



MINUTES

BOARD OF ZONING AND BUILDING APPEALS THURSDAY, FEBRUARY 18, 2021 6:30 PM

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

A. CALL TO ORDER

PRESENT: Rettke (Remote), Linder (Remote), Furst (Remote), Bulls (Remote), Barnhart (Remote)
ABSENT:

2. APPROVAL OF MINUTES

1. Board of Zoning and Building Appeals – Regular Meeting – January 21, 2021

Minutes Stand Approved

3. APPROVAL OF AGENDA

Agenda Stands Approved

4. SWEARING IN OF SPEAKERS

Speakers for the evening sworn in by Mr. Rettke.

B. PUBLIC COMMENT

Due to the three-minute time limit, these may not have been read in their entirety at the meeting. The entire email has been included in the minutes.

Read by Ms. Wheeler: Ms. Aimee DeNoncour wrote the following:

My name is Aimée DeNoncour and I live in Oakbrook apartments on Waggoner Road. (7600 S. Oakbrook Dr.) They are located directly across from the parcel of land up for rezoning. My comment is this:

I was involved with the rezoning the last time it was proposed for this same piece of land. Though there were many reasons for opposition, it was voted down by the board for lack of safety on Waggoner Road. There are no sidewalks on Waggoner Road, speeding is prominent, and pedestrians have been hit in that specific area in the past. That is a highly congested area even in a pandemic. Also, people are going back to work and going out more and more steadily. The traffic study will not reflect this change that is absolutely coming as people move toward normal. There has been no change in infrastructure or additional safety measures taken on that section of road since this was last voted on in 2019.

In 2019, Board Member Baker stated that he could not put housing over safety on Waggoner Road. That sidewalks were something that needed addressed for that area. Board member Bryant stated she too was concerned about safety. And in 2019, she was already worried about more Broad Street development compounding the Waggoner Road issues.

Some of those in favor of the rezoning back in 2019, mentioned the path to funding being underway. That they were headed in the direction of sidewalks and other fixes. It has been two years and there is no change as of yet. And with the difficulties of navigating through multiple municipalities, there is not a lot of hope any money will be coming through soon.

This is just a repeat of a few years ago. Same requests, but nothing surrounding the situation has changed. There has been no marked effort to make this a viable and safe area to be zoned for more housing.

Thank you.

Please let me know if I need to give any more information.

Ms. Wheeler: Ms. Sarah Ward wrote the following:

I am wondering what will be done for those of us that back directly up to this project? According to the plans, there will be a round parking lot and building directly next to/in front of my back yard.

I have two children who spend a lot of time back there. As a family we do. I'm overly concerned about people trespassing and even more upset that we will have no privacy.

What will be done to separate this new community? Will there be privacy fencing? Landscape? I don't need an entire building of people seeing into my property.

Can you please address this in tonight's meeting?

Ms. Wheeler: Ms. Sarah Reed wrote to following:

Ms. Wheeler and Mr. Bowshser;

As advised by our Council Ward Representative, I am submitting questions regarding this development. I'd like them to be read at the scheduled Public Hearing at tonight's BZBA meeting for benefit of countless other impacted Reynoldsburg residents. I would also request that the answers be publicly provided to residents before this conditional use provision is granted. In short, we have many questions that may have satisfactory answers that just haven't been provided to Reynoldsburg residents. I would apologize for the short notice and the number of questions; but to be fair, we have not been provided a lot of notice regarding this project and the proposed hearing. It is virtually impossible to read the public notice posted on the property site when you are going 35 MPH and there is a car on your rear (which is always the case).

Traffic Safety

1. Why in your opinion, is a densely packed development so close to a heavily travelled, narrow intersection a good idea now when it wasn't a good idea last year, or the year before? We still don't have the required infrastructure, and road improvements in that area are likely 5 for more years from completion. (Feel free to push back on that assumption; but improvements north of Priestly aren't scheduled to begin until 2023).
2. Why are TWO ingress/ points proposed so close to the intersection?
3. How do you envision residents of this community egressing onto Waggoner Road to go south during times of heavy traffic?

