



MINUTES

BOARD OF ZONING AND BUILDING APPEALS THURSDAY, FEBRUARY 18, 2016 6:30 PM

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

A. CALL TO ORDER

PRESENT: Rettke, Linder, Donovan, Enfinger
ABSENT:

2. APPROVAL OF MINUTES

1. Board of Zoning and Building Appeals – Regular Meeting – January 21, 2016

Minutes stand approved.

3. APPROVAL OF AGENDA

Mr. Snowden: Mr. Chairman, there are no changes to the agenda, but if I may make one announcement, under Item 2., 1792 Brice Rd. We will have a translator assisting with communication with the applicant in order to help everyone, Board Members, Staff and the Applicant. And our translator, Mr. Alyassary, has asked me if the Board Members would speak very clearly into the microphone, and also speak in short sentences so that he can assist with translation to the applicant. Mr. Alyassary, if you need anything, just wave your hand. Thank you Mr. Chair.

Agenda stands approved.

4. SWEARING IN OF SPEAKERS

Chairman Rettke: Anyone wishing to speak before the Reynoldsburg Board of Zoning and Building Appeals, please stand, and we will issue the Oath to swear you in.

Mr. Snowden: Mr Alyssary, would you ask Mr. Rahim to stand, we are going to swear him in?

Chairman Rettke: Do you swear or affirm that the testimony you will give in front of the Board will be truthful? If so, please say I do. Thank you. I remind you that you need to sign in, and before you speak, please state your name and address for the record.

B. PUBLIC COMMENT

None.

C. UNFINISHED BUSINESS

None.

D. NEW BUSINESS

1. 1731 Brice Rd.; Application #172727; Applicant: Paul Powell; Business Name: El-Shaddai Praise Tabernacle; Special Exception Use Permit

Mr. Snowden: 1731 Brice Road - El Shaddai Praise Tabernacle - Special Exception Use Permit. Application: #172727 - Special Exception Use Permit. The property is located on the west side of Brice Road between Astor Ave and Radekin Road. Existing Zoning: CC - Community Commerce District / CCO - Community Commercial Overlay. The Request is for the Board to review and approve a special exception use permit for a new semi-public use in the CC - Community Commerce District of the City. Current Use is Semi-public Use and the applicant is Rev. Dr. Paul Powell. The applicant is requesting the Board to review and approve a special exception use permit for a new semi-public use within an existing multi-tenant commercial building in the CC Community Commerce District and CCO Community Commercial Overlay District of the City. The proposed semi-public use is the worship space for a church. The site is located on the west side of Brice Road between Astor Ave and Radekin Road. The site contains an existing multi-tenant commercial building, associated parking and other improvements. Adjacent uses include commercial businesses in the CC - Community Commerce District, including retail sales, professional activities/office and personal service uses. All adjacent properties that front Brice Road are in the Community Commercial Overlay District. To the west, the property abuts single family dwellings in the City of Columbus. The applicant stated that the church membership is about 30 persons. The parking requirement for a place of worship is 1 space for every 4 seats in the main worship space, which would mean the applicant would need to provide 8 parking spaces. Staff has calculated that the entire site provides over 90 spaces, it is actually 92 spaces on this site. There is actually another church at this location. Neither of those seem to require a use that is over 92 spaces. They are only opened periodically through the week. The other church does not have a permanent staff. So, the only two questions that I would want clarified are 1., how many worshippers can his space accommodate in total? And, 2., how many employees does he have there during the day, if any? The Board should apply the standards for review of special exceptions contained in Section 1145.09 of the Zoning Code and determine if the proposed special exception complies with those standards. Staff finds the proposed special exception in compliance with those standards and recommends approval of the special exception use permit. With that, I would be happy to answer any questions.

Chairman Rettke: Mr. Powell if you would come to the microphone please?

Mr. Powell: Concerning the amount of people, the building can accommodate currently between 60-70 individuals. In terms of employees, we do not have anyone there during the week, only on Sunday everyone gathers, both workers and everyone involved in the operation of the ministry. Only on Sunday, and Saturday morning sometimes, and occasionally on a Wednesday evening, maybe just a few. But it is mainly on a Sunday that everything takes place.

Mr. Donovan: There is another church in that center there, how many folks, what are their hours of worship? Do you have any idea?

Mr. Powell: You say the other church in the same location, or the same building?

Mr. Donovan: That same strip mall.

Mr. Powell: Yes, they also gather on a Sunday. They start their service about 10 am. We start about 11:30. So, by time we get started, they are on their way out.

Chairman Rettke: Would you please state your name and address for the record.

Mr. Powell: My name is Reverend Dr. Powell, 2671 Hampton Ct. Columbus, Ohio 43209.

Mr. Snowden: If I could interject for a moment, in this case, if the Reverend Dr. Powell's church is at sixty, then we are talking, we are doubling the current amount, so we are going to 16 to 20 spaces total being required there, and again, we have got 92 spaces on site. The other church had 75 persons there, so it was approximately the same size tenant space, so you are looking at essentially the same. Neither of those, or combined is going to exceed the 92 spaces that are on site, assuming everybody is there, which I am sure the pastors would love to see. Assuming the entire place was filled to its maximum allowable capacity, we are not exceeding the 92 on site. So I would say, we have done our due diligence in reviewing and making sure we can accommodate that.

Mr. Enfinger: What is the nature of the other businesses there. I imagine they are going to be open at the same time and what is the consideration for that?

