

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

A CALL TO ORDER

1. ROLL CALL

Members Present: Mr. Aaron Enfinger
Mr. Rick Donovan
Ms. Libby Wallace
Mr. Anthony Rettke

Members Absent: Ms. Bonnie Armintrout

Others Present: Mr. Eric Snowden, Planning Adm.
Mr. Justin Robbins

2. APPROVAL OF MINUTES OF JANUARY 15, 2014

Chairman Rettke: Any additions, changes or corrections to the Minutes of January 15, 2014? Actually that should probably be 2015, right? Hearing none, we'll go ahead and approve the minutes as submitted.

3. APPROVAL OF AGENDA

Mr. Rettke: Any additions, corrections or changes to the agenda as submitted? (No response.) Hearing none, we'll approve the agenda.

4. SWEARING IN OR SPEAKERS

Mr. Rettke: Anybody wishing to speak tonight, would you please stand and we'll issue the oath? (Mr. Rettke administers oath.) Any time that you come up, we ask that you please sign in and before you proceed with your presentation, state your name and address for the record, please.

5. PUBLIC COMMENT

Mr. Rettke: Do we have any public comment tonight? (No response.) Hearing none, we'll go ahead and move to Unfinished Business.

B. UNFINISHED BUSINESS – None.

C. NEW BUSINESS

1. SPECIAL EXCEPTION USE PERMIT, 1914 BRICE ROAD, REYNOLDSBURG, OHIO; PRESENT ZONING, CC/CCO; PRESENT OWNER'S NAME, DIMO FUZMAN; REQUESTING A SPECIAL EXCEPTION FOR A SEMI-PUBLIC USE. CONTACT: ERIC GLOVER (#168059).

Mr. Snowden: Before I begin this presentation, just let me point out, Board Members, on the front page of your application there was an incorrect application number. The number that the Chairman just read is the correct application number. It's not important to the substance, I just wanted to be clear.

Our first case tonight, 1914 Brice Road, the applicant is Kingdom Discipleship Ministries for Special Exception Use Permit. Location is east side of Brice Road between Merchants Drive and Livingston Avenue and the existing zoning is Community Commerce and it's within the Community Commercial Overlay. The request from the applicant is to have the Board grant a Special Exception Use Permit to operate a church organization within that use district. The current use is vacant or adjacent retail stores and the applicant's representative is Mr. Eric Glover.

The applicant's proposing to operate a semi-public use at the site. It would consist of over a 20,000 square foot facility. As I stated the location, and this will give you an idea of the location, the area that I've highlighted for the Board in red is the main area that the applicant has proposed to outfit and we can get a clarification, but I believe the orange area is a future use space. You can see the current character of the property. Some adjacent uses to the south, this Board approved, I believe, a Special Exception for eating and drinking establishment at the Mamajuana site recently, but there hasn't been any activity. There's a retail store there at the south end of the site.

My recommendation and my review, generally staff was comfortable with the amount of parking on the site. Calculations showed that there was at least 120 parking spaces on site, not including the rear loading spaces. And given the amount of vacancy in the current center, as many of you recall there was a Big Lots there, staff felt comfortable that there was ample spaces. Staff would like a clarification from Mr. Glover of exactly how many seats will be in the worship space, as that is how parking requirements are calculated in the City of Reynoldsburg. If the applicant wanted to expand into the space in the future labeled "future," provided the Board approve the permit tonight, that would require a new Special Exception again to do the parking calculations, how many seats would be in the worship space and so on. But staff felt that this use didn't change the inherent character of the district.

Mr. Rettke: Mr. Glover, if you could come to the mic and state your name and address for the record.

Mr. Eric Gover: Eric Glover, 8051 Fenway Circle, Reynoldsburg, Ohio 43068.

Mr. Rettke: Any questions, concerns or comments for Mr. Glover? (No comment) This is just for the one marked “current,” right? We’re not looking at the proposed?

Mr. Snowden: You mean the “future,” Mr. Chairman? It was unclear to me. We can ask Mr. Glover for a clarification. It was unclear to me, but the bottom line is in order to do things like parking calculations, which are required for this type of Special Exception, we’ll need to know how many seats will be in the worship space specifically. So if Mr. Glover’s willing to answer that—

Mr. Glover: Sure. For the first section, the 2000 square feet, we calculate we can get anywhere from 40-50 seats in there. Then in the other half, where we say “future” that will easily seat anywhere from 100-200 chairs.

Mr. Donovan: Would you give up the current space to move into the future space? It seems to be about three times the size.

Mr. Glover: Well, as we grow and as we institute programs, as the ministry takes off then, yes, we would eventually use the whole space. That’s the long-term plan.

Mr. Donovan: So you wouldn’t move from one side into the other and vacate the other premise?

Mr. Glover: No, we wouldn’t vacate it. We would use it for special purposes, like I listed in the application for different classes and stuff like that. So we definitely plan, as the ministry grows, to utilize the entire space but that’s as we grow and be able to institute some programs.

Mr. Snowden: What I was saying is mainly to calculate the parking requirements, we would need to know what exactly that space was going to be used for. So Mr. Glover left that as a future expansion and I’m sure that could offer him other options, maybe a portion would be used for worship, a portion would be used for offices, etc. So my point is that the Special Exception that is in front of the Board now, needs to apply to the space that he’s currently occupying. It doesn’t mean – I understand that he wants – that he has options for that space or leasehold rights. I’m just saying specifically we’re taking on what they have applied for, specifically what is in use. That’s what I’m saying.

Mr. Robbins: I want to make sure Mr. Glover’s clear. So when you’re granted the Special Exception permit, it’s good for six months. You either have to start work or get the building permit process started. If the future space – if you haven’t started on that already, then you’d basically have to come and go

through this process again to inhabit that future space as a place of worship. Does that make sense?

Mr. Glover: Yeah, I think I understand. You're saying that if we – for the next six months, if we're not utilizing the future space, we need to come back and submit another exception.

Mr. Robbins: Exactly, or if you haven't got the permit process started through the Building Department.

Mr. Rettke: So we are considering only 1,000 square feet?

Mr. Robbins: If it's marked as "future" I think the Board should just-- I mean do you see yourself occupying or getting building permits for that space? Do you have a lease for that space?

Mr. Glover: We're in the process. We first had to get the exception before we could start the leasing process, but we have that in motion and it is our plan to eventually utilize the whole space. Now whether that's six months from now or a year from now, I can't tell you that. But as our ministry grows, we will be implementing more and more programs partnering with folks in the community to be a benefit and asset to the community.

Mr. Robbins: So a couple things I want to be clear on as well. So if you have your place of worship and the portion that you have your Special Exception, what you're getting tonight, if you wanted to say open up offices that weren't necessarily part of that, an office is something that's permitted in the district. So you would still have to go through the Building Department, but you wouldn't have to go through the Special Exception process again, but that's something Mr. Snowden will take you through when the time comes.

Mr. Rettke: So can you state the membership that you're forecasting so we can check the parking?

Mr. Glover: Well, right now we anticipate within now and the next six months, we'll probably have upwards of about 50 people. Right now we have 20 and we're going to grow. And, as we grow, we want to make sure that our people are comfortable and, as we institute programs, for example where we have the seating in the current spot, just imagine that we have more space and more seating. We're not going to change the structure. We want the open space so that we can hold classes and be able to move things around. As we grow, let's say we get 200 people. We couldn't fit 200 people on the one side, so we'd just move things over to the other side, that's all. It's just a matter of getting additional chairs and moving them to the other side of the building. We would still have the other side where we could do other classes and things like that. We

really plan on being an asset and implementing some things, making some things happen.

Mr. Snowden: Mr. Chairman, if Mr. Glover had 200 spaces in the large “future space” to be used for worship, that would require him to have 50 parking spaces on site. As I said, the entire site has 120 and if you calculate the rear parking areas, which could be used for staff parking and other purposes, you’re probably closer to 150. So staff would be comfortable with that, but it’s nice to deal in specifics and that was the point of me bringing this information and asking for the clarification of Mr. Glover rather than to say, “Hey, we’re generically going to use this space sometime in the future.” So that was the rationale behind the question.

Mr. Rettke: Any other questions, concerns, comments? (No response.) That being said, I guess I’ll move for a motion for approval of Item B1, Special Exception Use Permit, 1914 Brice Road, #168059.

Ms. Wallace: I’ll second.

(Mr. Snowden called the roll. Mr. Enfinger voted “yes.” Mr. Donovan voted “yes.” Ms. Wallace voted “yes.” Mr. Rettke voted “yes.”)

Mr. Robbins: There’s a couple more things. I just want to explain the Special Exception process to you. This isn’t the final say. City Council basically has an opportunity to take this up. So what happens is the minutes from this meeting get transcribed and get sent to Council. At the next regularly scheduled Council meeting, if nobody brings it up, it stands as approved by Council and then Eric can approve the zoning certificate. It also requires a building permit, so I would strongly encourage you to contact the Reynoldsburg Building Department to make sure all your permits are in order through them.

(Female speaking off mic.)