Environment

1. Has an environmental study been completed that analyzes the impact of the proposed

project on the watershed, nature and wildlife?

Taxation

1. Is this a proposed TIF project? I assume that it is. If new Rburg development opportunity must be marketed as a TIF arrangement (and I'm not convinced that is the case), how is our property tax base-for schools, Truro Township, metropolitan library, metro parks, Fra. Co. Mental health, etc.-increased? It would seem that entities that benefit from property taxation would increasingly have look to a decreasing number of property tax owners to fund new operating levies.
2. If this is a TIF project, does that mean the Wilson Ridge Owners will not pay property tax?

Construction, Management and Ownership

1. Who is the intended market for this development? With the previously proposed project, selling points were walkability and accessibility. This no longer seems to be the case, given the multi-story nature of the residences and the two access points in and out of it. Is it the first-time homeowner? Young families?-if the latter, where will they play? There are so many units planned in such a small space, it appears that recreational space will be very limited for these residents.
2. What is the proposed price range of the units?
3. Will they be paying property taxes to support our schools, or will that responsibility fall on current, often retired-fixed income homeowners?
4. Who is the proposed builder and have they been properly vetted? The proposal names a builder from PA - J.A.S. Builders. Other documents stated Ryan. For one of these, I've found little in the way of an experience portfolio, and for the other reviews citing poor quality workmanship/materials have raised concern. I ask these questions because an inexperienced builder, or a poor-quality build will damage the ability to attract homeowners.
5. Who owns, markets and manages the development until all the units have been sold? Have they been properly vetted?
6. What happens if the units cannot be sold at the planned price point? Would it then become an apartment community? If so, who then picks up the property tax burden, presumably shared by the townhouse owners when they were owner-occupied units?

I'd like to pose one final question to each of you. Your sincere answer could go along way in helping current residents feel comfortable with these plans. **Would you be willing to purchase and live in one of these townhomes? Why or why not?**

Mr. Bowsher: Tony, before we get over to John and his team and talking about the development, I'm just going to touch on a few things and let them get more into the details of the developments. One I sort of want to just bring us back. It seems like it was mentioned a few times. Number one, this is a conditional use. This is an allowable use in this district. It's zoned suburban residential. That is what it is here for tonight. If it were to get approved and passed on, it would need to go to Planning Commission for the meeting in March. This is not a rezoning application. Two times before when this project