Mr. Snowden: That is a great point. They are suppose to be providing accommodations for all of that. But the Code also gives the Board, the determination. And, it does say that if sufficient evidence can be shown that the businesses are closed or that the hours are alternating that the Board can approve it. It is giving some parameters for the Board to guide. In this case, if you are looking at the screen in front of you. There are retail sales, a personal trainer that is closed on weekends, an eye doctor's office, and temporary staffing that is not open Saturday and Sunday.

Mr. Enfinger: What are your plans? Will you have any special camp meeting services or anything that may take place throughout the week? Do we have to take those down as considerations?

Mr. Snowden: that is up to the Board. I will say that the majority of those other businesses are closed after 5p.m. The day care facility that I forgot to mention, closes at 6 p.m. If the Board feels that there is a conflict there, they are certainly welcome to deny based on those grounds.

Mr. Powell: They also park in the back of the building, and on the opposite side of the road. May I also state that the previous church, that they have had many community events out there before, also the Reynoldsburg Police were involved in order to escort traffic in and out. They were five times the size of our ministry. We are a very small private family ministry. We are not considered anywhere close to a mega ministry. We have never held a crusade.

We have never held a revival. We just had an official opening at a time when we entered the building. I have never seen the parking lot be overfilled on any Sunday when the other church and our folks are there also. The parking lots in the back, those are never used up. I have never seen them being used, except for the two buses that park in the back from the daycare center next door.

Mr. Snowden: These types of special events request periodically at different locations and they can be temporarily very disruptive to the surrounding area. We always have the option, especially if the applicant has contacted the City. As Dr. Powell has stated, it is not an issue at this time. But, if it were to become an issue, we could address it at that time, with some additional requirements.

Mr. Enfinger: I asked that because regularly I do not think it will be a problem, but there will be opportunities and times where it might be an issue. We do have to make sure we are considering those. Thank you for your answer.

Chairman Rettke: Any other discussion or comments?

(Vote)

Mr. Snowden: Reverend Dr. Powell, I will provide a statement to you, a written letter to the address I believe you put on the application, which I believe was your ministry address, stating what the next steps are, but let me go over them briefly. Your application will be forwarded to City Council. The Clerk of Council will contact the applicant when the Council elects to hold additional hearings. It would be very similar to tonight, it would just be escalated to the next body. Once it is confirmed that you are approved through Council you should submit for a zoning certificate, which I can issue. You will then need contact our Building Division at 614-322-6802 to submit plans for building occupancy and to complete the required inspections. If you have any other questions, I would encourage you to contact me. Ok?

RESULT:	REFERRED TO COUNCIL [UNANIMOUS]	Next: 3/21/2016 7:30 PM
MOVER:	Aaron Enfinger	
SECONDER:	Robert Linder	
AYES:	Rettke, Linder, Donovan, Enfinger	

2. 1792 Brice Rd.; Application #172745; Applicant: Samir Rahim; Special Exception Use Permit

Chairman Rettke: Could we please have the presentation?

Mr. Snowden: Thank you very much Mr. Chairman. Mr. Alyassary, please stop me if there is any confusion. 1792 Brice Road - 99 Cent Family Store - Special Exception Use Permit. Application: #172745 - Special Exception Use Permit. The property is located on the east side of Brice Road just north of Livingston Ave. Existing Zoning: CC - Community Commerce District / CCO - Community Commercial Overlay. The request for the Board to review and approve a special exception use permit for a new auto sales use in the CC -

Community Commerce District of the City. Current Use is Retail Sales. The applicant is Mr. Samir Rahim. The applicant is requesting a special exception use permit to rent vehicles from their property located within the CC Community Commerce District. The reason the use is called Auto Sales is because, in the code, the definition of Auto Sales includes vehicles for lease, or for rent. That is why it says Auto Sales, even though he is renting the vehicles.

Mr. Donovan: Didn't they have a setback rule about vehicles for sale and he curb?

Mr. Snowden: You are getting ahead of me Mr. Donovan, I will get there I promise. You are one step ahead. Adjacent uses include commercial businesses in the CC Community Commerce District, including retail sales and an auto services use, that is the car wash facility that was approved by Special Exception Permit several years ago. To the north, the property abuts multi-family dwellings in the AR-3 District of the City, that is the Century City apartment complex. This image was taken in December 2015, so you can see the Use was in operation, so we made contact with Mr. Rahim to encourage him to secure the required permit for the use before the operation began. To address Mr. Donovan's questions, which are very good questions, there are several layers of overlapping setbacks for this type of use. Including a requirement in the Community Commercial Overlay section. Since there are several overlapping requirements, the code says that whenever you have conflicting requirements, the most stringent requirement would be the one that is required. So, whatever is the strongest, or largest setback, is what would be required in this case. Mr. Rahim, do you understand what the word "setback" means? It is a required distance between the edge of the property, and the location where the use can be. So there are several regulations that overlap. So, what the code says about the overlapping requirements, is whatever requirement is longest, is what is required. The setback from the street is 25 feet. In his application, Mr. Rahim was proposing to locate the vehicles no closer than 35 feet from the curb. In this case, the requirement would be from the edge of the sidewalk, 25 feet from that point is where the vehicles could be located per the code. From the residential line that is here, 100 feet is the required setback. So the area, per the code, where these could be located, is approximately this area here. Now, that is per the code. The Board can, add additional requirements to that, if they feel it is necessary in this case. Mr. Rahim, let me finish one other and they will have the Chairman turn it over to you. Members of the Board, that covers the setback portion per the code. In addition, there are required parking spaces for this entire commercial site. Based on the area provided by the County Auditor's site, I have counted that 33 parking spaces are required for this site. According to the application provided by Mr. Rahim, and based on my calculations, there are approximately 120 spaces. So, what the code says is no amount of required parking can be taken up by outdoor storage. In this case, to allow the four vehicles, would not take up any of the required parking if the Board chose to allow. Members of the Board, are there any questions as to what the Code says about this type of outdoor storage?

