kitchen. There is really not going to be much

room left in the front, unless they ripped out equipment and such. And, there is no liquor license, it is going to be carry-out food at this point in time.

Mr. Snowden: Can you tell me how many seats you are proposing at the front?

Ms. Cabral: Maybe two little tables of two. Just if somebody wanted to eat and then lived too far away.

Mr. Snowden: If you get too many tables in there, Lt. Posey from Fire Prevention will start having problems because he wants people to be able to get out of there.

Ms. Cabral: There is definitely an occupant load of fifteen or less because of the way it is configured. So, even if they had two or three working in the kitchen, I doubt you would have room to fit twelve in the front. If we could put a counter with eight stools, that would be nice, if that is doable under this special exception.

Mr. Snowden: Ma'am, the special exception includes everything from the gamut of your operation, all the way up to your family style restaurant where people are staying. What I am saying to the Board is the 1/100 requirement is really geared toward this end of the spectrum where you are talking about folks are going to be in this for the evening for entertainment. It is really not geared toward, I am going to get my food over the counter and leave.

Ms. Cabral: Like I have said, it is pretty basic. This family has put their life savings into it, and the father of the family is working two jobs, so it is not going to be a sit down, hang out. Plus there is no liquor license at this point in time. But it would be nice to be able to seat a few people up front, if that is possible, and not be strictly carry out.

Mr. Donovan: What kind of food are you preparing here?

Ms. Cabral: Mexican food.

Mr. Donovan: To what extent?

Ms. Cabral: They will have the standard burritos, tacos, fajitas, that type of thing. There will be a commercial hood inside.

Chairman Rettke: Any other comments?

(Vote)

Mr. Snowden: Staff will mail a record of action notice to the applicant at the address provided. Provided the Board approves the application, the next steps are as follows: This application will be forwarded to City Council. The Clerk of Council will contact the applicant when the Council elects to hold additional hearings. The applicant should submit for a zoning certificate. Staff will require two copies of a site plan showing the location of the proposed use within the existing shopping center. Once a zoning certificate is secured, the

applicant will need to contact the Building Division at 614-322-6802 to submit plans for building occupancy and to complete the required inspections. Per section 1145 of the Zoning Code, Staff will review this permit approval in 6 months to confirm compliance and report those findings to the Board. If the applicant has not complied with all conditions of their approval, you had no conditions, the permit was approved as submitted, and completed all the required steps to open the business/use, the special exception use permit can be revoked by the Board at that time.

RESULT:	REFERRED TO COMMITTEE [UNANIMOUS]	Next: 4/4/2016 7:30 PM
AYES:	Rettke, Linder, Donovan	
ABSENT:	Enfinger	

2. 6549 E. Livingston Ave.; Application #172916; Applicant: Mark Jones, Sr.; Business Name: the Jones School; Special Exception Use

Mr. Snowden: 6545 E. Livingston Ave - The Jones School - Special Exception Use Permit. Application: #172916 - Special Exception Use Permit. Location: Property is located on the south side of E. Livingston Ave, west of Baldwin Rd. Existing Zoning: CC - Community Commerce / CCO - Community Commercial Overlay. The request is for a special exception Use permit to operate a childcare center within the Community Commercial District. Current Use: Vacant Applicant: Mark Jones, Sr. The request of the applicant is for a special exception use permit to operate a childcare center within the Community Commercial District. The hours of operation for the proposed childcare center shall be as follows: Monday-Friday: 6am-6pm The children will be range in age between 6-weeks and 11 years old. The applicant will enlarge the existing play area located on the site. Site Context - The entire site consists of a multi-tenant commercial building in the CC - Community Commerce District. The properties to the south and east are single-family and multi-family homes in the AR-2 district. Adjacent uses to the west consist of small office buildings in the CO district. The property directly to the north, across Livingston Ave is a church in the S-1 district of the city. Adjacent tenants include eating and drinking establishments, personal services, retail sales, an additional childcare center and vacant space. Parking - Staff calculated over 200 parking spaces on site, not including the rear loading areas. Given the amount of vacancy in the center, staff is comfortable that there is ample parking on site. Play Area - The applicant/property owner provided a plan that included permanent bollards installed to block the service drive from traffic. The plan is consistent with the plan proposed and implemented for the previous childcare center at the site. The Board should apply the standards for review of special exceptions contained in Section 1145.09 of the Zoning Code and determine if the proposed special exception complies with those standards. I will turn things back over to the Chairman, and I will be happy to answer any questions that the Board may have.

Chairman Rettke: Please state your name and address for the record.

Mr. Jones: Mark Jones, Sr., 3389 E. Broad St. Columbus, Ohio 43213, Apartment C.

Chairman Rettke: Any comments, questions?

Mr. Donovan: This playground in the back, how are you going to have this set up?

Mr. Jones: Right now there is green space in the rear of the building. It will be fenced in with a four foot fence, at 60 square feet per child, I wanted to make sure they had adequate play space as outlined by the Department of Job and Family Services.

Mr. Donovan: This will be on grass. It will not be on asphalt and covered with something else?

Mr. Jones: It will be grass.

Mr. Snowden: If you turn to the last page of the application, they are showing you where the existing play area was, and I believe what this applicant is proposing to do is extend that.

Mr. Donovan: What about restrooms? How many children are you going to have in here?

Mr. Jones: From my research, the center previously held up to 93 children. So, we are proposing to have approximately that many children. There are two restrooms with approximately five to six stalls in those restrooms. And, there is a separate restroom for staff.

Pastor Linder: Is the restaurant in the corner going to walk its trash all the way to the other side where you are relocating the dumpsters? Is that the plan?