Mr. Robbins: Any change in occupancy and I can guarantee that this is an assembly use versus a restaurant or whatever it was before. They’re going to require it with any change of occupancy, not necessarily even occupancy type, but even if it was a different church, it would come in and still need a new building permit.

Mr. Snowden: And that’s for public safety. The idea is you’re having a large number of individuals assembling in a space.

Mr. Glover: So come see you tomorrow?

Mr. Snowden: You can or you can see Shelley. She’s our Building Department secretary. And let me be clear while we have a moment. I didn’t

introduce myself. My name is – and this is also for our lady from Area East who transcribes our minutes. My name is Mr. Snowden and I am the Planning Administrator for the City. Mr. Robbins, sitting to my left, is a representative from a consultant who has done this work for the city for the last several years. As you can see, it's sort of a transition/training type of process to carry this on. But if you pick up the phone, as you did earlier today and call me, you will find me at the office.

His point is there's a several weeks' process. This information will be transferred to City Council, etc. and I'll be in contact at that point.

Mr. Rettke: And any signage, you'll have to go through Design Review Board, right?

Mr. Snowden: For signage, yes, Mr. Chairman.

Mr. Rettke: So just keep that in mind.

2. **SPECIAL EXCEPTION USE PERMIT, 6535-6539 E. LIVINGSTON AVE., REYNOLDSBURG, OHIO;** PRESENT ZONING, CC/CCO; PRESENT OWNER'S NAME, BLACKCLICK PROPERTIES LTD; REQUESTING A SPECIAL EXCEPTION FOR THE OPERATION OF A CHILDCARE FACILITY. CONTACT: MAHOGANEY MCKINNEY (#168284).

Mr. Snowden: 6535-6539 E. Livingston, Application for Exception Use. The business entity name is Hoggy's Playpen. The property is located on the south side of Livingston Avenue west of Baldwin Road. It's located in the CC Community Commerce and the Community Commercial Overlay Districts of the City. The request is for a Special Exception from the Board to open and operate a childcare center within that district. Current use is vacant. It did previously have an operating childcare center and the applicant is Ms. Mahogany McKinney.

Ms. McKinney stated that her proposal is to operate a childcare center for up to 80 children and she plans to also construct an outdoor play area to serve that childcare center. Ms. McKinney did inform staff that the 80 children number is dependent on some other details of approvals from the state agencies and the fire department that inspects the property.

Neighboring uses to this property consist of personal services, retail sales and vacant space. The plaza is commonly known as the Blacklick Plaza Shopping Center. To the south and to the east of the property in question are some multi-family and single-family homes in the AR-2 district of the city. Here's a map showing the location. In red I've shown the three tenant spaces that Ms. McKinney proposes to occupy. In orange I've shown the entire site. Here you can see evidence of the-- These two and the retail bay immediately to the right

are the retail spaces she proposes to occupy. You can see evidence of the former user of that space there. Showing the third or western most of the three tenant spaces and then next door to some other retail and personal service uses showing uses to the east of the proposed location. This is just actually showing the site characteristics looking north toward the entrance to the entire shopping center.

In addition to the information you have in your packet, staff did receive some additional communication from the property owner stating that the property owner was willing to install some permanent blockades to the rear loading area where the play area would be, do some other modifications and also showed staff a proposed new signage package for that sign that you see on the screen in front of you.

Mr. Rettke: If we could have the applicant and agent come up. Please state your name and address for the record.

Mr. Jeffrey Heckman: I'm Jeffrey Heckman. I live at 163 Parkview Avenue in Westerville, Ohio. I'm a representative for the Bischoff family that has owned this property for about 40 years. They've been a long time in the community. We're in the process of revitalizing this center, getting new signage, putting in fencing along the perimeter. We've already added some green area in the back, so there's no more ability to be able to transit around the back that might be for service trucks. I know that's one of the concerns of the Board. We've talked about putting bollards up, having a crosswalk that would take the children from the daycare center to the playground area. So what we're really asking is for you to help Ms. McKinney, who's the kind of young entrepreneur that we want to have come into Reynoldsburg to open their businesses and expand. That also helps us to be able to do the things that we need to do in the shopping center to improve it. I'm asking that you support her application.

Ms. Mahoganey McKinney: My name is Mahoganey McKinney. I'm at 5498 Shannon Square Drive, Canal Winchester 43110.

Mr. Rettke: Any questions, concerns, comments?

Mr. Robbins: I was curious about the bollards. If you put bollards in the service area to the rear, does that block traffic to the existing storefront to the west, _____? Are they still going to be able to access their trash and—

Mr. Heckman: All the tenants there get their deliveries through the front, so there's not really-- The size of the center and the type of clients that are there, they're getting their deliveries through the front.

Mr. Robbins: Does that include trash and recycling?

Mr. Heckman: There are trash areas back there, but the bollards would be after the trash areas. We're discussing reconfiguring the trash areas also.

Mr. Rettke: You've stated you've added extra green space? Can you elaborate on that?

Mr. Heckman: If you look on the map that you have, from basically the parking area that's off Livingston Avenue, all of the west side the backtop has been removed and a green space has been added, as well as turning the corner and heading a little bit toward east. I think this photo maybe even shows it.

Mr. Rettke: Partially shows it, I think.

Mr. Heckman: There used to be a drive that went all the way around. That is no longer in operation. Exactly where your cursor is there. If you run it north and south, that's all green area and then turning the corner.

Mr. Donovan: These bollards you're talking about, will they block fire equipment from accessing back there?

Mr. Heckman: No, that would be unwise of us.

Mr. Robbins: So you're thinking more in the line of knockdown bollards?

Mr. Heckman: Yes, exactly.

Mr. Rettke: Question for staff. The zoning on the south side of that appears to be residential. What's the setback for that playground? Is that going to affect that in any way? I think there should be a minimum setback on a playground.

Mr. Robbins: We have minimum setbacks. We have a residential property buffer requirement. It's not necessarily clear as to what part of a commercial district that would refer to. Let me flip to the code page real quick.

Mr. Snowden: Mr. Heckman, something I was unclear on was that this was an existing – there was an existing playground back here before for the previous—

Mr. Heckman: Yes, there's an existing playground there currently. The fencing is still there and that would be the playground that she would be-- When she's talking about building a new playground, she's got to re-equip it. That would really be more correct, I think. And it's been in place for many years. The daycare centers have been there 15 years.

Ms. Wallace: Is the playground directly behind the proposed area?

Mr. Heckman: The red outlined area, it's directly behind that, yes.

Ms. Wallace: Oh, okay. So just east of there, like where the building juts out, is that where you're going to put the blockades?

Mr. Heckman: Yes, that's correct.

Mr. Robbins: To address Mr. Rettke's question about the residential buffer setback, I'm just going to go through kind of some of the things that could apply to this, although there's nothing that I think really definitively points to it. It says "Off street parking spaces and driveways for non-dwelling uses," everything's existing; "churches, schools, public or semi-public buildings," obviously not the building, so we're talking about the play area; and then "recreational facilities, entertainment facilities, motels, trailers and commercial uses." There's really nothing in the code that requires a setback for an outdoor use like this that I can find within our code book if that helps. The word "facility" really, yeah, I mean it's hard because it's basically a fenced-in area.

Mr. Snowden: In other places, commercial recreation facility is listed as a use type. It's almost envisioned that it could be a structure. Folks can get zoning certificates for that in some districts and it's a Special Exception in other districts. To answer the Chairman's question specifically, the area immediately to the south is zoned AR-2, although there are single family homes there. It also permits multi-family but, in this case, it's single family but it is AR-2.

Ms. Donovan: And a daycare has operated there for 15 years with the same play area? Have there been any complaints filed by the neighbors filed in that time?

Mr. Heckman: Never been any complaints. Most of the people that are there are working and they're not in their homes during the day and that's when the children are there.

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

Mr. Enfinger: To your point about the daycare time, the hours of operations, other than the weekends, Saturday and Sunday, 7 a.m. to 10 p.m., so folks would be home at that time.

Mr. Heckman: Children probably won't be out after dark.

Mr. Enfinger: Well, that's fine, but I'm just saying that the hours of operation would—

Mr. Heckman: Yeah, appreciate that.

Mr. Robbins: Just some clarification. Are you proposing to put the play area in the exact same spot that it exists right now?

Mr. Heckman: It currently exists now. That's the one we're talking about.

Mr. Robbins: I just wanted to make sure.

Mr. Snowden: Mr. Chairman, I did gloss over one item that I should have mentioned in my initial report to the Board, is that staff calculated there were approximately 200 parking spaces on site and given the amount of vacancy in the site, staff's pretty comfortable that can be accommodated. I know that the Board has had concerns before where there's been drop off areas for children that are adjacent to public streets where there could be stacking of vehicles into the public right-of-way and we're not really affected by that here given the size of the site.

Mr. Rettke: Any other questions, concerns or comments? Please come to the microphone and state your name and address.

Female Speaker: (Name inaudible) 14379 E. Broad Street.

Mr. Snowden: Ma'am, can you speak into the microphone?