Mr. Donovan: Are there going to be any limitations on the size of the structure.

Mr. Snowden: Mr. Donovan, you and your colleagues can place any reasonable conditions on this use, that you feel is warranted. What I have gone through is the technical detail of what the Code says. But, the Code will allow it on this parameter, per the setback

requirements, and the parking requirements. From there, it is up to the Board to determine, is it appropriate given the other context of the site? And, if so, are there any other restrictions that the Board would require in order to be comfortable. I do not have a lot of insight to provide because these sites are so unique. The only other experience that I have with this type of use, has been located at either a place where other types of vehicles are already being rented. A business that specializes in storage, or storage related products, which this is not, or a business that has significant side parking areas where the storage of the vehicles was almost like a separate activity there. In this case, I have been asked if I felt it was necessary to park the vehicles behind the building. I agree it would certainly be better from an esthetic standpoint. However, I can tell you from a conversation with Lt. Posey, the Fire Prevention Officer, That he had some concerns with vehicles being at the site and very close to the building. And, technically speaking, those are required loading spaces. Unlike the situation that the Board reviewed several years ago at Ace Hardware, where the U-Haul vehicles were placed to the side of the property. I don't have a better solution to that issue other than, if the Board chose to allow it, it would have to be allowed in front. Mr. Chairman, given our situation, would it be acceptable for me to ask the applicant any questions? Mr. Rahim, do you have any questions for me? Mr. Alyassary, would you speak into the microphone please if you are going to be translating, for my assistance, and for the recording?

Mr. Alyassary: I have been here for three years, in this building. You can see the pictures online. And, only four cars park in this parking lot. The maximum is four cars in the parking lot. I am beside the shop which is 1800-A. So, in this case, I use two stores. Beside me is a car wash, and no parking needed for it, because it is a drive thru. So, if I park my cars in the rear outside, I think it is not safe for cars to be parked on the side, especially for my store one month ago get windows broke. And, I have a case in the court because the Police got the theft. Beside me the apartment, might be 600 unit. So, those U-Haul cars will be very good to them, so when they need to move, it will be easier to them to rent the U-Haul trucks. And, it also will support the income for the store, because the store located in a not quiet but busy place. And, I don't like to close my store and lose money. That is it. I need only four parking spots.

Mr. Snowden: Mr. Rahim, let me just remind you and the Board, with regard to the 1800-A space, as we have told you many times, I know it is not related to this. But, you have to have a zoning certificate and building plans, to occupy that space. I just want to be clear.

Mr. Alyassary: I just paid to get a certificate and it is on the processing.

Mr. Snowden: So, you have submitted building plans for review? Is that what you are telling me?

Mr. Alyassary: Yes, and I paid for it , and I get the *(inaudible)*.

Mr. Snowden: I will clarify that with our Building Department tomorrow. I am not aware of that.

Mr. Alyassary: Just one month ago.

Mr. Snowden: You are talking about the electricity. Yes I understand that. I am telling you, for a new business, new, expanding or new business, you must have a zoning and building permit for the new business. What you are talking about is old. I am talking about new.

Mr. Alyassary: So, I get that permit and I wait for electrician to complete his work, and then I will come again to apply, and submit the papers.

Mr. Enfinger: So, he has been there for three years and has not had the permit to operate?

Mr. Snowden: Mr. Enfinger, let me clarify. He has a zoning and building occupancy for the retail sales use. There are two separate issues. I am only bringing it up because I wanted to clarify what Mr. Rahim was saying. There was an issue between our Chief Building Official and expansion of his business in a neighboring space. That has already been addressed. He is correct. He has addressed that at our request. The U-Haul business started approximately last Fall. And our Compliance Officer, based on complaints that were received, wrote a violation for the Special Exception Use Permit. And that is what brings us here this evening.

Chairman Rettke: What was the nature of the complaint?

Mr. Snowden: the nature of the complaint was, operation of a auto sales business without a Special Exception Use Permit or zoning certificate for he auto sales use. The retail sales was approved. The auto sales use was not approved. Mr. Rahim worked with our compliance officers, worked with me, and made the application, to be here this evening, and secure the required permit.

Mr. Alyassary: In the beginning I don't have any idea about this until the officer came to me and he told me about that. I thought that U-Haul take responsibility for that. And, after the officer told me that in the first point I had this application, and I start all the works.

Mr. Snowden: Despite some challenges, communication being one of them, Mr. Rahim has worked with us to get into compliance.

Mr. Rettke: Is Mr. Rahim acceptable to the location where we are telling him he has to store the vehicles, and the quantity of vehicles?

Mr. Alyassary: The total quantity is four, but if there is a truck that came at night, can I keep it until morning? So, when I will open, I can send it out.

Mr. Snowden: It would be best that whatever the number is he is approved for, if any, he is bound by that number. So, what that means is that if our Compliance Officers see it, or see a complaint, they will write a violation. If that means he needs to request five trucks, he should do that. If that means he needs to request six, he should request six. Whatever that number is, he will be bound by that number.