Mr. Jones: I do believe that is the plan, Sir, to relocate the dumpsters outside the area.

Pastor Linder: And they are agreeable to hike to the other side of the plaza.

Mr. Jones: My understanding is that they are.

Pastor Linder: Is Hoggy's staying in business, and are they sharing this play area. Or is it separate.

Mr. Snowden: I am going to defer to Mr. Jones, but before I do, Mr. Heckman is here and he represents the property owner. He may want to address since this is a common issue to the whole property. Maybe we could ask him to step in.

Mr. Heckman: I am Jeff Heckman, 163 Parkview Ave. Westerville, Ohio. I work for the Bishoff Company, the owner of the property we are leasing to Mr. Jones. Since we took the western portion of the shopping center and made it all a green space, they currently walk their trash around.

Pastor Linder: Their are dumpsters back there now.

Mr. Heckman: There are dumpsters back there now but there is not really any way to get to them. They have to go around the area.

Pastor Linder: I do like the protection that you try to instill. I just want to make sure that the other folks are going to work with that.

Mr. Heckman: Most of the tenants in this type of property, are getting their deliveries through the front door. They are not getting big deliveries like WalMart. It is no like that.

Pastor Linder: Is the play space going to be shared with Hoggy's?

Mr. Jones: No Sir, we will have our own dedicated play space.

Pastor Linder: No one else is using that green area but you?

Mr. Jones: No, Sir.

Mr. Snowden: Based on the Staff's knowledge of the site, there is an existing fenced in area that has been back there for a number of years and it looks like the applicant is proposing to extend that fence but maintain the separation between the two areas. Is that your goal Mr. Jones?

Mr. Jones: Yes it is, so that both centers can utilize the space at the same time and still be in compliance.

Mr. Snowden: Exactly. And my understanding is that the State of Ohio would allow them to share a play space as long as they were not using at the same time because you could have too many children for the size of the area. Is that correct, Mr. Jones?

Mr. Jones: That is correct.

Mr. Snowden: If they want to have playtime at the same time ever, they have to have some sort of separation between the two play areas, even if they are sharing a common fence, or whatever.

Chairman Rettke: What was the overall target of kids?

Mr. Jones: Approximately ninety-three, from what the previous license said they could hold.

Mr. Snowden: To clarify, that would be based off of the state coming in and having occupancy from our building department, and all of that good stuff. So, just because they had an occupancy load of ninety-three, maybe some small modification was made, or some small change was made in the state regulation. Just because they had ninety-three in previous years, does not mean that Mr. Jones' organization will automatically be entitled to ninety-three. It is a good target number for them.

Chairman Rettke: How many units are between them and Hoggy's?

Mr. Snowden: I want to say there are approximately four or five. That is the majority of want is rented.

Mr. Heckman: That is right. There are four or five spaces, and those spaces in-between are all occupied at this point.

Mr. Snowden: Those uses are a tax office, laundromat, staffing company, small office type of things. The issues that have come up before are issues like being next to a bar that has a grease trap and people coming and going all day long. You are not going to see that at a tax accounting type of use. So, in some ways, it is a better fit than many we have seen.

Chairman Rettke: I am worried about cutting off the access back there if one of the units go empty, what will the next person want?

Mr. Snowden: Mr. Rettke, the advantage here is that if the Board was supportive of this, this is going to be part of the condition of the applicant's approval. The Board doesn't need to specifically condition it, since it was submitted with their plan. So, in this case, they will not be able to change that to accommodate a new user, unless they come back to the Board to modify the permit. So, there is no danger of a use opening up there unbeknownst to staff or the Board and starting to do deliveries there. They have to abide by this plan if that is what they are submitting to this Board to get approved for the permit.

Chairman Rettke: Any other questions, concerns, comments?

Mr. Snowden: Staff will mail a record of action notice to the applicant at the address provided. Provided the Board approves the application, the next steps are as follows: This application will be forwarded to City Council. The Clerk of Council will contact the applicant when the Council elects to hold additional hearings. The applicant should submit for a zoning certificate. Staff will require two copies of a site plan showing the location of the proposed use within the existing shopping center. Once a zoning certificate is secured, the applicant will need to contact the Building Division at 614-322-6802 to submit plans for building occupancy and to complete the required inspections. Per section 1145 of the Zoning Code, Staff will review this permit approval in 6 months to confirm compliance and report those findings to the Board. If the applicant has not complied with all conditions of their approval and completed all the required steps to open the business/use, the special exception use permit can be revoked by the Board at that time. I am sure we will be in communication.

RESULT:	REFERRED TO COMMITTEE [UNANIMOUS]	Next: 4/4/2016 7:30 PM
MOVER:	Anthony Rettke, Chairman	
SECONDER:	Richard Donovan, Vice Chairman	
AYES:	Rettke, Linder, Donovan	
ABSENT:	Enfinger	

3. **6545 E. Main St.; Application #172956; Applicant: Jim Dorenbusch; Business Name: Dairy Queen; Comprehensive Sign Plan**