Female Speaker: 14379 E. Broad Street. I'm a contractor and I've done daycares here in Reynoldsburg. I didn't know if any of you knew that the bollards are part of what Reynoldsburg Zoning and Building requires just to keep the kids safe and that's something they require. Anytime somebody new moves in, even if the playground exists, they usually require the bollards. So that's something I just wanted you to know for safety of the kids.

Mr. Robbins: Just to be clear, this is Reynoldsburg Zoning. This is the Board of Zoning and Building Appeals. We're the ones that require it.

Female: Okay, I just wanted you to know, because somebody mentioned the bollards and I just wanted to say that that's something required by you, by the city.

Mr. Snowden: Well, ma'am, they've been required because this body has required them. They're not a specific provision of code, to my knowledge. I know it's easy to say generically, "Reynoldsburg requires bollards," but there's not a specific section of code that I can point to and say. They're required, because this body has required them for other daycares where the play area was in an area that was adjacent to vehicle and/or a public street.

Female: Well, all the daycares I've built within Columbus, Reynoldsburg, Pickerington, they've all required them.

Mr. Rettke: Some of that may be on the state too.

Female: Yeah, for safety of the kids. That's all I wanted to mention.

Mr. Rettke: Thank you. Any other questions, concerns, comments? (No response.) Well, hearing none, my main concern is how would we phrase supporting documentation of the bollards be placed. It's not exhibited on an exhibit.

Mr. Snowden: Mr. Robbins, assist me here. Would it be possible to require those to be shown on plans when Ms. McKinney submits for the final zoning certificate after this is granted? That would seem like a logical way to do it for me.

Mr. Robbins: Yeah, there's two way the Board could go about it. Either (a) you could table the application and require the applicant to come back with a plan showing the position and installation of the bollards as well as the play area; or the Board could approve it under the condition that the applicant submit plans to staff that showed the position of those bollards, the installation of which would be required before occupancy could be granted by the Building Department. Either of those two, it's up to the Board's discretion for that.

Mr. Rettke: Is there a question on if we want to see it or leave it to staff's approval?

Ms. Wallace: Staff.

Mr. Donovan: Staff.

Mr. Robbins: And, if it's required by the fire department, these will be knockdown bollards, so they will not be able to stop a vehicle. It's something that basically signifies that traffic cannot move through there, but it has no protective value.

Mr. Rettke: And you're making no changes physically to the building itself and sidewalks? You're leaving it as is? Maybe new paint?

Ms. McKinney: Yes. I will be submitting a new sign. I'll be submitting the paperwork for the DRB, but that will be next month.

Mr. Snowden: Ms. McKinney, you have already submitted a portion of that paperwork, have you not?

Ms. McKinney: Yes, but I haven't got on the agenda to come before the board.

Mr. Snowden: Mr. Chairman, to my knowledge, and I can check this back in my office, but to my knowledge she should be on for the first meeting of the following month for signage by the Design Review Board, so we're on track for that.

Mr. Rettke: Any other questions, concerns? (No response.) With that being said, I'll move that we approve Item B2, Special Exception Use Permit for 6535-6539 E. Livingston Avenue, number 168284, with the condition that a site plan be generated and submitted for staff review, detailing the location and extent, type, materials of the bollards to be placed prior to occupancy given.

Mr. Donovan: I'll second it.

(Mr. Snowden called the roll. Mr. Enfinger voted "No. It's my opinion that the standards and requirements for all Special Exceptions stated in Section 1145.09, 'That the proposed use shall be in harmony with the existing or intended character of the district and nearby affected districts and shall not change the essential character of the district; and that the proposed use shall not adversely affect the use of adjacent property.' It is my opinion that they do not reach that threshold." Mr. Donovan voted "yes." Ms. Wallace voted "yes." Mr. Rettke stated, "I do see Mr. Enfinger's point of view. This Board has been fairly consistent on limiting these daycares and these said facilities. I think this one has been up for review at least once in the last year. The thing I do notice differently that could possibly sway my decision would be the amount of green space that's been added, that the applicant is trying to limit that vehicular access around the building. With that being said, I'm torn. I like consistency of the Board. I do like their newer proposal as compared to the one we had about a year ago. Technically I don't think that has a character. There's not much there and we need to have some growth; but, again, where we considered this in the past, the growth may be detrimental to the overall growth of the facility. So I struggle with this one. I think the applicant's doing all they can to protect the children. Again, this is a tough one. That being said, if Council wants to take it up, I'll say 'yes.' So I'll put it in their hands since it is a Special Exception Use. They can guide us a little bit better, I guess.")

Mr. Robbins: So it does require three positive votes from the Board to pass a motion and you have that. So the Board of Zoning and Building Appeals has accepted your application. Just to be clear, this is a Special Exception, so it does go in front of Council. The process is not over yet, so Mr. Snowden cannot issue the zoning certificate as of yet. If you didn't hear previously, basically the minutes from this meeting get transcribed. Once Council has the ability to review it, if it doesn't get taken up then it stands approved. So it might be another week and a half before we hear back from them. Additionally, I would strongly

encourage you to contact the Reynoldsburg Building Department to make sure all the permit processes are started.

3. VARIANCE, 1933 BALTIMORE-REYNOLDSBURG ROAD, REYNOLDSBURG, OHIO: PRESENT ZONING, CS; PRESENT OWNER'S NAME, WHIRLWIND CAR WASH INC.; REQUESTING A VARIANCE FROM SECTION 1179.49(B) OF THE CITY CODE TO PERMIT A PARKING AREA WITHIN THE REQUIRED SETBACK. CONTACT: FRANK MASCARI (#168324).

Mr. Snowden: Mr. Chairman, I was under the understanding that this was going to be tabled.

Mr. Rettke: Do we have a request from the applicant to table this?

Mr. Snowden: Mr. Mascari, why don't you come up.

Mr. Rettke: Mr. Mascari, come up to the podium and let us know what your intentions are.

Mr. Frank Mascari: My name is Frank Mascari. My home address is 1370 Lee Ann Marie Circle, Columbus Ohio 43235. Yes, I would like to table this. We are in the process of trying to sell half of our property where we initially were approved for a lot split and the buyer is going to be meeting, I believe next week, with staff on his site plan layout, so we can do a bunch of things together next month.

Mr. Rettke: Okay, with that being said, I'll move that we table Item B3, Variance Application for 1933 Baltimore-Reynoldsburg Road, number 168324, to the next Zoning Board meeting.

Mr. Donovan: I'll second it.

(Mr. Snowden called the roll. Mr. Enfinger voted "yes." Mr. Donovan voted "yes." Ms. Wallace voted "yes." Mr. Rettke voted "yes.")

Mr. Robbins: Mr. Mascari, just to be clear, the Board is basically forced to vote on this within 60 days. So, at the next meeting, if you come back with a site plan, a site plan that requires the variances to be passed, at that meeting they would basically both have to be passed.

Mr. Snowden: Mr. Robbins, I know you weren't privy to the conversations between Dan, myself and Mr. Mascari and to the _____, but I'll explain this to the Board so it's more clear. Mr. Mascari went through a lot split and he's attempting to sell the property that you screen as outlined in red. As part of that he was asking for a series of variances and staff is going to be meeting with the

future buyer on Monday to discuss packaging those variances with their site plan. So Mr. Mascari may not necessarily even be in front of us again. It may be the applicant. Mr. Mascari may be taking a backseat. It's unclear exactly, but we'll be meeting with them on Monday.

Mr. Rettke: I would urge staff to work with them and you know how we feel. So if any work doesn't feel right, make sure we get that done, because we have to say yea or nay.

Mr. Snowden: It's my view as your staff member, just to be totally clear on why we're doing this, that the variances generally are best when packaged with a site plan that explains the rationale for the variances. Dan and I only received the site plan earlier today, so we're still in a preliminary look at it. We're hoping that they will return with a site plan but, if not, then we'll continue from that point.

Mr. Rettke: Just make sure all the i's and t's are dotted and crossed.

4. SPECIAL EXCEPTION USE PERMIT, 7524-7530-7526 E. MAIN STREET, REYNOLDSBURG, OHIO: PRESENT ZONING, CC/HCO; PRESENT OWNER'S NAME, TAMMY SCHUELER; REQUESTING A SPECIAL EXCEPTION FOR THE OPERATION OF A CHILDCARE FACILITY. CONTACT: CRYSTAL TOWNSEND/GENE JOHNSON (#168373).

Mr. Gene Johnson: I'm Gene Johnson from Gene Johnson Realty. Been before you folks many times before.

Mr. Snowden: Mr. Johnson, the Chairman's turned it over to me. Let me make the staff presentation. We'll turn it over to you in a moment.