Mr. Enfinger: In addition to the trailers, or any other vehicles as well?

Mr. Snowden: Mr. Enfinger, the trailers will be included in that count. The Board could also make a separate requirement saying trailers two, trucks four, or whatever. But, whatever is included, is included in that number.

Mr. Enfinger: Mr. Rahim, you say that you have had the store for three years, did you open the store? Have you been the only owner? Mr. Snowden, correct me if I am wrong, but has there not been multiple violations sited for this location for window covering multiple times? My understanding is, that is the case. And, if so, what makes us believe he will comply now?

Mr. Snowden: Mr. Enfinger, you are correct. We have written several violations of the Zoning Code on this property. I have worked for banners, signage, etc... And, I have worked to explain sign regulations to Mr. Rahim. As far as I know, there are not any open violations at this time. And, as far as I know, after I took the time to educate Mr. Rahim on the sign code, we have not received any additional complaints. But, the direct answer to your question is yes.

Mr. Rettke: So understanding, back to the location, your goal is to have four, on your property, for lease?

Mr. Alyassary: Yes.

Mr. Rettke: The nature of U-Haul, you could receive one or two without your knowledge, with one night transfer. Personally, I would hate to see you get in trouble for somebody dropping off that you didn't anticipate. I think it would be best, if we would request we alter that to five or six. That gives you a little leeway.

Mr. Snowden: Ultimately, this is the Board's decision. It would be nice to be able to say, he has four regularly, and up to six for some amount of time. However, from an enforcement standpoint, for our Compliance Officers and myself, that becomes very difficult. So, I do not want to create an enforcement problem.

Mr. Rettke: But as business model, if he says I am going to have four, and five shows up, he has a cushion. *(Inaudible)*

Mr. Snowden: I wish I had a better location to recommend, other than directly in front of the building, but I don't. That is the reality.

Mr. Rettke: Can you describe for us the four you are going to try to stock at all times?

Mr. Rettke: Is your goal one trailer and two vans, and one box truck?

Mr. Alyassary: Mr. Eric work with me. I do not like to have problems. Therefore, I state that if there will be a fifth car come in on the same side, I do not like the problems, and there is a box that will be outside the U-Haul put it. At night, they will come in to put a key inside. So, in the morning, I get the key and I check the mileage of the car. This is my question

about the five car.

Mr. Snowden: So, Mr. Chairman, if the business model is four, and the Board is comfortable with the location, I would recommend that we approve five to give us some flexibility with enforcement.

Mr. Enfinger: Personally, I think five would be better to ask for. As a business owner, I would do five for a better cushion. And, they have to be in that location, as Mr. Snowden stated.

Mr. Snowden: Mr. Rahim, if you draw a line from this point of your building, that you can see on the screen, to here, they can not be any further to the north, than this line. They must be in this area here, 25 feet from the sidewalk, and no further north than this line, which is even with the side of the building.

Mr. Enfinger: So, basically this is limiting him from parking all of his vehicles in front, and there is a drive thru?

Mr. Snowden: Car wash.

Mr. Enfinger: Oh, it is the car wash.

Mr. Snowden: The car wash's stacking space, stacks into this travel lane, per the permit that was approved.

Mr. Enfinger: I could totally see that there will be a traffic problem here.

Mr. Snowden: The hand-drawn site plan that was provided by the applicant, is accurate, based on the number of spaces there. And, I think, Mr. Enfinger, if you look here, this will give you a better idea. That is the entrance to the car wash.

Pastor Linder: Would there be any precedent for these spaces that are designated for these particular vehicles to be marked. So, even people bringing them in after hours would know that is where his vehicles get placed. And then we would move over to the second or third row and say that is where he has to designate parking for his vehicles.

Mr. Snowden: Pastor Linder, to answer your question, it would be possible for those spaces to be marked if necessary. It would also be possible for the Board to designate which spaces they are based on the site plan that was provided. Whether or not those spaces are marked is immaterial from the standpoint of staff and enforcement. For example, if these first four spaces were where the vehicles were to be located, if there were vehicles that were not located there, that would be a violation, if the Board were to designate such space.

Pastor Linder: So It actually makes it more of a burden on the business.

Mr. Snowden: Pastor Linder, my experience with this has been that the applicants, or

tenants, have to manage these, because folks, generally speaking, don't abide by, it will be late at night, and they are going to put it where they want in this gigantic, relatively speaking, large parking lot.

Chairman Rettke: Any other questions, concerns, or comments?

Mr. Snowden: Gentlemen, I have nothing else to present. I appreciate your attention and cooperation with this unique case. I would just ask that whatever member is making the motion, be very careful with how you are wording it and the conditions. Because these conditions are things that the Compliance Officers and myself are going to have to enforce. If we need to pause, or write them down, or whatever.

Chairman Enfinger: I move that we approve Application #172745 with the following conditions: That the applicant be restricted from storing the vehicles further to the north than the road, or parking directly in front of his tenant space. And, that the applicant be restricted to no more than five vehicles on site at any one time.

(Vote)

Mr. Snowden: This Special Exception Use Permit has been approved. I will provide to Mr. Rahim, a written statement of what happened here this evening, and explain the next steps which include approval by City Council, and a zoning permit, which I approve, based on what the Board said. If you have any other questions, it would be best to stop in and that office and find me. Ok? Thank you Gentlemen.