had come up, it was a different developer was Metropolitan Development Company, part of Village Communities, and it was a roughly one hundred and thirty unit apartment complex. This is all owner occupied, the developer and the homes being provided by Ryan Homes. These are all fee simple owner occupied condominium town homes. There will be an established HOA and I'll let them get into further details on that. So it's about one third less the number of units, so by far less dense. They're still preserving the green space that was in the last plan. As we move forward, there is an understanding once we get into engineering, if it gets to that, that we will work out a way to cover some expenses for the Waggoner road. And by that, I'm getting into that in 2023 is when we'll start reconstruction of Waggoner Road. A couple of times we failed on securing OPWC grant applications. That was a difference. We did not have private dollars that we were allocating towards that. It is different circumstances. We were asking for too much of a grant without providing our own income towards that and we failed both times to get that OPWC grant. This time is much different. Its different circumstances. We have been working with Cornell Robertson from the Franklin County Engineer's office to secure funding to provide sidewalks on the west bank, multiuse trail on the East Side. Concepts have been drawn by the city and EMH&T and preliminary engineering will be done this year. We actually apply for our first round of OPWC and a second round next year, so we feel very confident that construction will start in 2023 and roll through to 2024 to create three lanes on Waggoner Road with curbs and gutter, a sidewalk plan on both sides in addition to lighting. All that being said, it's roughly anywhere between a 10 to 14 million dollar project and we'll know more as we go through that. Obviously, Covid is allowed that fluctuation and pricing. We feel very confident that this is going to go forward. And we worked out a same arrangement with MI Homes where we were given two hundred thousand dollars for their section in front for their improvements. We'll work out a similar agreement with John and his team and Ryan Homes. So for that, I want to be very clear that there are plans and we have been working since that rezoning failed and even prior to get through. I know it's really big on the mayor's agenda to make sure that we're going to get that and make it happen. I do want to reassure everybody, too, that the last two years we have been successful in securing OPWC grant applications for Main Street. And just as a side note, all of Main Street this year, starting in March, will get repaid and the first of two phases for our streetscape and our downtown. We have changed some things around though. This location, we'll have a TIF on it just as the MI development also has a TIF on it. That does not mean it's a tax abatement. What it means is, is a tax increment financing, meaning the property taxes that are based on this property that wouldn't have without the development get allocated differently. One hundred percent still goes to the school. Everything the school district was going to get, they continue to still get. None of that gets cut out. But the other part goes towards infrastructure, which means that this development and the MI development further up the road allows us to ensure that we can pay our portion, which allows us to ask for less grant and more of the loan from Ohio Public Works Commission to ensure that we do get said grant. And the construction of the road does happen. So that's why we can say in confidence that we feel very good about where we're moving forward. In addition to that part of that overall plan, we're also making upgrades to Pine Quarry Park. So these two developments are literally going to fund two major projects along this corridor so everyone can feel safe.

We can bike, walk and you can get into downtown and certainly helps alleviate. One of the biggest concerns right now on Waggoner Road is the lack of a south bound right turn lane. That will be added in this next phase of a project, so stacking concerns that currently exist now on Waggoner Road moving towards Main Street will no longer exist after 2024. So I wanted to give a brief overview of that to sort of help alleviate some of the concerns that people are seeing now and certainly in the future. In all of these developments, because they are Owner-Occupied, it's a slow build out time. These things don't happen overnight. There's not going to be an abundance of additional vehicles that you're going to see right away. MI will start later this year and they'll do about 90 homes a year until that's fully built out. On average, this developer, probably something similar. Its 80 units. With that and sort of all of that information, I certainly can cover more additional ones. I'm going to turn it over to Tony, who can let John move on with the agenda and get into more of the specifics of the development.

C. UNFINISHED BUSINESS

None

D. NEW BUSINESS

1. Application #2021-5019; 1220-1222 South Waggoner Road; Applicant JAS Builders LLC/John Spagnolo; Conditional Use - Wilson Ridge Townhomes

Mr. Rettke: Application number 2021-5019. Can we please have the presentation?

Mr. Spagnolo: So Ed's going to speak to the engineering portion of our presentation today. I just want to introduce myself. I'm John Spagnolo. I'll be one of the developers of the property. As Andrew said, we're going to partner up with Ryan Holmes to the build out of the community that we want to do. So once we get through Ed's presentation, because, we can answer any and all hopefully concerns and questions that you guys may have.

Mr. Moore: Emily, this is do you happen to have the color rendering that I emailed over?

Ms. Wheeler: I don't know that I do, but if you want to send it to me or we can let you share a screen if you have it up.

Mr. Moore: Yeah, I think I should be able to get to it if you want to let me.

Mr. Bowsher: Yeah, it should allow you to go ahead and share if you want to go ahead and do that.

Mr. Moore: Everybody see that?

Mr. Bowsher: Yes.