7524 East Main Street, it's three retail bays including – up to and including 7530 E. Main Street and the applicant's proposing a new daycare at this location. The location is on the north side of East Main Street and it's west of Waggoner Road, zoning district is the CC, Community Commercial and it's also within the Historic Commercial District. The request is for a Special Exception Use for the said childcare facility. The current use is vacant. There is an adjacent recreational use. The applicant is Ms. Chrystal Townsend, assisted by Mr. Gene Johnson, who just introduced himself. SNAPS presentation, I know you are all well aware of the history of this site and I know that there was a previous Special Exception that was not approved at this location. We can ask the applicant for more information, but staff's view is that this – and here's the site plan showing the proposed locations and the site itself. Staff's view is that this is a new daycare facility, a new application and, therefore, the specific ordinance that prohibited daycares in this location and the other portions of the historic district comes into play here, so it's not a permitted or Special Exception Use at this site.

Mr. Rettke: I'll turn it over to Gene. Gene, if you want to go ahead and go over what your intentions are.

Mr. Johnson: Just to give you a little history, I'm sure most of you are aware of it, but Ms. Betty Smith who owned It Takes A Village at 7458 E. Main Street, which is just three doors to the west of this site, has been before this group and her denial occurred here and then it was overturned by Council. Everything was approved by Council and the plans, the blueprints that were done and the whole site plan, everything that was done for Betty, who has had to drop out of the business due to some serious health conditions-- It went so far that she was even issued an Occupancy Permit. In any case, the original plan then after that, was to merge Chrystal's daycare, which is Bright Beginnings over on Livingston Avenue across from Blacklick Woods, to merge that with It Takes A Village. Then we learned that we can't do that, because it's a separate corporation. Licensing for daycares requires new corporations. So it was pointed out, of course, that we have to have a new corporation anyway, so the merger didn't occur. Chrystal is operating Bright Beginnings now and will relocate over to this address as 7426, 24 and 30 East Main Street. That, as you may recall, is the former bank building in the front and then there was an insurance office behind that which will be connected, along with what was originally Jazzercise. So it will be a total of 6,600 square feet, which has been presented and approved by City Council in the past. Now we've got a new situation, so we have a new corporation.

Chrystal's been in business in Reynoldsburg now for about five years. Betty's operation was in business for 11 years at the 7458 East Main. I'm very familiar with the ordinance and I'm familiar with Mel Clements who lobbied hard and sponsored for it. I know that Mel supports this particular one. He's visited it. He's been with Chrystal and he's been very verbal with us and I think will probably be verbal if required again. His intension, as he will state to you, and he told me it was okay to quote him, was that he didn't want to see additional daycares on Main Street-- Just Main Street in general, it didn't refer to this particular site. In this particular case, and the reason it was approved by Council for the previous applicant, it's still a net zero. There's no additional daycare being presented there. It's just a different name. All the plans that were approved before are the same as what Chrystal's doing. Chrystal's has, in fact, paid for them. The interior will be the same as what was presented for It Takes A Village. The playground area which is going to be a very, very nice playground area, abuts right up against the building. It will include what was the drive-thru for the bank, so it has the canopies over it and then will extend back. I realize that's not your bailiwick, but the package is the same as what was presented for It Takes A Village, only this time it's for Bright Beginnings.

Mr. Rettke: So where's her current facility at that she's moving?

Mr. Johnson: 7100 East Livingston Avenue. It's right across from Blacklick Woods.

Mr. Donovan: Isn't that a stand alone building?

Mr. Johnson: Yes. It's a growth for her. She has 28 or 2900 square feet on Livingston Avenue, this would be 6,600; 2400 of it will be facing Main Street and visible. The other two spaces will be at the rear or the north side of the center.

Mr. Enfinger: I've made it more than clear about my opinion on this. Even if it wasn't the Historic District, even if it wasn't on Main Street with the Community Commercial District, we've been fairly consistent interpreting it that it's not the place in a strip mall for a couple of reasons that have been stated numerous times. So I'm going to hold my position from the previous time and especially if it's no new daycares or no new centers in the Historic District, this is a new entity. So it seems like on a couple of fronts that this would not be allowed.

Mr. Johnson: It's a little bit ambiguous to determine whether it's no additional or no new. This would be a new corporation regardless, but it wouldn't be an additional daycare on East Main Street.

Mr. Snowden: Mr. Chairman and the rest of the Board, staff would just like to point out it's generally our view that no net new, although this was used in other locations to justify the previous approvals, no net new of a certain use type is not really a concept of land use. Staff's view is that – and, again, Mr. Johnson and I have been back and forth on the semantics of this, but I just want to be clear on what our position is. Our position is that the original It Takes A Village, by way of the ordinance that specifically prohibited additional daycare uses was then a nonconforming use. That the original relocation of It Takes A Village to this site was then a relocation of the nonconforming use and staff's view is that the Board was correct in its position there. And then staff also – so by that logic, then staff used this as a moving a prohibited use. That's our view.

Mr. Rettke: My questions for staff, what was the ordinance number on that?

Mr. Snowden: Give me one moment and I'll find it. Mr. Chairman, it was in 2013. I have it listed in the City Zoning Code as Ordinance 32-13 and that was passed on May 28, 2013 by City Council of the City of Reynoldsburg.

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

Mr. Snowden: Mr. Chairman, before the Board makes its decision, just let me read the section of code just so we're clear why staff is referencing this

position. Under Table 1175.01 of the zoning code, under the section listed All Districts which applies to the entire city. All Districts meaning all zoning districts of the city. It reads under the Table Special Exceptions, “Childcare, Childcare Centers, Type A homes, or school age centers—” And what that means is they’re permitted as Special Exception Uses. Then the caveat which was from that particular ordinance reads, “Except all R Districts and the Historic and Community Commercial Overlays on Main Street where state licensed daycare facilities shall not be permitted.” And this location is within those districts.

Mr. Enfinger: Can you reread the last bit of that?

Mr. Snowden: Sir, it reads, “Except all R Districts” meaning residential, “and the Historic and Community Commercial Overlays on Main Street where state licensed daycare facilities shall not be permitted.”

Mr. Enfinger: So it doesn’t even seem like there’s any ambiguity there about an additional. They’re not counting any quantities. It just isn’t allowed.

Mr. Snowden: Mr. Enfinger, that’s staff’s position.

Mr. Enfinger: Okay, I concur.

Mr. Johnson: Is the daycare that’s on the south side of Main, just east of Graham Road, I forget the name of it, but is that in the Historic District?

Mr. Snowden: Mr. Johnson, I’d have to look. I’m not familiar—

Mr. Johnson: I can’t remember if the Historic District goes east of Graham Road.

Mr. Snowden: It could be but, unfortunately, what we’re talking about is this site.

Mr. Robbins: Just to clarify, typically with land use, if there’s any change in the code, businesses or operations that are conducted at the time of the change are basically allowed to continue as nonconforming uses until they shut down.

Mr. Snowden: And, Mr. Chairman, one other comment from staff, based on an observation I made earlier today, the original Bright Beginnings location, which is a little bit further to the west along the north side of Main Street, does not appear to be in operation now based on staff’s—

Mr. Johnson: It Takes A Village, you mean.

Mr. Snowden: Excuse me, thank you, Mr. Johnson.

Mr. Johnson: 7458 has closed down. She has had to close her business because of her own health.

Mr. Snowden: Thank you, Mr. Johnson.

Mr. Rettke: Well, I've got a few things to say. I know we took a beating in the paper over the last denial. There were some statements made that they considered it a transfer. In the last go around on this particular site, we made it clear that if a person brings in a new daycare, the Special Exception Use Permit is tied to that location to that applicant. So basically, if they wanted to move it, Council had a difference of opinion on that, but a) it wasn't tied to that location. It was tied to that applicant, but not that location. So that's where we differed on the yea and the nay, so to speak. In this case, I don't buy the net daycare statement where we lost one, now we're gaining one. I view that ordinance as exactly as it states, no childcare on Main Street in the Historical Overlay. So, with that being said, I think we did Mrs. Smith a favor, after I read the article. Had we tabled it, that was one of the discussions to table it and get clarification from the attorney, but she got her approval within two weeks. So if we had tabled it to wait for an opinion on the attorney as whether this is a transfer no net gain, that would be another four weeks. So that's all I've really got to say. So any questions, concerns, comments? (No response.) I'll move for approval of Item C4, Special Exception Use Permit for 7524, 7530, 7526 East Main Street, number 168373.

Mr. Enfinger: I second.

(Mr. Snowden called the roll. Mr. Enfinger voted "No, because of the stipulations of 1145.09, Standards and Requirements for all Special Exceptions. 'The proposed use shall be in harmony with the existing or intended character of the district and nearby affected districts and shall not change the essential character of the district. The proposed use shall not have an adverse affect on the use of the adjacent properties,' and I will also quote the Ordinance 32-13 we recited earlier." Mr. Donovan voted "no, 32-13, 1175-01." Ms. Wallace, "No, Ordinance Code 32-13, and 1145-09(a). Chairman Rettke, "Well, it doesn't really matter, but my vote would be no based on Ordinance 32-13 and I would ask Mr. Clements if that's the case, if he wants daycares and overturns us, to rewrite that Ordinance." I asked that the last time. That way we wouldn't have this ambiguity. It says, "No day cares." You're welcome to challenge us in a Court of Law. You're welcome to go to Council. They'll pick it up within the next two weeks where we would table it asking for attorney's interpretation or some clarification on it from Council, that would be four weeks."