RESULT:	REFERRED TO COUNCIL [3 TO 1]	Next: 3/21/2016 7:30 PM
AYES:	Rettke, Linder, Donovan	
NAYS:	Enfinger	

3. 0 Refugee Rd. SW; Application #172748; Applicant: Drew McClain; Major Site Plan Review for the Inn at Summit Trail

Mr. Snowden: Thank you Mr. Chairman. 0 Refugee Road - SRJ Properties of Ohio LLC - Major Site Plan Review. Application: #172748 - Major Site Plan Review. The property is located on south side of Refugee Road between Summit Road and Old Summit Road. Existing Zoning: UN - Un-zoned (AR-3 Multi-family Residential District). The request is for the Board to review and approve a major site plan for a parcel in the AR-3 - Multi-family Residential District to permit construction of a new residential care facility. Current Use, as you can see from the area, is vacant Land. The applicant is Drew McClain. The applicant is requesting that the Commission review and approve a zoning district amendment that changes the zoning district of the subject parcel to AR-3 - Multi-family Residential District to allow construction of a residential care facility. The parcel does not currently have a zoning district designation. The site consists of a 11.22 acre tract located at the southeast corner of Refugee Road and Summit Road which contains no structures and is currently used for agricultural purposes. The site is triangular in shape and is bounded along the east side by Old Summit Road and along the west side by Summit Road. To the north, the property abuts Refugee Road single family homes located in the City of Pataskala. The applicant has previously secured approval of a zoning district amendment which will take effect next month. The amendment will officially take affect thirty days from yesterday, when it was signed by the Mayor. The applicant proposes to construct an original building, and is requesting that the Board approve a proposed "Phase II" site pad, and I will let Roger explain the ins and out of that particular unique phase. The Board can approve the site plan on condition that Staff review the architecture, and issue zoning certificate for that phase. Essentially the bottom line is, although the applicant is only going to be constructing the main phase of the building, if the Board is comfortable, the Board can essentially approve the entire site. Required parking lot characteristics, as you can see, they are being met. The applicant has provided a conceptual building rendering showing a one story building with nearly 100% coverage of natural material on the exterior. The proposed structure exceeds the requirements for natural materials required by the Zoning Code for all projects in multi-family and commercial districts. Staff does not feel that the building architecture is at variance with the adjacent single family dwellings or nearby school campus, and it exceeds the materials requirements in any multi-family, or commercial district, within the City. The applicant provided a preliminary traffic study which indicated that the number of new trips generated by the proposed development would not warrant additional infrastructure improvements at the cost of the applicant. The applicant's site plan for typical aisle and parking spaces meet the minimum zoning regulations. The applicant has provided a landscape plan that appears to satisfy the minimum requirements of the Zoning Code. All parking areas and service areas are screened, and the applicant has provided the required street trees and additional plantings. The applicant provided a detailed landscape plan showing their front entrance and interior courtyard planting. The landscaping as proposed exceeds the requirements for landscaping in any multi-family or commercial district. If I had

to summarize landscaping, I would say that this applicant has gone above what we usually like to see in Institutional type buildings in the City. The applicant has shown the general location of utilities and will need to have a plot-grade-utility plan approved by the City Engineer prior to issuance of a zoning certificate. The proposed site plan modifies a stormwater retention area along the north side of the property that also collects stormwater from a portion of the public right-of-way. The applicant is working with the City Engineer to modify a required easement. The applicant has provided a detailed lighting plan, including cut sheets on the individual fixture types for review. The applicant is proposing attractive front accent lighting that is consistent with the building architecture and colors. The applicant is proposing 14' light poles around the parking area and is lighting all pedestrian areas and courtyards with LED bollard style lights. The distance between the nearest light and the single family dwellings to the north is approximately 100ft. The proposed lighting for the entrance signage and flagpole is shielded and not directed toward the public street. The lighting material is a dark bronze color. The light poles are no higher than 14 ft., including the proposed fixture. Overall, this is one of the most detailed lighting plans we have had. The Board should determine if the applicant has met all the criteria for major site plan review and approval as outlined in Section 1143.03(c) of the Zoning Code, and if the site plan as proposed will have a negative impact on the public health, safety, morals, comfort and general welfare. Staff finds the proposed site plan in compliance with those standards and recommends approval of the site plan on the following conditions: 1. That the required zoning district amendment take effect as scheduled. That is a technicality of the zoning, theoretically speaking. 2. That the applicant present staff an architectural plan for the proposed second phase that is consistent with the scale and materials used in the original phase. In this case, the Board is going to be basically approving the site plan for that second phase, and given that Staff does not normally review architecture, I am going to request that the Board request that Staff review that architecture, so the applicant does not need to get a new Major Site Plan to build a building that is consistent with what they have already shown. It is a little bit of a unique situation, but I feel with our meeting tonight, and the rezoning, that there has been plenty of public review and input into this, and that there is no reason that Staff can not approve that architecture when it comes in, to be consistent with the building, as it was constructed. Until that time, the site pad shall be maintained as grass or landscape. With that, I will turn things back over to our Chairman. I will be happy to answer any questions, and thank you very much.

Chairman Rettke: May we have your name and address for the record please?

Mr. McClain: My name is Roger McClain, 29 W. Locust St., Newark, OH

Chairman Rettke: Any questions or concerns? Any discussions?

Mr. Donovan: When are you planning on doing this future addition? Is there a timeline to that?