Mr. Moore: Awesome. Well, first off, thanks for your time, everybody, tonight, my name is Ed Moore with Sheffler and company. As mentioned, John Spagnola, with

JAS Builders is also here, as well as Bud Sheffler, I believe is on the on the call as well. What we'll do is we'll just give some quick project specifics of the site plant itself, and then we can open it up to any questions anyone might have. On the site it is located on the eastern side of Waggoner Road, just south of Messiah Lutheran Church. The property is approximately nine acres and zoned S.R., Suburban Residential. The plan proposes, as Andrew said, 80 new town home units. There are three new streets proposed for the plan, and each street will be privately owned. Their two access points from South Waggoner Road and one into the church property to the north. And sidewalks will be constructed on both sides of the new streets. As you can see along the front, we're proposing a new eight foot wide asphalt sidewalk along South Waggoner, as well as all eight foot walking trail that goes through the property. There will be a single mailbox cluster in the Cul-De-Sac area where everyone will get their mail. It's a centrally located area that we know individual mailboxes for all of the units. The proposed development, all the proposed development is located outside of the existing floodway of the existing stream. There's a single storm water management basin located towards the central part of the site that will be used to control any increase in storm water runoff from the impervious surfaces. Each lot itself will have a lamp post for lighting purposes. We also have some slides here, not only the site plan, but we also have an image of the townhomes themselves, as well as any of the floor plans. And we can talk to those a little bit more if we get any questions on that. But again, talking to the site plan, John, unless you have anything else to add, we'll just open it up to questions from there.

Mr. Spagnolo: Yeah, so this plan development is all like Andrew may be simple for sale units. I know you guys have previously seen a presentation like Andrew also spoke about one hundred and thirty renting town homes. What we're proposing here have significantly less impact on Waggoner Road than the earlier post presentation you had in 2018.

Mr. Bowsher: Gentlemen, while we've got you here, we're looking at this one of the questions that sort of came up with some of the buffering in the landscaping. Can somebody sort of go over that and help alleviate some of those concerns?

Mr. Moore: Yes. So the buffer on there right now is our proposal, which is pine trees, some shade trees. But we'll put together an entire landscape plan with our engineering phase of this. If we get through our BZBA hearing. But we plan on cooperating both sides of our development. You can look on the on the south side of those town homes that are kind of looking to be the mobile home park. Know those units are all be buffered to give the people who live in their back yard also sort of the mobile home community doesn't have a look up into someone else's deck or patio.

Mr. Bowsher: I think it also should be known to and this is a misnomer on this site. The only buildable area, obviously, is what they're building on and obviously they have known sort of a preserve that they have to the north or excuse me, the south east corner. And that's because there's a huge elevation drop. Emily and I back in 2019 actually got to walk this site that the Wilsons own and it is a very nice site and

down there is pretty picturesque and we appreciate the ability to be able to put the walking trail that's through there with some additional connectivity and certainly getting it out onto the streetscape. That's a really nice buffer, but it's a big drop off. John, you guys probably know exactly, but maybe 10, 20 feet drop off. So certainly the unit set very high. So there's a big elevation difference between the mobile home park and these. So natural landscaping feature is obviously the mounding that's already in existence naturally that's there.

Mr. Moore: The embankment would be a buffer as well. And do you have the exact elevation change from the mobile home community to our available surface?

Mr. Spagnolo: I'll try to take a look on the on the plans I had in front of me?

Mr. Moore: OK.

Mr. Spagnolo: Do you want to roll with some other comments while Ed's was looking for those numbers anything else I can help out with?

Mr. Bowsher: I'll just turn it over to Tony and the BZBA to ask questions that they have. I think I covered a lot of the private questions to sort of come up. But there's any other questions that are out there that wasn't already covered.

Mr. Rettke: And Emily, can you go over the staff report on that, since we didn't get your perspective in the consideration? We need to *Inaudible*.