Mr. Snowden: Mr. Chairman, the City Attorney is aware of what staff's position was and they were comfortable with that going forward. I know Mr. Johnson has already said provided the Board would deny he would be looking to appeal, so I know he's going to be contacting the Clerk's office. As soon as the

minutes come to me, I will get them delivered promptly to the Clerk's office and the matter can continue as it would.

Mr. Rettke: And you know our recommendation, get it changed if that's what they want to do.

Mr. Johnson: Thank you for your consideration.

Mr. Robbins: Just real quick, to appeal a decision by the Board, an appeal has to be submitted in writing to the Council Clerk, April Beggerow. So probably the sooner that gets done, the better for your timeline.

5. SPECIAL EXCEPTION USE PERMIT (TRANSFER), 6785 E. MAIN STREET, REYNOLDSBURG, OHIO; PRESENT ZONING, CS/CCO; PRESENT OWNER'S NAME, CJT PROPERTIES LIMITED; REQUESTING TRANSFER OF A SPECIAL EXCEPTION FOR THE OPERATION OF DRIVE-THRU SERVICE ESTABLISHMENT. CONTACT: MICHAEL ZENISEK (#168365).

Mr. Snowden: Mr. Chairman, before I begin here, just to be totally clear about what the concept of the transfer. When businesses change ownership, there is a provision in the code that states that they must return to the Board, but it doesn't allow the Board to specifically deny transfers with Special Exceptions based only on the information that the use has changed. In this case, staff did extensive research, trying to locate a Special Exception Use and zoning certificate for the property and staff was not able to locate that. Now that includes all of our records going back to 1993. This is the previous owner. This isn't Mr. Zenisek, so I'm not saying this to color it one way or the other what the Board's position. I'm just being clear about what the transfer was. So in some ways this is a new Special Exception, however the code, as we now its many problems, it is slight ambiguous on what this means. So the transfer is sort of not totally relevant. I wanted to be clear with the Board.

This is for 6785 East Main Street. It's for EZ-Thru Drive-Thru Beverage Center. It's an application for Special Exception. It's for EZ-Thru Drive-Thru Beverage Center. It's an application for Special Exception. The property is located on the south side of East Main Street, west of Hentz Drive, in the CS Community Services District of the City and it's also in the Community Commercial Overlay. Their request is for a Special Exception Use Permit to operate a drive thru establishment in the CS District of the city. Current use as I stated, despite looking and not finding the previous approval, was Drive Thru Retail, Mr. Michael Zenisek.

As I stated, the use is existing. Mr. Zenisek is proposing to change the flow of traffic and specifically in his report and his traffic outlines are indicated in your packet. Currently the current site, traffic enters the site directly from Main Street directly into the structure where services and purchases are made.

Vehicles then exit from the rear of the structure and then would exit back out around the property and back to Main Street. Showing an aerial view of the property here and, as stated, the vehicles are entering directly in front and exiting the rear. Elevation of the front of the property.

Some observations that staff made at the rear of the property, the property's not in great condition. We'll allow Mr. Zenisek to state more about what exactly his plans are for the site, but just giving you an idea of the context of the site. Adjacent use immediately to the west of the property is another drive-thru establishment for eating, food and beverage, Wendy's Hamburger restaurant. To the south you have a self-service car wash, and immediately – going back to the site, I don't have a great photograph, but this area here is an auto sales. I believe it's Jam Rock Auto which, I believe, has been in front of this Board at some point and previous property owners have been in front of the Board.

Staff's concerns specifically to the configuration. There are really two schools of thought on the configuration of the drive-thru and how you enter and exit the building by vehicle and this is very relevant to Mr. Zenisek's situation because which way you enter or exit the building requires where he is going to construct his point-of-sale location for the store employee to make or record purchases and all of that. Mr. Zenisek proposed, and you can see from the packet, that vehicles would come in through this curb cut, go around the property, turn around and go into the rear of the property and exit through the front. It creates one problem and it gives an advantage on the other end. The advantage is that there is larger stacking space. Reynoldsburg – the zoning code does not provide for a specific number of stacking spaces for drive-thru. It just generically allows the Board to consider drive-thru uses as you recall from when they've been in front of the Board. However, the problem that that creates is you could create a situation where vehicles are crossing one another to enter or exit the site. Staff is willing to accept either configuration; however if you look at the enter – staff would like to see the parking or loading, or driveway sort of delineated either by paint, and staff is also of the opinion that if Mr. Zenisek wants to continue with the reconfiguration of the entrance to the building that there needs to be some sort of signage, in or exit signage at the curb cut, and something there to divide it. We've talked a lot about bollards at this evening's meeting, but staff feels that a bollard or several bollards at the point to indicate exactly that that should be separated, because it is a slightly different – it's a different traffic configuration than would be normal. You could be turning into an area where you would normally be exiting from most driveways.

Given that this is relevant to Mr. Zenisek's need to configure the building for his needs, staff stated that if the Board is comfortable with the reverse of the traffic pattern, that the Board stipulate that Mr. Zenisek provide to staff, within six months, a specific parking plan of the site, showing how he's going to correct the traffic – or correct the traffic flow and take care of any other enter or exit scale

signage that would be needed to make sure that there aren't any conflicts, specifically at the curb cut. In addition to that, Mr. Zenisek has also provided staff and made application to the Design Review Board for some signage. And, with that, I would turn it back over to the Chairman.

Mr. Rettke: So let me get this straight. You wanted to change configuration and then they found out that there was nothing on file for you to operate. Is that correct?

Mr. Snowden: Mr. Chairman, I don't even think Mr. Zenisek is aware of it. There is an existing operator/operating entity. I don't know if it's an LLC, but there's an existing operator of this business. Staff did extensive research trying to locate their previous approvals so that staff could inform the Board of when they were approved last and if there were any stipulations that were or were not being met from that particular situation. After a very thorough search of the zoning records, staff couldn't find anything. Does that mean that it could predate the electronic record keeping system that was implemented in about 1993? It could. Given the age of the building and the fact that Mr. Zenisek can tell us what the previous operators have told him about how long they've been in there, I'm thinking that the existing operator has not gone through the permitting processing. Now I'm saying that just to be clear with the Board about what's existing. Staff's view is that it is operating and that Mr. Zenisek's ownership, in some ways, could be positive to the future of this particular parcel.

Mr. Donovan: I remember 7 or 8 years ago, maybe a little bit longer than that, coming in here and Gene Johnson was in here talking to the Council member about that exact space. They were talking about green space and this and that and all that stuff. Mel Clements was on whatever committee that was, so you might want to refer back to that area, because I remember very distinctly they were talking about that.

Mr. Snowden: Mr. Zenisek, is that consistent with your understanding of how long that operator has been there?

Mr. Zenisek; From what I understand, 2006, about 8 years ago.

Mr. Snowden: Mr. Donovan, I'd be happy to have that conversation with Council member Clements and see if he recalls it. He does have a lot of institutional knowledge, so I'd be happy to ask him. The whole point of that is not to get totally hung up on it. The point of it is just to say that the specific section related to transfers could or could not be in place. However, as I stated, that section in and of itself is somewhat ambiguous. So the information in front of the Board is the information.

Mr. Rettke: You haven't owned it very long, have you?

Mr. Zenisek: Oh, I don't own it. I'm trying to be as proactive with you guys as possible. I'm kind of on the cusp of that and I'm trying to be as proactive as possible.

Mr. Rettke: Okay, so you're looking to buy it. So my biggest question is what's wrong with the current flow?

Mr. Zenisek: A couple things. From the state of the interior of this structure is not good. I don't know how often anybody would actually go through something like this, but the configuration doesn't make sense with the way it is now. It wouldn't surprise me if the changes that have been made to the interior of this building didn't come through this Board. There's kind of a makeshift office in the back left, as opposed to an actual real office in the front left, if that makes sense, kind of what we're looking at right here. And, again, I don't know what kind of experience the Board would have of a situation like this, but in most instances with drive-thrus, typically the exit is in front. Kind of the most important thing outside of the configuration, which makes sense for me because most of the coolers and the displays are on the left hand side, on the driver's side in other words. So, for me, it's exposure. It's product. For your concerns and what I understand from the current owners, they used to have lottery which they do not anymore. And the reason was traffic would stack and often it would stack all the way back onto Main Street. I quit a job in corporate American to kind of take this thing on, so I'm kind of going all in on this, so I want to do this as best I can and Lotto is something that I think kind of fits what goes on here, especially with the competition in the area. So I'm trying to be as proactive as I can to make sure I don't have problems like that and I can get as many people in and out strategically and efficiently as possible. With that and with what Eric said, I'll be in front of this Board again in about a month with signage. I've already talked to my sign people about on the left hand side of the building of what you're looking at right now, basically where the cursor is, having directional signage, putting pavement markings down, having very explicit yield signs on the exit of the building to make sure that there are no kind of conflicts of people basically running into each other. I completely understand the concern. You know, slow, yield, even signage and I didn't know what a bollard was before I talked to Eric.