Mr. Snowden: 6546 E. Main Street - Dairy Queen - Comprehensive Sign Plan. Application: #172956 - Comprehensive Sign Plan. Location: Property is located on south side of E. Main Street between Beeler Drive and Crest Street. Existing Zoning: CC - Community Commerce District / Community Commercial Overlay. Request is for approval of a comprehensive sign plan. Current Use: Eating or Drinking Establishment w/ Drive-Thru. Applicant: Jim Dorenbusch/ Junction Architecture. The applicant is requesting the Board review and approve a comprehensive sign plan for 3 new wall signs up to 125.8SF of sign area to be installed on an existing commercial building. The site is developed with an existing commercial building, related parking and offers drive-thru service. Neighboring uses include other commercial businesses in the CC or CS Districts. To the rear, the property abuts a semi-public use which the Board approved as a special exception. All adjacent properties are within the Community Commercial Overlay. Administrative - Section 1181.03(d) of the Zoning Code requires the Board to review a comprehensive sign plan for signage over 200SF in area and in other specific circumstances. This is in addition to review by the Design Review Board, and was probably the only sign review prior to the formation of the DRB in 1994. Most previous Planning Administrators have found that the intent of this section is to allow the Board to approve more signage than would normally allowed by Code, and therefore, to function like a “variance package”, for additional signage. Staff will work to clarify this provision in a future Code revision. This a confusing item in our Code that I will work on in the future. The applicant is proposing to install a total of 125.8SF of sign area. The proposed sign consists of internally illuminated channel logo style sign. The signage is internally consistent and is consistent with the colors of the proposed exterior modifications. The signs on the east and west facades do not exceed the area of signage that would be allowed if these were the main sign of a typical business. The proposed signage on the north facade exceeds the signage regulations of the Code by 30SF. The signage as proposed is significantly smaller than the current non-conforming wall sign that is on site. They have a pretty big existing channel letter sign. The applicant is proposing to take this Dairy Queen restaurant, which has been in Reynoldsburg for a long time, and bring it into the 21st century, using a prototype building and materials. It will be the same building, but they will be using modifications to add some height and materials to the building. And, the thing that I like is it is going to be articulating the entrances better, which is what we like to see with traditional architecture on our Main Street. Things are moving in a good direction. What the applicant is requesting is typical of what a lot of our fast food restaurants have either gotten variances for, or have gotten comprehensive sign approvals for, in the past, to put additional signage on the sides. Sign Style - The proposed signage is consistent with the provisions of the Community Commercial Overlay, exception that the application should clarify that the “Grill & Chill” sign is a channel letter sign and not a cabinet style sign, and 1196.11 prohibits cabinet style signage. The Board should apply the standards for design review and determine if the proposed signage enhances the characteristics of this commercial corridor and that the request is reasonable. Staff’s recommendation is it that the Board

approve the application for comprehensive sign plan review as submitted. With that, I will say I know we don't do a lot of these. In my view, this is probably something DRB should be doing, but when they implemented this section of code, there was no DRB, and it is still here, so we have to address it. Really what we are doing here is deciding if the design is appropriate and then we are going to approve it, and that will function like a variance, and allow them some additional signage. So, that is where we are at, and I will turn things back over to our Chairman.

Chairman Rettke: Is the applicant here? Please come up and state your name and address for the record.

Mr. Dorenbusch: Jim Dorenbusch with Junction Architecture and Design, 8039 York Rd., Pataskala. The owner is here if we have any additional questions.

Chairman Rettke: Could you clarify the Grill and Chill sign?

Mr. Dorenbusch: The signage we are proposing is standard Dairy Queen signage that is available from them. They are single faced cabinet style signs. That is what they make available in specific sizes.

Mr. Snowden: Mr. Dorenbusch, the issue is 1196.11 of the code prohibits those on Main St. Obviously I will work with you to try to figure out how to manage this. I try to look over everything, but I don't always catch everything in a five minute review at the counter. In this case, the Dairy Queen logo signs we would not really consider cabinet signs because they are cut in the manner of the logo. The intent of this was to prevent folks from getting square signage and then constantly changing it out. The past Design Review Boards, and the folks that did those Design Guidelines, felt that those types of signs are not esthetically pleasing. In this case, the Grill and Chill sign would be the only thing that I would call a cabinet sign. Is it rounded with the final graphics on it?

Mr. Dorenbusch: No, I think it is there molded typically, similar to the logo, molded acrylic.

Mr. Snowden: When you get away from text, it becomes a little muddier exactly what the definition is. Let me look at Arby's, which is something else that DRB has recently approved that had some. In this case, for example, you might not be able to see on the screen in front of you, this is their exterior modifications that they did last year, that they approved through DRB, and met the Code. That sign is internally illuminated. I believe the white is the only portion that is internally illuminated on that. It is kinda raised up and out of the red backing panel. Do we have any ability to massage exactly what they are proposing there? I do not have a problem supporting it to the Members of the Board, I just want to make sure we are being consistent with these other fast food chains. The intent of it was to prevent something like just a square with a panel in it that changes. You are not going to put anything in that, other than that. If Dairy Queen leaves, they are going to take all of that down.

Chairman Rettke: Remember, they had all that writing on the side panel. We run into the same issue when they were supposing a Charley's Steakery.

Mr. Snowden: Gentlemen, to clarify, I am comfortable with it because that Grill and Chill sign is only going to be there for that. The intent of the cabinet signs was that you would not

want people changing the cabinet sign over and over. If you have a different user in that building, the first thing they are going to do is come in and take it.

Chairman Rettke: You are viewing it more like that strip mall just up from there?

Mr. Snowden: That is what I am viewing as a cabinet sign. I wanted clarification as to exactly how it was put together, but I think I am comfortable and I do not think DRB is going to have any issues. Since we have two linked approvals, we can not approve it at one location and then deny or interpret it differently and another location. I think DRB would be ok, if you guys are ok with what they are proposing, then I do not have any other issues.

Mr. Dorenbusch: To completely clarify, the DQ logo, and the Grill and Chill from Dairy Queen, comes as a package. They associate it as one with the other.

Mr. Havener: Would you confirm, are the letters the only things that will be lit?