Ms. Wheeler: Right, of course, yeah, so I think we kind of covered most of the basic aspects of the proposal, this this development is slated for the March 4th Planning Commission meeting for major site plan review. Unsure if that was already stated, the proposed use, which is dwelling attach single family, is listed as a conditional use in the suburban residential zone, which is what these three parcels currently are zoned. As far as parking purposes requires one enclosed and one on enclosed space. Each of these units will have an attached two car garage with private drives that does meet that requirement. Then as far as the conditional use standards are concerned, we always ask the board to consider that list of standards in Section 1109.15D. I would note that one of the one of those standards does address kind of the surrounding development pattern, whether or not it does conform to the zoning ordinance. And I would note that the suburban residential zone does specifically state that the desired development pattern is to accommodate multiple forms of single family development, including attach single family dwellings and again, attach single family building is listed as a permitted building typology in this in this zoning district. We do also have several adjacent parcels to the east as well as the west zoned residential medium that do also have an existing attach, single family development pattern. And in that sense, the essential character of the existing zone is unlikely to be significantly changed. With that, I can answer any questions you may have.

Mr. Rettke: Well, turn it over to the board, I think that covered pretty much what we're under advisement to consider. Any questions, concerns, comments from the board?

Mr. Furst: Mr. Chairman, if you don't mind. First to John and team I appreciate that you were conscientious of the density and traffic concerns and the history of the site we've had previously. I also appreciate that you're willing to kind of play ball as it is with the city's vision for a Waggoner Road and provide in the multiuse path and front to tie in with the development to come. The question I had really is, this is esthetically very similar to another Ryan home site on Rosehill Road. So I just kind of wondered if you know, target market perspective, what you're thinking the market rate for these properties might be and things like that.

Mr. Spagnolo: Mr. Furst, we are the same company that proposed the one on Rosehill Road, so we're going to use this kind of as our feeder after Rosehill townhomes gets built. We plan on kind of stagger them a little bit, as much as we can and roll about them out in phases. The renderings that we do use are very similar to what we had over on Rosehill and Jason from Ryan is on the phone here as well. So he can kind of speak to the pricing. That's our builder partner on this project.

Mr. Brown: You know, Alex, this Jason Brown with Ryan Homes, as John said, you know, we're excited about the opportunity, and both opportunities here in Reynoldsburg and so Rosehill to kick start that. And we're assuming that's going to go well for us, nice to have this project right behind it. It's a great site. We mentioned the topography, which we really, like, think it's going to bring natural separation to the site. And so again we hope to just roll right from Rosehill product into this. The beauty of this product is it appeals to a broad variety of buyers, young professionals, single parents, people who want to stay in the community want a newer house without maintenance. Great opportunity for a lot of different buyers. Price points. That's always a tough one. I always have to couch it with, hey, if you can give me a crystal ball and let me know what the market's going to look like two or three years from now and what oil prices are going to be, I can give you a better answer. But I mean, if you kind of look at the Reynoldsburg resale market right now, it's solidly between two hundred and three hundred thousand. And I think we're going to be towards the upper end of that with a brand new product, brand new house with a full warranty. So call it mid two hundreds, whether it's to 240 to 250 to 260 or whether that's to 270 to 280 to 290, the next couple of years will determine that in the marketplace.

Mr. Furst: Sure, now that makes sense, thank you.

Mr. Spagnolo: That's very similar to the pricing at Rosehill as well Mr. Furst.

Mr. Rettke: Mr. Furst, do you have anything else? Any other questions, concerns, comments?

Pastor Linder: Mr. Chairman, is Pastor Linder, if I can have just one question. Since it was referenced in Andrew's presentation, I think I just got a slight hint at it, but what would you expect the timeline to be once you start in terms of how many months of between beginning and completion?

Mr. Spagnolo: So possibly we would have done our timeline for our entitlement process would be after this year, if we get approval to go to the March Planning Commission meeting and then to prepare our final engineering, hopefully within the next few months. So I would presumably say that we would be entitled to six months or so from now, and the construction process would probably start depending on the winter months and take about six months to complete and to get pavement down. Then Ryan Homes would build their models first. That's their product sales centers. Three months after that they would start sales and probably 60-90 days after that would be when the construction of the home would start, so I would see anywhere from 16 to 18 months before you start to see the for sale units hitting the community.

Pastor Linder: Thank you. Thank you, Mr. Chairman. That's all I have.