Mr. McClain: Yes, approximately a year and a half to two and a half years after we have opened for the first phase, we typically put the second phase, the final phase, on. So it will be about a year and a half to two years after we have opened for business for our first phase,

and we would like to see how it has filled out. We would like to see what the market says for the levels of care that we offer. That allows us to be very specific with how we design that second, and final, phase.

Mr. Donovan: Are you going to offer any kind of community outreach program there for local residents to come there and make use of the facility. Wesley Ridge is going to in the exercise facility, allow people, other than residents, to go there. Are you planning on doing anything like that?

Mr. McClain: What we like to have, is any church affiliated associations, Kiwanis clubs, chamber clubs, we do not have a large assembly room for more than 20-25 people coming in. What we are very careful of, even small kids come in and do programs for the older folks. That is our business. We like that. But, what we are very careful of, as far as exercise classes and such, with older folks, as far as sicknesses, illnesses, flus, colds, and that is their primary residence, not to make them feel like the public is taking over their space, so to speak. If it fits very well, and it is a very good cause, we sure recommend this. Local church groups, Kiwanis, Chambers, some community condo associations, are in there at times, and we very much like that. And the residents like that.

Mr. Snowden: Roger, based on the site business, Mr. McClain has a variety of these around the State of Ohio. Dan and I, along with Mayor McCloud, had the opportunity to visit their location in Canal Winchester, which is basically the same prototype building. So, we almost feel we have seen the thing already built, because we have been to another one nearby. He does have a small chapel which can be used for assembly, for small groups of 25. And I think Mr. McClain, based on what you told me, I think that many of the folks that are living in your facility are also members of these groups and so forth.

Mr. McClain: Yes, that is what makes our business work, that is their lives, and we want it to continue on, it is just that they can not get out any longer. This is what makes it work.

Mr. Donovan: How many residents do you plan on having in this facility?

Mr. McClain: In the first phase, our main phase, 75-77 rooms, and our licensing will allow us to have slightly more than that. That is the amount of rooms we have. Up in the northeast, there seems to be a lot of couples and wives that move in their caretaker, and so on an average building it would not be uncommon to have in a 75 room facility, to have 80 residents. Our final phase is very important to us. Obviously, from a financial center, because everything is in place, staff is set, and it is just a matter of setting it down. It takes about six months from the time we start our final phase, through completion.

Chairman Rettke: About how many employees are you going to have?

Mr. McClain: It varies depending on the needs of the residents there. At a minimum of forty, to as many, three or four years down the road, to 70 or 80.

Chairman Rettke: I can personally say I went over the plans with a fine tooth comb and I

could hardly find anything to talk about, so whoever did it, did a bang up job. Usually our landscaping has some issues.

Mr. Snowden: I have to remain as objective as possible, but given the characteristics of the development, this group, for the most part, has exceeded what we like to see. And, that is a good thing. I will just leave it there. In terms of landscaping, in terms of building, it is above what we normally see. It is above what we normally request. So, I am pretty happy with that aspect.

Chairman Rettke: Over the years, I have built a cheat sheet, and I could not find much.

Mr. McClain: Thank you. We take great pride in the appearance of our buildings, from our landscaping, from how we mow our grass, to Christmas lighting, etc... This is what makes it successful, we take care of it like a fine residence. It is a happy place. It takes a lot of work. Probably our bigger concern, when we go into the community, how are other people taking care of their properties around us. Sometimes that is an issue with us, because we take great pride in that. It is contagious. We have found that we take care of a nice piece of property, and other people want to come around and be part of it, so next thing you know, the community is taking better care of their properties.

Pastor Linder: I am just curious how the setting near the school compares to some of your other locations. Is that new for you, or have you done that before?

Mr. McClain: We like schools. A lot of preschools, a lot of day care centers. Not a ton of high school campuses. I have sat there 2 or three times watching kids come and go, and watching your Police Department monitor that. That is a big concern of ours. It can be a wonderful thing. These older folks like to intertwine with the reading programs. Churches are a big thing with us. A lot of these folks still need their spiritual guidance and ministers come in. You need to keep in mind, in today's world, folks are coming in a lot older and finances are a little strained, compared to ten years ago. So, our folks coming in, average age is in the mid eighties, and they are pretty much need based. They are not really coming in because it is just a beautiful place to live, a few of them are. But they are pretty much coming in because they need to be there. And, because of that, they don't get out a whole lot. So, either our van will take them to their church, or wherever it may be. But, a lot of times their minister will come and have services throughout the week at our location.

Mr. Snowden: Mr. McClain, I am sure that Pastor Linder would love to come and preach at your church, because he has so much extra time.

Chairman Rettke: Like I said, I have been through it and it is naked ground that is sitting out there.

Mr. Snowden: Let me make two other comments. One is, we normally do not talk about this, but given it is senior care, I will state it, the West-Licking and City of Reynoldsburg Police, and West-Licking Fire were involved in preliminary meetings when this was being sited, and they have not expressed any concerns to me. They have tried to start building

relationships to make sure that our community is safe. Given this location at Summit and Refugee, it is possible, given that you have a single family on the north side there, you could someday have a small retail development looking to go into this type of location, and I think there would be more resistance from some of the neighbors to that sort of thing versus this which we have heard no push back on. It is a good complimentary institutional style use to the high school campus. And it kinda builds a nice transect between this relatively intense school use, a slightly less intense semi-multi family use, not as apartments, but as this development. It builds a nice flow in this corridor.