Mr. Dorenbusch: The background is black, then the ampersand is red, and the letters are white and they are what will show up.

Mr. Snowden: The intent was to prevent square sign that changed with tenant. That is specific to Dairy Queen. If Culvers opens up, the first thing they are going to do is rip down all that signage and go to their sign package. I am ok with it. I think we are meeting the intent of what was restricted.

Mr. Havener: I think so.

Chairman Rettke: Is the site plan going to come before us?

Mr. Snowden: It is only exterior modifications, so DRB will do the remainder of the approvals. They are not changing the configuration of the parking, they are not changing the configuration of the drive lane. Mr. Dorenbusch, would you explain the remainder of the project?

Mr. Dorenbusch: The main goal, as Eric described earlier was to bring it up to Dairy Queen's current standards within the budget. The facade is going to change to bring the materials more into compliance with Reynoldsburg's desire for materials. There will be stone surrounds around the windows, front door, drive thru, and on the side. The rest will be primarily stucco, which falls into your natural materials category. Right now there are some existing over hangs, those are going to be removed so there is more of a vertical appearance. The parapets will be a little bit higher. We are raising them by about four feet, which also will help hide any mechanical equipment that is up there. There is a standard black soffit that Dairy Queen has that goes around it to help identify. On the ground, where the entry is, there are a couple of recessed pockets, on either side of the front door, those will be eliminated and filled in to be part of the restaurant, to give that more of a uniform facade.

Chairman Rettke: When are you going to start this? During your busy season?

Mr. Snowden: To the property owner, you may not know, but I will ask because I am interested, was this originally a walk up stand at the center, that was added onto over the years.

Unknown Speaker: It was built as a Dairy Queen. One of the biggest Dairy Queens built in that day.

Mr. Snowden: For those of you that do not know the history, they had a prototype walk-up, and it had a sign that went partly above it. You still see them in a few locations. Worthington still has it and I think it has a lot of character. It has aged well. Over the years, a lot of these have been built onto in different ways by the franchisees. In Hilliard, where I am from, there is one that is now almost the size of a standard fast food restaurant because they have added a dining room, a deck, and another dining room. It is neat lesson on how buildings evolve.

Chairman Rettke: Any other questions? Hearing none, I think we have the cabinet panel squared away, which was my only reservation. I will move for approval.

Mr. Snowden: Mr. Dorenbusch, I know I will see you tomorrow, but the items are listed there. You are going to Design Review Board for the signage and any other additional exterior modifications. The applicant should then submit a zoning sign permit application for the proposed new signage and a zoning certificate application for any subsequently approved exterior modifications. Staff will require two copies of plans to confirm compliance with the approved certificate of appropriateness. I never give a guarantee, because something can come up through the process, but the zoning portion should be done approximately April 7th, as far as board approvals. You will be submitting administrative permits. Typically that takes, at most, thirty days for building to review. Provided there are no other changes, you will have your permits in hand. There were a few bumps while we figured out how to take care of this comprehensive sign section, but I think you will be in business, and we are all look forward to visiting your business. The best advice I could give to any small business owner is, get it designed professionally to help you through the process.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Anthony Rettke, Chairman
SECONDER:	Richard Donovan, Vice Chairman
AYES:	Rettke, Linder, Donovan, Enfinger

4. 1675 Truro Ave.; Application #172987; Business Name: Redwood Acquisition, LLC; Major Site Plan Review

Mr. Snowden: 1675 Truro Avenue - Blacklick Pointe - Major Site Plan. Application: #172987 - Major Site Plan. Location: Property is located on west side of Lancaster Avenue between John Street and Livingston Avenue. Existing Zoning: AR-1c - Multi-family Residential District. The request is for review of a major site plan for new multi-family buildings. Current Use: Vacant land. Applicant: Redwood Acquisition c/o Glen Dugger. The applicant is requesting the Board review and approve a major site plan for new multifamily residential buildings. The applicant is proposing a total of 89 units of multi-family housing arranged in 4, 8, 6, and 2 unit building configurations on a 17.44 acre parcel. Since this project was rezoned originally in 2003 and development was not completed, it is not subject to the provisions of Section 1187.06 that were enacted in 2012. Those are the provisions regarding materials and building units. When the ordinance was written to enact that section, it specifically did not apply to any projects that were already in process. It has