Mr. Rettke: And the other questions, concerns, comments? I see Amy shaking her head, no. Olivia, did you have anything? I have a few. I just want to clarify some of the emails that we received. So emailed, number one, I think my notes say mostly dealt with the denial from prior submissions, so I think we've covered that with the Andrew statement. Email number two, a little bit about screening. I think that is demonstrated on a plan and that will be covered through the development process, correct, Andrew? There's requirements on the screening.

Mr. Bowsher: We have a very extensive landscaping section of our code and we certainly will get into that a little bit more detail with planning commission that you mentioned and then further on during the engineering civil process.

Mr. Rettke: OK, email number three pose the significant amount of concerns we talked about the infrastructure with the improvements to Waggoner, can you guys discuss the reasoning behind to ingress and egress points and how that would work in your vision of the layout?

Mr. Spagnolo: Sure, yeah, we proposed to egress and ingress points there, basically to maximize the space for units and we also are proposing an entry into the church parking lot, which will have to speak with them about as well, you know, before we go into the final engineering phases of it, but I can speak more to the design aspect of it as well.

Mr. Brown: Yeah, I guess the big concern is having multiple ways in and out in the event of an emergency in one of the roads are shut down for one or none. Another reason is there's multiple ways in and out. And like John said, we'll talk to the church and get their blessing as well. So the emergency in and out access was a big reason

for a couple of the access points.

Mr. Rettke: And that's usually required by codes, right?

Mr. Bowsher: Correct, that is something that our engineers and the fire department do like to take a look at, if you guys remember when we had a similar use there on Taylor, they only had one entry way, but we did allow for that emergency access back to that court and which to the rear for the Ravines project on Taylor. And that was for emergency purposes only, not a thoroughfare, but certainly allowing for those vehicles to enter and exit in the event of and hopefully not emergency.

Mr. Furst: Do you feel pretty confident that you'll receive permission from the church to tie in there?

Mr. Spagnolo: I haven't had any discussions with the church to this point, but I would think church is part one of the biggest community, you know, places that people gather that they would want to have access in and out of the community for the walking accessibility of it, but again, I haven't spoken directly with them yet at this time.

Mr. Rettke: And that's not a detriment to the project if that's a no, correct? They've already met the statutory obligations?

Mr. Bowsher: Correct. And it's something certainly they're obviously going to have to flush out and get us on our exact plans. These here, obviously, the concepts meant for BZBA and Planning Commission. And if that were to be a no, obviously they could make that stuff off and put there or maybe they put four additional parking there at the end and certainly that would be flushed out during engineering.

Mr. Spagnolo: Correct. If the church, doesn't approve of us having connectivity into their parking lot or their access, we have a plan for a little hammerhead turn around there with some parking.

Mr. Rettke: OK, another concern was the environmental assessment, there's usually one done, has that been done yet or is that further down the pike?

Mr. Spagnolo: That will be further down the pipe. But I did see some stuff out there on the Internet from the past environmental study that was done for the apartment complexes. So we had that to review as well. And we'll have our own environmental assessment done through the engineering phase of this.

Mr. Rettke: As far as taxation go, I think we covered that. Intended target audience, we covered that price range, we covered that. One of the other issues was the traffic count. Can you guys give us a little explanation of how that was conducted? Was a pandemic considered, seems how a lot stay at home or work from home type working conditions. Did you look at pre pandemic data or is that a requirement?

Mr. Spagnolo: So I'll let Ed speak to this a little bit. But the traffic that we use is from an engineering website that has the data pre pandemic. That was the trip count we use. We also review the traffic study that the previous developer had done, which was also pre pandemic.

Mr. Rettke: Ed, did you have anything further you wanted to elaborate on?

Mr. Moore: No, I think I think John covered that as well.

Mr. Rettke: So, you know, the report came back. There's no additional turn lanes are required. I think that caused a lot of people heartburn that aren't in the traffic industry to look at the data and see what those come out to be. So can you elaborate a little bit on why they're not being suggested or required?