Chairman Rettke: I really like the area inside the courtyard. I would like to move that we accept Application 172748 with the following conditions: that the required zoning district take affect as scheduled, and that the applicant present staff and architectural plans for the second phase that is consistent with the scale and materials used in the original phase, until that time, shall be maintained as grass.

(Vote)

Mr. Snowden: Mr. McClain, you will be getting a zoning a certificate. You will be submitting a plot grade utility, that will keep your engineer and architects busy. And, you will be submitting your building plans fro approval. One that is all done, we will schedule a pre-construction meeting. All of that information will go out in a letter which I will be drafting. If you have any other questions, you know how to get a-hold of us.

Mr. McClain: Thank you Gentlemen. We will make you proud with what we do here. Than you for your confidence.

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

4. 8173 E. Broad St.; Application #172834; Applicant: DNReynoldsburg, LLC; Major Site Plan Review

Mr. Snowden: thank you Mr. Chairman and Members of the Board. This is 8173 or 8097 East Broad Street - Shoppes at East Broad, Phase II - Major Site Plan Review - Phase II. Application: #72834 - Major Site Plan Review. The property is located on the south side of E Broad Street, east of Waggoner Road. Existing Zoning: CS - Community Services/Limited Overlay. The request is for review of a major site plan for a new retail shopping center, it is actually a revision. Current Use: Retail Sales. Applicant: DN Reynoldsburg LLC. The applicant is requesting a major site plan review for a proposed commercial shopping center located in CS Community Service District. Phase I of the project was approved by the Board in March, 2015. The applicant is proposing to modify that original site plan to create additional building sites for a second phase. The site consists of an existing 120,000sf commercial building, let me be clear, the building is still under construction, with related parking improvements and neighboring out lots. Neighboring uses

include commercial business along the north side of E. Broad Street in the City of Columbus. The site was last rezoned in 2006, and in conjunction with that process, a limited overlay was placed over the site. The overlay text is on file in the Zoning Division office. The applicant was previously approved for a major site plan in March of 2015, and is now proposing to revise that site plan to add additional in-line tenant spaces. The applicant is proposing to increase the total building area on the 24.94ac site to 200,550sf, which is an increase to 78,650sf from their Phase I. This is a pretty big investment to an already large commercial development. To add on to the administrative section, some of the Members probably remember that there was a hotel proposed for this site, at one point, which received some preliminary approvals. And, for various reasons, that project never came to fruition, and the applicant is coming back to extend the retail portion into that former site. The applicant is proposing 200,550sf of retail space. The limited overlay requires that the applicant provide 1 parking space for every 250 sf of retail space. This would require the applicant to have 802 parking spaces on site. The applicant has provided for 928 spaces, so Staff is comfortable that there is adequate parking. The overlay has different requirements for different types of uses, so the applicant could return to the Board to approve a new parking plan if the tenant mix were to change again. Pedestrian Connectivity. At the request to Staff, the applicant has connected a previously constructed sidewalk along the south side of the main entrance drive from Waggoner Road to the front pedestrian area of the development. Landscaping/Buffering, for whatever reason, by my own error, I had a copy of the plan that did not have the landscape and lighting attached, so when I wrote the report, I wrote as if the applicant had not provided those items. This was my mistake. I have those items on file and I reviewed them. They are consistent with what the applicant provided to us in phase one. They are meeting the minimum requirements of the code for both the landscape plan and the lighting. So, I really don't have any outstanding concerns. My concern in this case was going to be that whatever they proposed was going to be consistent, but what they are showing is consistent with what was already approved. When the applicant made this application, they were attempting to get the building sites approved, in order to meet some contractual obligations with some proposed tenants. Since then, the applicant has applied for the upcoming March Design Review Board meeting, with the architectural for this site, to complete the process. This application was not amended to include the architectural, because those just came in last week. In fact, the deadline was the same day this packet went out to the Board. In this case, I am going to request that the Board approve this without the architectural, with the understanding that it is a unique circumstance. I don't want to create a situation where future applicants think that just because, I can get my site approved and I don't have to have BZBA, or Planning Commission see my building, and I can go straight to DRB with my building. It is not to circumvent the process. But, the thing that made this unique was the fact that the building was already under construction, and the fact that the architectural character has already been established. No matter what, whether it is this Board, DRB, or Staff, we are going to make them consistent with what is already being built there. The Board should determine if the applicant has met all the criteria for major site plan review and approval as outlined in Section 1143.03(c) of the Zoning Code, and if the site plan as proposed will have a negative impact on the public health, safety, morals, comfort and general welfare. Staff finds the proposed site plan in compliance with those standards and recommends approval of the site plan on the following condition: 1. That the applicant submit an architectural, lighting, and landscape plan for review and approval by the Design

Review Board and Staff to confirm compliance. With that, I will turn it back over to our Chairman, and I will be happy to answer any questions.

Chairman Rettke: Any questions concerns or comments.

Mr. Donovan: Are there any restaurants or food establishments in the additions you are making?

Mr. Giltz: Greg Giltz, 4835 Muskingham Ave. Canton, Ohio 44718. Mr. Donovan, currently no restaurants, talking to a few restaurants. But with the current plan proposed, there are no restaurants.

Mr. Donovan: Do you have a tenant for this big building?

Mr. Giltz: We do. It is Hobby Lobby.

Chairman Rettke: Phase 1 is 80 % complete?