been in process for a long time, but it does not apply based on that ordinance. The site was rezoned in 2003 to AR-1c - Multi-family Residential district. The property is currently undeveloped. To the north, the property abuts single family homes in Truro Township across John Street. The east, the property is adjacent to single family homes across Lancaster Ave. The south, the property abuts a small commercial building in the NC - Neighborhood Commerce District and additional undeveloped land in the Community Commerce District. Staff review, Administrative - The project received all required zoning approvals previously, including a major site plan approval. Per section 1143.03 of the Zoning Code, site plan approvals are only valid for one year. The previous site plan approval became invalid in 2015. Given the length of time that has passed since the plan expired and the proposed change in the mix of buildings, Staff felt it was necessary to secure a new site plan approval. In this version of the site plan, the applicant has proposed to rearrange all of the buildings around the north and east sides of the property to face their respective public streets. Staff supports this revision because it will place the garages facing toward the rear interior drives and is more consistent with the traditional neighborhood development around the site. The applicant will be removing portions of the overgrown tree line around these public streets and replacing them with a walkway and decorative fencing and trees at intervals. So, instead of having what we have known as a traditional multi-family complex, where it is very internally circulated, the applicant is proposing to take the outside edge of units and have those face outward. The advantage is, now you are on the public streets that are adjacent to this and you are going to be seeing a traditional front of a home, rather than a garage, or a rear of a multi-family building. Given the development around this area, I think that is positive. The applicant has retained emergency access from the intersection of John Street and Truro Avenue and should clarify the proposed bollard type to the satisfaction of Staff and the Truro Township Fire Department. I did not see that on the landscape plan, we want to make sure we can get the Fire Department to sign off on that. Parking, you can see the requirements. The applicant has provided twice the number of enclosed spaces. They have to provide one per unit. That amounts to a one car garage, they are providing two car garages with all units, plus two unenclosed parking spaces on the driveway plus thirty-one spaces scattered throughout the site for visitors. Landscaping, the original zoning limited overlay text required the applicant to make a "reasonable" effort to maintain the original trees on the site. During the environmental investigation of the site, conditions were found that require the applicant to remove some soil from the site. The applicant can tell us more about the exact environmental issues. Many of the trees are species of ash and have become diseased. For safety purposes and in order to improve the aesthetics, and for safety purposes of the site, the applicant is proposing the removal the central stand of trees and replacement with detention pond and landscaped area. This will serve as a central feature of the site, and includes a small pavilion. The applicant has retained all trees along the western preserve/floodplain area of the property in a manner consistent with the overlay text. Section 1180.06 states that "Each existing major tree removed pursuant to Section 1180.05 during the course of a development of a lot shall be replaced on site with one (1) tree, having a minimum caliper of 1-3/4" as measured 1' above ground level." All trees provided by the applicant are at least 2.5" caliper. The applicant should clarify for Staff that they have provided at least 1/2" caliper for every 150SF of building area on the site. Basically, when the applicant did their site calculations, they calculated impervious surface, we calculate by building area coverage. So, you just want to do a recalculation there with your final site plan to make sure everything is

working out. You are showing 40% coverage, but that is covering impervious surface. I think if you take the impervious surface calculation out of there, you will be fine with the building coverage. The Board should determine if the applicant has met all the criteria for major site plan review and approval as outlined in Section 1143.03(c) of the Zoning Code, and if the site plan as proposed will have a negative impact on the public health, safety, morals, comfort and general welfare. Staff finds the proposed site plan in compliance with those standards and recommends approval of the site plan as submitted. With that, I would be happy to answer any questions, and I will turn things back over to our Chairman, Mr. Rettke.

Chairman Rettke: Please state your name and address for the record.

Mr. Dugger: Glen Dugger, 37 W. Board St. I am the attorney to represent the applicant.

Chairman Rettke: Any comments or questions?

Mr. Donovan: How many units are you planning on putting in here?

Mr. Dugger: The original approval was for ninety-one. We are asking for eighty-nine. These units are slightly larger than the units that were approved four years ago. This application is a reduction in the total number of units, the number of buildings, the number of parking spaces, etc... About everything has been down sized accordingly, because these units are slightly larger.

Mr. Donovan: I see you are going to only have two ways in and out of there.

Mr. Dugger: Actually only one. But there is a secondary, it is an emergency access in the northwest corner of John and Truro Streets. That will be an emergency access only. All of our access will be to Lancaster Ave. I think you saw this application in February when they did the traffic review.

Mr. Snowden: I think you are thinking of a different project. I don't think this has been to the Board in a couple of years. You may be thinking of McClain.

Mr. Dugger: I am sorry. You are right.

Mr. Snowden: No problem, I just don't want to confuse anyone.

Chairman Rettke: Eric, I am confused. What was the difference between this and the last one we approved. The last one I thought we had a lot more trees saved, a lot more trees going in. I did not think it was this dense.

Mr. Snowden: So, what you approved several years ago, before I came, you reviewed something in October of 2014, that was what Mr. Dugger was referring to when he said they were approved for ninety-one units. The building configurations around the edges of the property were different. There was a different prototype building. This prototype is slightly

bigger, and so they have had to reduce by two units, to still have everything fit on site. The difference was, in the previous plan, the center area was used as tree preservation. In this version, they wanted something to be the key item of this development to draw you in. A lot of times we see ponds relocated for engineering reasons. Here, the applicant made the decision, I just saw the revised site plan yesterday at a preliminary meeting with the applicant about the remainder of the process. So, I requested that they bring copies for the Board this evening. In the revised plan that you have in front of you, they have proposed to move the pond to the center of the site because the trees are dead. They have got to come down, and the soil conditions require that they come down. Now that want something to replace that center feature that makes the site exciting. So, they have decided to go with a pond. It was not done for engineering reasons, it was done for esthetics.

Mr. Donovan: What are you going to do about the geese?

Mr. Dugger: Yes, that is a problem all over the place. We are getting better at managing that. Some places hire dogs. Quite frankly, the dogs have great fun chasing the geese. It is essentially a management issue. Originally, if we talk about the center pond area, that was the best feature of the site, that center tree area. But, it was also the area that had some soil issues and contamination. It turns out those issues were naturally occurring. It had a high arsenic reading. Arsenic is naturally present in certain soils in the state of Ohio. At some point in the 40's and 50's, a portion of this property had been used as an orchard. In Orchards during that time period, arsenic was occasionally used, to keep the apples from freezing. So, arsenic was discovered, and the property had been used as an orchard. One of the reasons this has gone on so long is that we had to work through with our environmental consultants, and the Ohio EPA, just why was that arsenic there? Was it naturally occurring, or was it as a result of the spraying that may have occurred in the 40's and 50's. The EPA has concluded and has documents indicating that it is naturally occurring, and they have asked us to remove a couple of thousand cubic feet of soil. Problematic from the standpoint, as Eric pointed out, in the area that has had, and does have a pretty nice tree stand. The bad news is, Eric pointed out, most of those trees are ash trees and probably have to come down anyway because of the Emerald Ash Bore. So we have sort of a confluence of issues here that we are dealing with. The soil has to be removed in order to comply with EPA requirements. Initially, what we had was just a lawn there. Relatively recently, Eric discussed with our consultants yesterday, the idea was to, instead of having this tree stand which has to be removed in accordance with EPA requirements, to replace that with a small pond. Not a pond with retention purposes, but a pond with esthetic purposes, which obviously can be managed better because it is not fighting the storm water relieve that a retention pond would. It is going to provide an esthetic feature differently than the trees would have, but unfortunately that is no longer an option at this site. Does that make sense? That is a very short explanation about a very complicated problem. We would have preferred to have gotten this done three or four years ago, but literally it took us that long to work through the issues with EPA.