Mr. Spagnolo: We are we're going to have significantly less traffic than the original study done. And again, as we use the factual data from the website of the traffic count, the Ohio number and the Department of Transportation, and they would know about it better than I would.

Mr. Moore: Yeah. That's something we would have to defer to our traffic engineer on to get, you know, to get if you wanted to get real specific on some traffic items. But the information that John had mentioned is what we used. If there's more detailed information that you need, potentially we could talk about that hopefully at the next meeting if that's something you want to talk about.

Mr. Rettke: No, I think that's kind of outside our scope at the moment, but it's worth bringing up that a certified engineer or licensed engineer in the state of Ohio has a report that doesn't show a need for it. You know, I think that's worthy to note that it has been looked at. The traffic was pre pandemic, but of course, we don't know what after the pandemic will bring us, so we can't forecast that. We're all in kind of no man's land right now, as far as you know what the new work model is, I know several employers are open to more stay at home work even after the pandemic. So we're going to have to make some new guesses as far as how that would go. That's all I really had for email number three. As far as my concern looking at the overall layout of the subdivision, there's no additional right-of-way being dedicated along Waggoner Road. I don't know that, you know, from just south of the northerly proposed access point. That it would be needed because the separation with the curb, but going north of that, has anybody looked at that or are we that far along in the engineering? Because I can't believe 30 feet of rideable is going to be sufficient for a three lane road.

Mr. Bowsher: Yeah, those are good points. You can actually see in the dotted line of where that right away currently is. Part of that agreement that we have to make with them and finding out what that price is obviously ensuring that we have enough right away to do everything that we need to do so we're not coming back. It's a very

similar situation that we did with MI once they were approved and really got an engineering to find out exactly where those are at. And certainly when we get further along in our engineering, we'll have a better idea of the ask.

Mr. Rettke: That's fine, I just I hated to see that be platted without a dictionary right away, given the Reynoldsburg would have to come back out and secure right away from those parcels after, of course, the value would increase the houses be built and change that perspective. So I know you would probably work in the plans, but with plans trying to be developed at the same time, the subdivision plot is, that could be problematic.

Mr. Bowsher: And as the city attorney can attest, gaining right away on Waggoner Road is not always the easiest.

Mr. Rettke: Yeah, yeah, I know that's going to be an interesting negotiation process up there, so. Any idea when the plans are going to be somewhat developed for Waggoner Road?

Mr. Bowsher: Yeah, so they have to have at least a 30 to 50 percent submittal when we do apply for OPWC. So we'll have a pretty good idea as they do some preliminary survey work and gain all of the homes that we would need to potentially require right away for. And some areas we have enough to do the road work. What is outside of the current right away is the multiuse trail. And so to ensure that we get that, that's the additional right of way that we would need to ensure that we have that and to make sure that there's a buffer between that and the roadway for safety. So stay tuned to that and I'll try to give an update as we sort of continue on forward. And what I'll promise tonight is, is when we come back later in the year, hopefully around the November meeting, October, November meeting, I will present those plans so everyone can take a look at it.

Mr. Rettke: I know we've been pulling all the right way up through there over the last week or so, making sure we're displaying it correctly, we've found all the highways, bands, dedications are shown correctly. So, you know. I think we're pretty good. I personally did that about a year and a half ago, went through there and cleaned it up. We're putting a second set of eyes on it on the other side.

Mr. Bowsher: One thing I can say, and I'm sure, John, it's probably going to be fine with this. And we did have this conversation today about dollars for that area. But I would just like the board to make a condition for if they decide to approve this night that we continue to work with John and his team, that if we do require right away through our engineering process, that that's given to the city for free. And I think that's probably a mutual benefit. If that is an OK, ask for you guys tonight that we put that condition in.

Mr. Rettke: Yeah, I don't know that that necessarily has to be there, but it's on our side, but because we've never done that before, but I'm not exactly sure how all that

works. Mr. Shook, you have any questions, concerns or comments?