Mr. Snowden: Mr. Chairman, with all due respect, I think we've spent too much time talking about bollards. I think we've given due care to bollards. Mr. Zenisek, I didn't mean to interrupt you, but I just did want to clarify you will be in front of the Design Review Board talking about signage, different Board. But you will also be in this room and the experience will be in some ways similar, other than we'll be talking about aesthetics and designs and so forth, whereas this Board has other concerns prescribed by code.

Mr. Zenisek: From an efficiency standpoint, it makes sense for me and the layout of the building as is currently and the changes that I'm going to make, which are pretty significant, because I think it's a neglected business. Then from

a logistical standpoint, the stacking of the traffic is the other concern that I think kind of crosses – kind of checks both boxes and that's kind of why I wanted to present and give you guys my ideas.

Mr. Snowden: Mr. Zenisek, you alluded to this, but would you clarify? I was only in the building briefly basically to inform the operator that I was on site to take the photographs so they wouldn't wonder what exactly I was doing there. But I did notice that there is – it appears to be a temporary structure inside the building all the way at the left where one would pay when they were exiting. Is it your view that the other office at the other corner that the building may in previous iterations have been a reverse in operation?

Mr. Zenisek: It would make sense logistically that way, yes. Because as you saw, Eric, and as I mentioned, it is nothing more than a makeshift office. I think that the current owners even told me that they built it. I can't imagine it came in front of you guys or whoever that would come in front of—

Mr. Snowden: Well, it wouldn't necessarily have to come in front of this Board, but—

Mr. Zenisek: But it's a pretty significant interior change.

Mr. Snowden: Yeah. To members of the Board, it did not strike me as something that would have gotten commercial plan approval from our Building Division here at the city. There were some legitimate – and it was also constructed partly out of glass. So there were some concerns that I saw just by being a city representative entering the structure.

Mr. Zenisek: And to follow up on that, Eric, behind that mini-van which is out of use, which would be gone, there's a window right there and that window is actually where the office is. That's where the office is currently. Then to the left of that window, as we look at it, there's an actual bathroom there that has plumbing. So in my eyes, I would think that the original orientation of this building was actually exiting through the front, at least based on how the offices are structured within the actual building itself. So that's another reason that it makes sense for me, because that office, especially in winter, having a kind of a structure that's cemented into the building as the building was intended for warmth, in order to take care of customers, everything kind of happens in the front of that building. I'm not interested in keeping the makeshift structure that they put up in the back. I don't think it's safe and I don't think it's really aesthetically pleasing in any way, shape or form. And, like I said, between signage and pavement markings, and anything else, I'm open to any of those things to make sure that safety is addressed.

Mr. Donovan: My concern is the crossing with people coming in and going out.

Mr. Zenisek: I agree 100%. There is plenty of room to have at least one car exit that building, if not two, while still having other cars potentially pass it. So if there needs to be a physical structure, or a stop sign even, I'm completely open to that.

Mr. Snowden: Well, I think, Mr. Zenisek, what you might be thinking of would be like a traffic island. I know I said bollard. To answer Mr. Donovan's question, given that he is looking to change the configuration and my statement was perhaps a physical structure like a bollard in that place. Another option would be a small island or some sort of raised concrete strip that would physically separate traffic. Obviously you would have to have signage on it to indicate, "Hey, there's something in the way here. Don't hit this." Staff was comfortable-- If the applicant was willing to do that, staff was comfortable with the change, which obviously the applicant was. If the applicant hadn't been comfortable, staff probably would have been more concerned and requested that the configuration remain the same as a condition of approval. But, instead, staff's leaving it up to the Board.

Mr. Enfinger: One thing that I notice, we're talking about the way that the vehicles will exit the building. I think the bigger concern is actually at the curb cut where the orientations are reversed. So if you have someone leaving, they're going to come out of the building and pull up pretty much straight in or straight ahead to the street. They're going to be sitting where a person would normally turn in, where you're going to have to then to past. Because normally you enter into the right, the first opportunity to enter in, and the exit is usually the other way and we're actually going to be reversing that. The arrows that you've got drawn kind of show that.

Mr. Zenisek: I understand what you're saying. From an entrance standpoint, if we're looking at example one, if you take a right, you would kind of come in as normal, but then as Mr. Rettke kind of mentioned, you would kind of cross, come across. So the entrance actually wouldn't physically change. You would actually kind of cross to go around the building and that's where some kind of barrier, stop sign, or warning, or whatever the case may be, would be in place to make sure that the traffic would kind of cease. If it needs to be an actual physical stop sign that says you have to stop here. Whatever the case may be, I'm completely open to any of those and making sure there's a double track. I don't think people would want to run into each other. In having the right of way coming physically in to make sure -- and to have that backed up by some kind of signage or a physical barrier, a speed bump or whatever. I think as oncoming traffic would come in with some kind of barrier there, people would stop and wait. Like I said, I think you could probably get at least two cars physically out of the building before the actual cross of traffic would take place. Another thing that I'm not particularly pleased about is if you notice to the back, if you see where the dumpsters are, people actually go through the car wash and drive through the

side of the building to exit and it's just more traffic. There would probably need to be some kind of blockage or some kind of signage saying "No Thru Traffic" but there's already a lot of thru traffic that has nothing to do with this business that I would like to not have as well. I don't think it's safe and I don't think it's – it's just excessive.

Mr. Snowden: Mr. Chairman, staff did some investigation of the history of the site as I was explaining earlier, and it may have been sometime in the past that this site here, the Jam Rock site, and possibly these two sites, this is the car wash where my cursor is now, may have been one parcel or may have had related ownership and that allowed crossing over between the two. For example here there's a very small, very narrow area where a vehicle could just barely pass along the side of the bar here. This bar's dumpster area appears to be at the rear of Mr. Zenisek's – excuse me for being lost in the presentation – property. Then you can see the debris here which I had indicated. If the Board was comfortable with the change, or even if the Board wasn't comfortable with the change, staff would still like to see in six months a definitive circulation plan showing how the accesses would be blocked, whether it was curbs, and the code also requires that parking spaces be striped. Right now staff pointed out there's parking for at least two vehicles on site, but there's no lined spaces and staff would like to see the spaces be lined. So that's also a rationale for staff requesting the parking or traffic site plan be submitted to staff for review.

Mr. Enfinger: Where are those parking spaces located?

Mr. Zenisek: Eric, I believe you were speaking of – if you take your cursor back to the right, Eric – I'm sorry back towards me and to my right, that's where there is currently parking. The current owners also park to the front left – if we go back to where that abandoned van was, the door to the right, you can kind of see the mud and the dirt. They park there. I wouldn't have anything in front of the building, especially an abandoned vehicle, and all parking for staff and anyone else would be in the back to clean everything up. So, as I saw it, in terms of the orientation of the traffic and the actual pavement markings, with that would come markings for parking as well.

Mr. Enfinger: The reason I asked that is because what's the standard turning radius necessary to make this turn. I mean you can make it with a couple of arrows, but I actually have gone through the facility a couple of times and coming out the way the current – it's hard to make that turn, so it's going to be hard to make the turn going in and you're going to need that space where you were just saying to make that wide turn to try to get around, we're going to eat up any of that available parking on that back side. I'm sure that there is – Tony, maybe you know, turning radius requirements for typical vehicles.

Mr. Rettke: I'm not in the design aspect, but it is tight. My truck would not make that.

Mr. Enfinger: I see it as problematic. I do.

Mr. Zenisek: If the Board would rather have parking in the front of the building, Eric, if you go back to where the van was. If the Board would rather have the parking on the right for staff, that's fine. They're currently – the current owners are parking in the car wash.

Mr. Enfinger: I think your point is well taken and I don't know what the turning radius would require, but our code doesn't require something – there's no specific requirement of code for something like that. I would just point out that it's relevant to both configurations and it's almost, given how this property has been divided, under our current regulations of the city, I don't know if you could divide property this way because of the very limited setbacks on all locations and the Wendy's property has a history of previously being residential and so forth. So there's been some back and forth here. I would almost argue that the use just barely works on this site; however, it is an existing use, so that's the challenge that we have.

Mr. Zenisek: I apologize for the black and white, but if you could look at Example 1 or 2 for that matter, there won't be any more than two cars as far as staff goes at any given time, because basically this is a job for – it's a one-man operation, maybe two during peak hours. If you look at Example 1 or 2, because they have the same picture, as you see the side of the building to the left, that's where there is available parking. You can see it there, but the red kind of cuts off half the spaces. There is room for at least two cars, probably immediately to the left around those parked cars in the used car lot.

Mr. Snowden: Mr. Zenisek, a question to you, sir. This may be an error that staff made when staff made this graphic and it's not a precise parcel delineation. The idea was to give the Board a – is it your – would your property extend there closer to the—

Mr. Zenisek: Basically up to the back of it and including as that diagonal line and it's a little more clear on the packet. You can kind of – there could be two vehicles that, in my humble opinion, not affect kind of the circulation of traffic which is going on currently. And if the dumpsters need to be relocated, there are two back there. I didn't know that one of them is with the bar, but if the dumpsters need to be relocated or moved, again, I'm kind of open to whatever the Board thinks would work.