Chairman Rettke: That was one of the points that the Board at the time liked, was maintaining that natural... That was very appealing to that group.

Mr. Dugger: All things being equal, that was a terrific amenity at that time. As we work

through the issues, and drill down into the contamination issue, that became no longer a solution. The pond is totally different, but it provides an amenity, just in a different way.

Mr. Snowden: Members of the Board, because Staff knew that was something the Board had a lot of interest in, that is why Staff asked for the applicant's engineer to provide the memo that is in front of you to document the rationale behind it. It is always Staff's view that you can do things that are reasonable as long as you have a documented reason to do them. That is one of the reasons the EPA has so many concerns. Again, when you are talking about residential, you are talking about you are letting people live there. You are not talking about a few hours a day, or a few minutes for retail or commercial. They are there. They live there. I have to say, they do not come too much stronger than an EPA order saying you have to do something to be in compliance. In Staff's opinion, they have done their due diligence in justifying the rationale. Rather than what we sometimes hear, which is that an applicant doesn't want to do something just because they do not want to.

Mr. Dugger: I do not want anyone to think there will be glowing people, or that we have a chemical issue here like Flint, Michigan, where we are going to have children that are adversely effected. Arsenic is a naturally occurring chemical in certain soil types in central Ohio. There are two thresholds, and do not hold me exactly to this, but I think I am correct, the threshold for residential development is about twenty parts per million. The threshold for commercial development is sixty. So, it is basically three times for commercial as residential. As a residential development. There were very small spots that were in the neighborhood that were acceptable as commercial. So the only way to deal with it, is to take those soils out. Unfortunately we have to take between two and four feet of soil. When we take that out, there are not anymore trees, that is unfortunately what we are dealing with. And, the only way to get into compliance with the EPA is to do that.

Chairman Rettke: The fact that they were an ash stand too...

Mr. Dugger: That turns out to be a happy coincidence from our perspective. Regardless of the health of those trees now, eventually they will no longer be present. We are solving a couple of problems at the same time because probably we would be back here to tell the City that we have a tree preservation area with all ash trees that all need to come down.

Chairman Rettke: I know in the past we have had the issue with residents on John St. concerned. I think the plan with the tree line relieved some of those issues.

Mr. Snowden: Some that has changed with the ash issue, and just yesterday at the meeting, our Street Department, I believe was asking the applicant and their engineer if they could remove anymore of these because we are getting complaints and they are starting fall into the right of way. It is great when you can have a true preservation area like you would have along a river or a park. But the ground has been disturbed, you have street work, you have site work, over the years, not just from this applicant, but from the area being disturbed. Having one little line of trees is not really doing a whole lot. Given that the applicant has also proposed to turn the building around, have a really nice landscaped area around each building with trees, and a interval fence, which will break it up and not make it feel like it is a

mass expanse area. Regarding resident complaints from the neighboring residents, if it were me, I would personally rather look at the front of a structure, rather than be looking into the rear of a variety of multifamily buildings. I think looking from the front with the natural materials, and you can see the material samples that the applicant provided, is going to have a much better view for them than the backs of these properties.

Chairman Rettke: The only other lingering issue was the dispute over the accuracy of the traffic count. When we had the October meeting, the engineer was here and he said he was fine with it.

Mr. Snowden: Was that our engineer from EMH&T?

Chairman Rettke: I think it was a younger gentleman that was on staff at the time.

Mr. Havener: Probably Justin.

Chairman Rettke: I think he concurred that it was fine and no turn lanes, but at the next meeting, we did have public comment that said that was basically incorrect. Has anyone from the City been down that road?

Mr. Snowden: As far as reviewing the traffic counts, when they did this application, they did the standard facilities demand worksheet, and they determined, as we expected, that given the number of peak hour trips, they are not warranting any additional.

Chairman Rettke: I think we had two of three residents at the November meeting basically challenging it. We basically told them it was too late and that we had already issued, and that they needed to take their issues to the City level.

Mr. Havener: I think their major concern was the access off of Johns.

Chairman Rettke: Their issue was the stacking, because it stacks so far back.

Mr. Snowden: You mean the Lancaster stack north from Livingston.

Chairman Rettke: And then you get someone trying to turn in and the intersection is blocked and it stacks up the other way. Their issue was that there should have been a turn lane based on the occupancy and the traffic problems already out there. I agreed with them. That is why I point blank asked the engineer.

Mr. Snowden: I would be happy to follow up and ask them. In this case, since we don't have anything other than the regular Facilities Demand Worksheet, I would say, why doesn't the Board consider doing a conditional approval on Staff double checking with the engineer and confirming that the conditions from 2014 are the same? We can ask the applicant for additional documentation to confirm that as condition of approval.