Mr. Shook: Yeah, I just wanted to comment briefly on the right away issue, because as we're were discussing, the factors for a *inaudible* application obviously is one of those factors is the impact on traffic safety in the area and integral to traffic and safety in this area on Waggoner Road, is the plan going forward for Waggoner Road Improvement, which includes the acquisition of additional right of way to widen that road. So, you know, I understand that's probably something that BZBA has done before where you've conditioned approval for acquisition of additional right of way. But with this particular project, I think it's appropriate considering it mitigates the safety impact of this development.

Mr. Furst: I mean, I would be comfortable making a condition like that myself. John, are you comfortable with that ask from us?

Mr. Spagnolo: Well, I'm comfortable with giving you no charge right away. Absolutely.

Mr. Rettke: I mean, that that's usually standard and all the developments they have to match through fare plan. I'm not sure, you know, I'm fine with asking for, but I think it's actually a given in the *inaudible* that they have to provide enough right away out there. On the dedication of Waggoner. Mr. Shook, do you have anything else?

Mr. Shook: No, Chairman Rettke, thank you.

Mr. Rettke: So I know part of the discussion everybody was concerned with was traffic and right of way and, you know, the safety they're in. And there was a Delaware County opinion that basically said that schools, there's no set precedent on a school consideration as far as a rejection or denial, as far as the rezoning. I don't know that this is necessarily rezoning, but the traffic was an issue and it basically said that there was a lot of case law and opinions that said to the contrary, that we don't have to consider that and it shouldn't be the only form of rejection. So, Mr. Shook, I know this puts you on the spot, but did you or did you review any of those opinions?

Mr. Shook: Yeah, I've seen those opinions and you're right in part in that traffic cannot be the only consideration in terms of a rezoning application. This is of course, as you indicated, is not a rezoning application. It's a conditional use application. The standard here for the board are the factors that are laid out in zoning, specifically under Section 1109.15D. So you'll want to make sure that you're applying those factors. And of course, one of those factors is traffic. And there are, of course, several other factors. No one more dispositive than the other.

Mr. Rettke: I just want to make sure everybody was clear on that and we had a good understanding of the situation out there. Any other discussion? Questions,

concerns? Again, I would note that the existing streets being proposed are showing as private, so the city would have no obligation of maintenance or anything on that. I got mixed opinions about that. It's nice, but they're not built to normal Reynoldsburg requirements. Then about 15 years from now, we get a call saying who who's going to maintain that? Or with the snowfall, who's going to plow that? So, you know, again, that's a touchy subject for the general public would call in and say, hey, my streets not being plowed, get out here. We deal with it all the time down on the engineer's office. I just want to make sure that that's known that those will be private, not on the burden of Reynoldsburg. Any other questions? Concerns?

Mr. Furst: No questions or concerns, Mr. Chairman, but if you like, I'd like to propose a motion.

Mr. Rettke: I have no say in that, so if you want to propose a motion, go ahead.

Mr. Furst: I am satisfied that this proposal meets the factors outlined in Section 1109.15D. We've spent a significant amount of time discussing several of them, and the staff report is rather clear on the other factors. Therefore, I would move that we accept this conditional use application as submitted with the condition that if additional right of way is required for improvements on Waggoner Road, that that is granted to the city at zero cost.

Mr. Rettke: We have a motion on the floor.

Pastor Linder: I'll second.

Mr. Rettke: We have a motion moved in second in any other discussion? Hearing or seeing none, we'll go ahead and call the roll, please.

Ms. Wheeler: Ms. Barnhart. Yes. Ms. Bulls. Yes. Mr. Furst. Yes. Pastor Linder. Yes. And Mr. Rettke. Yes.

RESULT:	APPROVED [UNANIMOUS]
AYES:	Rettke, Linder, Furst, Bulls, Barnhart

E. OTHER BUSINESS

None

F. ADJOURNMENT

Chairman

Planning and Zoning Administrator