Mr. Snowden: Mr. Chairman, if you'll allow me, while this discussion continues, I'll try to pull up the County Auditor's map and get a more precise example of what would be Mr. Zenisek's property.

Mr. Zenisek: If you keep going in the packet, the Auditor is back there.

Mr. Snowden: Yeah, I have the packet in front of me. I just wanted to show it on the screen.

Mr. Zenisek: I think the red on the screen isn't quite as generous as it actually is back there in terms of radius. Like Eric said, this is open for business every single day, so there are vehicles turning around there every day and exiting the property.

Ms. Wallace: So you could actually paint, going down the left side of the building when back there, you could kind of paint a dividing line to indicate to people "swing it wide so you can get in"?

Mr. Zenisek: No question. I would be very liberal in those, especially since it sounds like Mr. Rettke's got a larger vehicle. I'd be very liberal in how-- If I thought in any way, shape or form there would be issues with actually physically getting into the building, then, you know, maybe there aren't additional parking spots behind. Maybe there's only two maximum and there's "No Parking" signs, just to make sure that vehicles have as much room as possible to actually navigate through and into the building. And the dumpsters, if there's flexibility with the dumpsters to move those, that may provide extra room as well.

Mr. Robbins: Just a quick question. On site right now, the current pattern of traffic, folks come in off Main Street and go straight into the drive-in. They exit-- Is it your guess -- I mean are they leaving out of the car wash? Is there clear access through those two buildings?

Mr. Zenisek: Oh, I think some people do, yeah. It kind of depends ultimately where people are going, but there's no barrier between—

Mr. Snowden: Mr. Robbins, for your information, I drove through it when I was visiting the site.

Mr. Zenisek: And, like I said, there's people that cut through as well. There's people -- I don't know if -- and I don't know what that street is immediately over, but—

Mr. Robbins: Is there enough space on the side of the building to actually pull a car through?

Mr. Zenisek: That's the current exit, yeah.

Mr. Enfinger: That and Mr. Robbins' question kind of speaks to what my concern and kind of where I was going, was I think people are just going to start coming in through the car wash or are you going to put up any kind of physical barricade to prevent that?

Mr. Zenisek: I would.

Mr. Enfinger: Because my guess is they'll just, "Well, forget all this craziness. I'll just come around the back side."

Mr. Zenisek: Well, like I said, in order to come through this facility, you're going to have to make a 180% turn one way or the other. I would block that to make sure that there is no through traffic. Like I said, I've seen it in my experience of being on the facility. People are coming through the car wash just to exit now, not coming through the drive-thru. They're just trying to avoid that intersection which is one street over which, basically, is just adding to traffic, potentially adding issues. So blocking that makes more sense for me from a business perspective, because then you eliminate any through traffic.

Mr. Robbins: I say you just cut the side off and make them go through the drive-thru if they want to pass through. That's your business option right there. Cut off the side and make them go through the drive-thru if they want to use it as a cut-through.

Mr. Zenisek: Like I said, I think there's already bypassing the intersection via this property, which is private, and I don't think that's right even in its current form.

Mr. Robbins: In your mind, are there people right now that are using it? They pull in the front and then they pull a 180, and then pull along the side of the building to—

Mr. Zenisek: No, that's what they're supposed to do.

Mr. Robbins: Okay, so that's basically what's happening right now, for the most part?

Mr. Zenisek: Exactly. There's plenty of room on the side, because that's what people do. If you look at Example 1 of your packet, that is the way people are supposed to exit. What happens is some people go through the drive-thru but people, like I said, do the opposite and they skip the drive-thru and go straight through the car wash out to Main Street and obviously not go through the drive-thru, because they would be going into traffic. I'm trying to clean this property up as best I can and make it what either it originally was or what it should be. Between the current neglectful owners and the actual layout of the building, it just kind of makes more sense to me in kind of cutting the car wash out of it and also providing some minor parking for staff to make the orientation kind of make the most sense.

Mr. Rettke: I'm kind of well-versed in real estate. A couple concerns that came up with the idea that that was part of a larger parcel. Number 1, I don't

know that you could guarantee you could cut off access. The way this lot is arranged, there's probably an ingress/egress easement to keep you from doing that. You need to look at your-- I'm trying to look at the deed, but I can only see the first page. I wish I had that capability because it should lay out any reservation of an easement on there.

Mr. Zenisek: My only thought, Mr. Rettke, is even if I can't block that off to your point if that's not possible, you would eliminate people coming through traffic if they had to come through the drive-thru with the new orientation, because they'd probably have to buy something.

Mr. Rettke: Yeah, and that goes to my second point. If you have to guarantee ingress/egress, ingress is somebody coming onto your property to access their property, your flow would work for that. Egress, which would be them leaving their property to access Main Street, your property arrangement, with striping and everything, would not satisfy that. You'd be reducing that nature. Now, granted, one could say right now the way the drive-thru is they could leave through your property, but they couldn't enter, depending on how the striping was. So you're potentially limiting that with any kind of striping or reducing that access out. I have a sort of a sketch. If you come out of the drive-thru the way you propose, swing them to like a diamond, have a stop bar, then your entrance/exit, you'd still be entering on the right side, exiting on-- Similar to that, yes. That could potentially work. My only problem is the trash truck comes in and he's going to go whatever way he wants to go. So he might be going the reverse of traffic. Anybody that you would try and restrict, if that is a requirement on your deed, you couldn't restrict them. So if they wanted to exit, a) they'd either go through your drive-thru and not buy anything, or b) they would go the reverse way of traffic.

So that brought up my third concern. What are we actually approving? Because this says, "Special Exception Use". We're approving the use of the property as a drive-thru. Are we over-analyzing this?

Mr. Snowden: Mr. Chairman, specifically what you're approving is the drive-thru, but staff's point would be that these are relevant issues to whether the drive-thru is functional. And given that it's a drive-thru only business, it's more of a challenge to this Board. You know, the drive-thru requirements are written -- typically if you look at them, they're really written to say like an existing business adds a drive-thru. So, for example, let's say you had a bank that's been operating in Reynoldsburg for many years and they all of a sudden decide, "We're going to add a drive-thru," and that's kind of the thought process of the code. This is unique because it's a one -- the configuration of the drive-thru is completely relevant to the operation and so forth.

Mr. Rettke: You know, I look at that site, I don't see anything else. It's not going to be a car lot. It's not going to be an eating establishment, the parking doesn't serve it.

Mr. Snowden: This lot could never be divided to be something this small—

Mr. Rettke: And that's why I think it's inundated with ingress/egress access, for not only maybe Jam Rock, the bar possibly, definitely the car wash. So I think that needs to be investigated before you'd say you could limit it if the Board considers that a possibility. I don't know if tabling it's the best idea. That's why I considered what are we here to approve. If we're just here to look at it as a "Can he operate a drive-thru without all the emphasis on how they're getting in and out," that may be the best scenario here.

Ms. Wallace: And then if there's questions about blocking that off, that would be something in the future, depending on the deed, correct? That's a separate issue.

Mr. Rettke: Yeah. He would have to do a title abstract.

Ms. Wallace: So I'm thinking that this is just saying, "Hey, is this—"

Mr. Rettke: Usually any time you're investing money, they're going to want a title report done. I don't know if you're looking to purchase it, if that was part of your closing there or if you're going to lease it off the current owner.

Mr. Snowden: Board members and Mr. Zenisek, would the Board be open to Mr. Zenisek continuing the current configuration of the site and then researching these items to the satisfaction of staff, or doe the Board want to see him again? That's kind of fundamentally the question. Does the Board need to speak with him again to answer those questions?

Mr. Enfinger: I guess the whole traffic flow is still very germane as far as you're concerned, especially if you're wanting to reinstitute the sale of Lotto and that, to me, seemed like that was your big concern in wanting to reverse the flow, aside from the issues of just the configuration logistic, etc. That seemed to be a primary concern as an opportunity to make good money for that. I do see that the traffic flow in that regard would be something very important to consider. I mean it certainly seems like it would be. And if we say that you have to maintain the current flow, that might affect your judgment on whether or not you want to make that investment or not. I'm not speaking for you, but I'm just saying what I've heard, that's my take on it. Am I correct in understanding that?

Mr. Zenisek: I've invested a decent amount of money. No matter what the Board thinks of the orientation, I would probably move forward with the

purchase of this business. In my mind and my vision, and my goal for what I think this property could be, the orientation is important; but those are probably things I could worry about later or address at a later time. When Eric and I spoke about it, I was kind of hoping to get the exemption as I'm here to, which I think is kind of _____. As Mr. Rettke said, we got a little bit off track. If it was going to be possible to kind of "two birds with one stone" so to speak. So if that's not possible, then I'll take one stone and one bird.