Chairman Rettke: The one lady, two houses down from the proposed opening, I think she

brought in pictures that showed that 5:00 stacking was clear past that entrance.

Mr. Snowden: What we are doing, when we do those facilities demand, and I do not disagree with you Mr. Rettke, what the engineer is looking for when he reviews those Facilities Demand Worksheets, the Worksheet is set up so it says first it determines what level of review they will have. It has a calculation set up to determine the level of review. Mainly what we do when we do that, even if it is determined that review is warranted like an access or impact study, what we are really determining is what impact is the applicant having on the infrastructure? It is very possible that you could have a development go in at a place where traffic is backed up in front of it all day, and not have that be contributed to by the applicant. We can only hold them accountable for what they are generating and I have said this many times, and I don't want people to think that is me discounting traffic concerns within the City, because we know that there are infrastructure improvements that need to be made, that is just a fact. Lancaster Ave. Could probably use an infrastructure improvement now. But, we can't typically deny the applicant for that reason. We can only require them to make improvements for what they are contributing. I would be happy to have our engineer look into it more. I don't want to discount what you are saying.

Chairman Rettke: I just want to make sure that we are clear on that. I did question the efficacy, but the way you phrased it, is a good way to look at it. Are you contributing to it?

Mr. Snowden: They may be contributing a small amount, but they are not contributing disproportionately. One of the things that we can't say categorically is, you are not allowed to use your property because we are having a traffic issue at another portion of the City. And so, in this case, I would probably argue that is being generated by the issue that is already there, and when we do the worksheets and document that all the t's are crossed, we can only hold them accountable for what they are contributing within the peak hours.

Mr. Havener: After looking at this plan, I know we basically removed the bioretention basin from that northwest corner of the property, and put in the second pond. I am wondering if the applicant would have a problem combining the two basins and making it into one larger basin, and not having the division.

Mr. Dugger: I can not answer that question.

Mr. Leisure: Jimmy Leisure with Construction Point, 2550 Corporate Exchange. The two basins actually function together. There is an equalizer pipe between the two. As water goes into one, they will actually function together. So it is one large pond with a walking path between it. Again, part of the amenity is in the landscaping, and those kind of things. It is two separate ponds, but they are connected with a pipe underneath. They are not going to function separately. One is not going to have more or less water than the other. Rather than make it one large pond, we have the walking path to get more circulation around and put the gazebo in there. This is more of an amenity to replace the trees that were being removed. I would like to say a central amenity type of thing. So, the idea is to make this part of the neighborhood and to give them something to walk around.

Mr. Havener: I do not have a problem with that. I was just wondering why it could not be just one big pond.

Mr. Leisure: Again, rather than a abridge or something across it. The walking path was just the layout that the landscape architect came up with. Again, the two ponds are connected and will function together. That is just the layout they came up with. Again, more landscaping to kind of soften with more of a path in-between. That was just the feel of the landscape architects.

Mr. Snowden: It seems like it was done with some thought, rather than just because.

Mr. Donovan: Is this the area that was partially developed before? There is an area off that street that if you look down, somebody had tried to put something in there.

Mr. Snowden: Mr. Donovan, if you look, part of this was approved in 2003 and 2004. You can see in front of you that there is a drivable partial path in there.

Mr. Donovan: THeY have to dig up some already existing improvements in there?

Mr. Snowden: I do not know that there is any other infrastructure back there.

Mr. Leisure: No. The infrastructure that we are showing here, takes advantage of that which was installed in 2005, the first phase of this. There was a first set of improvements, you may recall. You could drive off of Lancaster Ave., and drive a few hundred feet on a city street. This takes advantage of that layout. It basically replicates the layout that was originally approved.

Chairman Rettke: For some reason Eric, I do not remember the code, but every time we have reviewed this, they have been intensely heavy on the tree count. Why are we not considering that today?

Mr. Snowden: Well, you have a wooded lot. I said in the one that I wanted the applicant to provide me a more detailed tree count. The way that they calculated the buildings, didn't allow me to easily calculate the trees. That is why I am asking the applicant to do that. Plus, the thing is, trees are easy to add. That is why I did not make a huge deal about it.

Chairman Rettke: I just know that for some reason on this site, we have reviewed it twice.

Mr. Snowden: I have reviewed the old Staff Reports. I think because in the language of the original approval from the limited overlay from 2003, it made it seem like they wanted to do a lot of tree preservation. But, if you look at how that was actually done, it actually says that the applicant, and the property owner, will make any reasonable effort. I feel with regards specifically to the center section, when you have EPA orders and documentation from your environmental engineer, I think they have done their reasonableness. With regard to the new tree plantings, I checked around each individual building to see that they have... Most of the times with these multifamily, it ends up working out to you have to have about four trees per

building, to meet the barest minimum of the code. I look through that and I think they are close, but they did not calculate the building area, they calculated impervious surface. They just need to give me a building calculation.

Mr. Dugger: Which would be more.

Mr. Snowden: Correct, the impervious surface is a lot more, because you are counting all the drives. So, if you give me the building count, I can confirm. I am sure that their engineer will do that.

Mr. Dugger: There are basically two tree masses, centralized which has the ash trees and arsenic issue, the other is along the creek. The vast majority of those trees are in the flood so we can not touch them, so they are going to stay. So, the entire west boundary of this thing is heavily wooded, and we really can touch it at all. There is the one issue of concern. The other is the tree masses that are along the bank and those are not going to be touched or changed.

Mr. Donovan: Are these goes to be rentals, or fee simple condos.

Mr. Dugger: These are rentals.

Mr. Snowden: I did not address that at length in my report, but let me say this, Mr. Dugger and I have met several times to review the limited overlay text from 2003. When this was done, the limited overlay text references the word condos a number of times, because that is what the development was proposed as, but when you look at what the limited overlay text says, it says under permitted uses, multi-family. So, from the standpoint of use, condos and apartments are not different. Condos are a form of ownership of a property. Now I understand that there are people who have different views on whether that is a good or bad thing. But, from the standpoint of use, this is something that previous Boards may have discussed, but I want to be clear and on the record as to why this was determined would work, in the section where it says these are your permitted uses within this limited overlay, it says multi-family, and multi-family is a permitted use. There is nothing that says that these must be condos and they only can be sold if they were owner occupied, and if they were, it probably would not be enforceable.

Chairman Rettke: Wasn't the last one a retirement complex. I thought it was catering to the 55 plus crowd.

Mr. Snowden: Maybe we could have Jim from Redwood Development come up.

Mr. Dugger: If you need more on this, we can get him here. Basically Redwood's entire marketing approach is to, I'M 56, so a person like me, wants one floor, wants an attached garage. There is a lot of universal design in the architecture as well, so there are not a lot of stairs. So, what you don't see, if a playground, a tennis court, a pool, what Redwood does, is this is designed to appeal to my aged person who is a tenant by choice. A lot of people have become more sophisticated about how they make their housing decisions, especially people

who have housing in different places. They have a place here because this is where you had your working life, and you might have children here, and you may have another place in South Carolina. That is who this appeals to. It is designed to appeal to a 55 and over type of tenant, but it is not exclusively so. There are a lot of places in Reynoldsburg where you can buy a house for less than you will pay in rent, and you could have a backyard, and a swing set, and the stuff for your kiddies. They would not typically want to go here.

Chairman Rettke: I think that was the case with the last one. Somebody threw it out and said that was the old section. There was no guarantees, and we cant. That is the hard part.

Mr. Snowden: The use is multi-family. And I think Mr. Duggers point is well taken about how the company operates is very key. They are allowed to rent to who they want. The extent of the Board's consideration is, have we addressed the uses, and have we addressed the site characteristics, and it is all working. That is our purpose here.

Unknown Speaker: Actually that dovetails with what we are asking you to do from the prior approved plan, these units have gotten bigger the quality finishes have gotten nicer. The unit count has gotten smaller. Every one of those pieces, makes it a more expensive product. We are not going down market with this. We are pushing it all in the right direction. I think that is the most important thing for us to understand.

Mr. Havener: What is that siding material? Is that a vinyl, or is it masonite.

Mr. Frye: My name is Jim Frye. I am the Senior Vice President of Redwood, Westerville. It is much better than vinyl. It is called everlast. We use this in place of hardy plank. It is under residential use. Hardy plank you have to paint every six or seven years and we want our projects to be maintenance free. It is more expensive than hardy plank and is a great product. If I were building a new house, I would use it.

Mr. Dugger: We use to do zoning specs that specified vinyl siding as a quality vinyl siding at a nominal thickness of .042, which is like the thickness of a dime. This obviously is way beyond that.

Mr. Havener: If there would be an opportunity for you to have some focal points around the pathways, and add some shrubs, and maybe some mounding, to give it more character.

Mr. Dugger: We did the gazebo which I think was a great start. But you are probably right Dan, we need to add something in the landscape plan to give it a little bit of visual interest. We will work with Eric to get that done.

Mr. Havener: Everything looks nice around the units themselves. You have some nice landscaping called out. But, just around the path.

Mr. Dugger: The reason that happened, obviously, was that the additional pond was a fairly recent addition to the plan and we have not gotten it landscaped. What we will do is have our landscape architect work with Eric on getting some appropriate landscaping around that

pond.

Mr. Snowden: Once we get the building calculations, and we get the new plan, I will be able to say we have the right amount of trees and other landscaping.

Mr. Dugger: Dan's point is a good one. There are other things than trees, bushes, grasses, etc..., that could be interspersed throughout there that would kind of break it up a little bit.

Mr. Donovan: On mail delivery, will you have a gang mailbox?

Mr. Snowden: They are right there.

Mr. Donovan: I was wondering what those were.

Mr. Dugger: that actually was moved from the old plan, but I think we have it in the right spot. I appreciate the City Administration's patience. Quite frankly, we have worn them out with this application, in the sense that this started in 2002/2003. I have been here four or five times on various steps in the process. Obviously the EPA issue substantially complicated it, but I think we finally, with a final plan, can go build this. We plan to start this summer.

Chairman Rettke: Where is the trash?

Mr. Havener: Is that going to be individual unit pickup?

Mr. Snowden: I will have to check with our Service Department. I am pretty sure they do not pick up at multi-family complexes.

Mr. Dugger: In prior Redwood projects, we haven't done, and the reason is, if you did a compactor... it is not attractive, and it also means if you want to take out the trash, you have to haul it two hundred feet. So, what we have usually done is, inside individual garages, because we have a two car garage for every unit, that is where people have their trash cans, and they roll them out on trash day.

Mr. Snowden: It is consistent with what they are selling here which is an attached single family home style product.

Chairman Rettke: I think we have beat it up pretty good. Any other discussion?

Mr. Snowden: We will provide the written letter, but I think after yesterday's meeting...

Mr. Dugger: We know the drill. Thank you very much.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Anthony Rettke, Chairman
SECONDER:	Robert Linder, Board Member
AYES:	Rettke, Linder, Donovan
ABSENT:	Enfinger

E. OTHER BUSINESS

F. ADJOURNMENT

Chairman



Planning and Zoning Administrator