Mr. Snowden: Mr. Robbins, will you assist me with your expertise? Would it be possible for the Board, if they were to choose to make the approval and the change in configuration contingent on specific things: 1) Mr. Zenisek confirming that there's no ingress/egress problems; 2) Mr. Zenisek submitting the parking plan as I suggested in the staff report; or, 3) he's approved for the Special Exception, but he has to keep the current configuration if those things turn to be not-- I'm trying to give a point where-- It seems like the Board is generally in agreement, but, "Yes, this could be a drive-thru carryout." But the problem is because it's that type of business, the configuration is so relevant. So, therefore, we could give a kind of two paths to go down, depending on the information. It could be, as you speculated, Mr. Zenisek has some ingress issues that he may research that may not allow it at all, but at least he would have approval to operate the business. Can you assist me?

Mr. Robbins: I think that would be up to Mr. Rettke's ability to craft a motion. I think the way to go about it is the Board could approve it as it is and any changes that you make to the orientation of the traffic patterns I think is something that you could say could be approved by staff after submission by the applicant.

Mr. Snowden: Staff would require a minor site plan approval, which is a staff level approval, but could look-- Normally the items submitted for that, depending on what the specific items are, would be parking plan; overall site plan; if lighting were to be added, a lighting plan; etc., those types of items. And I could review and approve that based on information in the code and I'd be happy to present to the Board at a future date what the result of that was if the Board was interested and wanted to check on their cases.

Mr. Robbins: I don't know whether you're aware, but we're passing around some sketches back here of how this could potentially work.

Mr. Rettke: If you want to come forward, here's what I thought might alleviate some confusion. You come out, you hang a 45 to a stop bar. This is painted, so you're coming here. I think that would be the less confusing of the issues. I think that is the easiest ingress/egress.

(Conversation off mic.)

Mr. Rettke: I think that's the easiest. It keeps entering on the right side, keeps exiting on the right side.

Mr. Zenisek: And, guys, this is kind of what I had in mind for it quite frankly. If there was confusion about how I described it, I apologize.

Mr. Snowden: I may have been a contributing factor to that confusion.

Mr. Rettke: I think most of that's taken care of by striping. I'll caution you before you restrict anybody, definitely check that. Because as soon as you put up a chain link or a chain across there, that person who owns – whatever's using it – is going to throw a fit.

Mr. Zenisek: If I'm very frank with you guys, if all of this is contingent on some people driving through or not, I mean it stinks for me, but I don't want to be somebody's convenience and not buy stuff, but if that's what it comes to—

Mr. Rettke: Are you aware what kind of vehicle drop off? I mean is it a single axle Pepsi truck or is it more like a semi-truck?

Mr. Zenisek: I can't say definitively.

Mr. Rettke: He has to use that. I think it's in your best interest not to try to limit that access, but you might also have to be ready to prove you have a right to access through the car wash.

Mr. Zenisek: So you're saying it's probably beneficial to leave it open anyway. Okay, that makes sense.

Mr. Rettke: Because I think you almost need it.

Mr. Donovan: --ability to cross on that property, has legal authority to cross it, there should be something in the documentation.

Mr. Rettke: You can run a title search or, for a \$150, summons a title. The guy may have it from when he bought it in '06—

Mr. Zenisek: Yeah, it was '06 by the current owners. From what I understand, it was vacant for a couple years and then there were owners prior to that. But prior to about 8 years ago, I'm not sure—

Mr. Rettke: Actually, you'd be good back to '03. It may disclose it, it may just say subject to and then you have to dig a little further, but I can't imagine that that would come out of the same grantors that they didn't put that in there. It's hard on the bar. It's hard on you not to have that.

Mr. Zenisek: I'm 100% fine with leaving it open, I really am. If it's a headache or it's going to open a can of worms, I'm not interested—

Mr. Rettke: I like kind of your idea leaving through the front.

Mr. Donovan: You could put a "Do Not Enter" sign on the building.

Mr. Rettke: Yeah, but then he's got to be careful of his signage.

Mr. Snowden: Well, if it's under a certain square footage, I'd be happy to research it. Actually the code specifically says that anything that would be required for safety or is required for traffic is specifically exempt. So as long as he wasn't using it in a manner that indicated to staff that it was for advertisement and it was not unreasonably large, staff couldn't need to approve it.

Mr. Rettke: Yeah, like I said, I just think that site's just poor. I mean there's not much you can do with it.

Mr. Zenisek: You'll have to come back through it. I promise it will be significantly different. You have my word.

Mr. Rettke: My only concern is that you're going to use-- Okay. As you're entering it now, the office is on the left side, right?

Mr. Zenisek: Back left-- Well, which office? The one that's actually built into the structure or the makeshift one?

Mr. Rettke: The one you're going to use.

Mr. Zenisek: Yes.

Mr. Rettke: Is it on the front left?

Mr. Zenisek: Yeah, you literally bypass it when you immediately drive through.

Mr. Rettke: So when I'm coming through your way now, the office is going to be on the right, the employee crosses the front of the car. Say I give them a \$20—

Mr. Zenisek: Oh, no, I'm sorry, Mr. Rettke. I don't mean to interrupt you, but the point of sale system is actually going to be on the driver's side. It's just going to be easier, because then the WiFi, the main office, the main heart, the bathroom will be kind of right there.

Mr. Rettke: That's all I want to make sure. And see, dumpsters, even with those dumpsters being there, that's why I ultimately think there's some sort of ingress/egress in there. The same way with the trash truck.

Mr. Zenisek: If it's the same to the Board and the Board prefers it, I am—

Mr. Rettke: You don't want to restrict that, because I'd rather have the trash truck come in through your markings like I showed you, leave through the car wash.

Mr. Zenisek: Got it. Done.

Mr. Snowden: It just sounds like it needs more research, because of the history and you're seeing from the Auditor's site that's in front of you that clearly these parcels have been joined at a previous time.

Mr. Rettke: And depending on how long it is, they may have a permanent easement where they've been using it and nobody said no. And once that happens for so long, they've pretty much got it. The Court has to determine that, but they could easily go to Court and say, "Well, you know, we've had this drive-thru here – or this car wash here for 23 years. We have a right, a built-in right because nobody told us no." The trash can's been there. It's open, notorious, hostile, it's physically occupied. It's more of a legal measure with Courts, but it all needs looked into before you chain it up and say, "No way."

Mr. Zenisek: After all this, I'll leave it open, quite frankly.

Mr. Rettke: And, you know, as any good business, I think you want to clean up, like staff kept pointing out that brick wall.

Mr. Donovan: You can also ask the other property owners around there if they know anything about it, too.

Mr. Zenisek: Yeah, definitely. I'm trying to be as pro-active as possible, guys. That's why I haven't bought anything and I wanted to come to you first to make sure everything's—

Mr. Rettke: Do you have plans for cleaning that up back there?

Mr. Zenisek: All of it gets painted, cleaned—

Mr. Rettke: Squared up on the brick wall?

Mr. Zenisek: All of it. It's poor and it's shabby to me.

Mr. Snowden: If Mr. _____ was onsite to do other building inspections, that's certainly something he's going to want to make sure is a square wall or removed.

Mr. Zenisek: Yeah, sure.

Mr. Rettke: So he's going to take care of that naturally. Any other questions, concerns, comments? (No response.)

I move for approval of Item C5, Special Exception Use Permit/Transfer for 6785 East Main Street, number 168365 with the condition that staff analyzes and approves a similar design where he would exit through the front of the building, proceed in a right direction to a controlled stop where traffic would still enter and exit on the right side of the curb inlet.

Ms. Wallace: I'll second.

(Mr. Snowden called the roll. Mr. Enfinger voted "yes." Mr. Donovan voted "yes." Ms. Wallace voted "yes." Mr. Rettke voted "yes.")

Mr. Rettke: Like I say, good luck with your business. Definitely before you restrict anyone, get that checked out.

Mr. Snowden: Mr. Zenisek, we'll see you for Design Review for your signage as you and I discussed earlier. I will deliver this information to City Council and they will decide whether or not to take it up. We'll know in approximately a week and a half what Council has decided. From there I can issue a Zoning Certificate which means you can occupy the property. Once you have the Zoning Certificate, you can pull building permits from the Building Division based on your needs to the property and Design Review is on top of that for the signage changes.

Mr. Snowden: Board members, before we get to where we're going, I would just like to thank you for tolerating me on my first official meeting as the Planning Administrator here in Reynoldsburg, and I apologize for our technical difficulties. I give you my solemn promise that that will be rectified before our next meeting. And, most importantly, I apologize to Ms. Wallace for stating her as a mister in my initial roll call.

Ms. Wallace: And Bonnie Armintrout.

Mr. Snowden: And Bonnie as well. And, ma'am, I should have known that, because Bonnie also notified me as, "Hey, I'm not here," but if we could chalk that up to my extreme nervousness, I appreciate you all.

Ms. Wallace: That's fine.

Mr. Rettke: We'll give you a pass this week.

D. OTHER BUSINESS – None

E. ADJOURNMENT

Move for adjournment at 8:27 p.m.

Anthony Rettke, Chair

Eric Snowden, Planning Administrator

This document was transcribed by:
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