Mr. Giltz: It is one of those things you like to see, Phase 1 totally complete and prospects for Phase 2. That is the fortunate situation where we are right now. The hotel was going through the motion and it fell apart on their side and we had to some other things. We had to vacate, and get things put together. Phase 1 is going to be harmonious with Phase 2, architecturally, landscaping, lighting, as Mr. Snowden indicated.

Mr. Snowden: That is why I am comfortable with doing it this way. But, I don't want anybody to get the idea that all of a sudden I do not have to show my architecturals on a major site plan in the future. Whenever you are changing from your normal procedure, I just want to be totally clear on why I base that decision.

Mr. Donovan: You said that the hotel was already starting to build?

Mr. Glitz: They never broke ground. They never purchased the ground. They had it under contract from us. They terminated the contract. Since then, we have talked to other great prospects for the Shoppes at East Broad and it is finally coming together. It comes together in waves. For a period of time there was nothing and we think, wow, is this it, and then the phone starts ringing and we get a lot of meetings put together. It is a transformation of how the project has morphed over the last ten years.

Chairman Rettke: How many of the lots do you have out front?

Mr. Glitz: We do not have any. I think there are two lots available.

Chairman Rettke: It looks like you put some emphasis on water retention and water drainage.

Mr. Snowden: Mr. Rettke, you can see on the site plan, that there is like a tree preservation

area. The reason that is there is because originally, in the middle of this, there was some sort of wetland. Mr. Giltz, was that before your company was involved with that. Was that the previous owner?

Mr. Giltz: That was the previous owner. Are you talking about the trees along Waggoner?

Mr. Snowden: Yeah, but my understanding, when we met with the people from the various environmental agencies, that was done to compensate for this being kind of a wet site in general. So, that is probably why you are seeing a pretty heavy pond and some beefy stormwater infrastructure.

Chairman Rettke: I think you have done your due diligence to alleviate the water issues. I am not an engineer, I am a surveyor. I do not know all the ins and outs. That was one of my bigger concerns when we started developing all of this, you turn a lot of natural ground into, a lot of runoff, you have a pretty substantial ecosystem in that creek coming through there.

Mr. Snowden: Mr. Rettke, I would just throw this out to Mr. Quick, the engineer, to see if he has anything to add on this. Mr. Quick is the applicant's engineer, I have worked with him extensively.

Mr. Quick: Chris Quick, 7940 Gladshire Blvd. Lewis Center, Ohio 43035. I am with Manic Smith, the engineers on this, and actually, before our company got involved with this, the pond was designed with a different plan. What we have done, we have actually added green spaces.

Chairman Rettke: Any other questions, concerns, comments?

Mr. Snowden: Gentlemen, let me remind you of something and let you know what the follow-up was. You probably remember that the applicant did provide a north/south sidewalk, and that there was a connection that was missed on Burger King's portion of the property. Burger King did a minor site plan in order to add an additional drive thru lane to their site, and in part of that process, I required them to add that additional sidewalk. Burger King subsequently backed out of adding the additional lane, so that unfortunately still has not been made, and we cannot require this applicant to build something on land that they simply don't own. But, I can tell you that I have made a note in the file, and as long as I am around, I am going to continue to try to work with Burger King. In fact, as this comes to fruition, and the remainder of that parking lot gets constructed, I may try to contact Burger King's management, or regional management, to try to address that issue. Dan reminded me of that issue and I wanted to give the Board an update. It was on their original site plan for Burger King said that they were going to build a sidewalk, and for whatever reason, they did not do it. I tried once, and we will work with them in the future, make contact with them and try to make that connection.

Mr. Enfinger: Couldn't you site them?

Mr. Snowden: Theoretically, I could, yes. It was part of the site plan. I could amend the site

plan. That would definitely be an option.

Mr. Enfinger: We are holding Dollar General to the fire on theirs.

Mr. Snowden: I will take that under advisement and we will work with them, definitely. I would be fine to go that route.

Chairman Rettke: Any other uniqueness about this center you want to tell us about?

Mr. Glitz: The good thing about Phase 2 coming, it is much quicker at one time. *(Inaudible)*

Mr. Donovan: The service road at the top of Waggoner, that is an entrance only, is there any plan to try to get that traffic pattern changed?

Mr. Glitz: We have been over this many times and there are a multitude of issues. There is a bridge involved, a creek involved. There is a separation lane involved.

Mr. Snowden: There is stacking space with this intersection. This is a state highway so there are certain ramifications. It is controlled by the City of Columbus. My understanding going back that pretty much everybody, including our own City Engineer, EMH&T, and internal people from the street department, service department, I have tried to find a way to make it work for these guys for a number of years. There is just no way. It is unfortunate, but it is how it ended up working. I wish I could go back and review the site designs.

Mr. Donovan: *(Inaudible)*

Mr. Enfinger: Are the stores that are going in there, are they opening new stores, or are they locating existing ones? Do you happen to know that? For example, Hobby Lobby, and Tj Maxx, are they transplants.

Mr. Glitz: Both of those stores are saying they are going to wait and see. Interestingly, Taylor Square *(Inaudible)*

Mr. Enfinger: The only reason I asked that is because its just a continuation of the decline of Brice Rd., across 70, and that is one problematic area for Reynoldsburg. It seemed to have crept across the highway and we struggle with that area. I realize it has nothing to do with you, I was just curious.

Mr. Snowden: It is a great general question to be asking to keep the Board updated. And, Dan and I have worked extensively, and have relationships with the folks at the City of Columbus, and they did an economic development study last year, and they have an ongoing planning effort for that entire corridor, which I am sure we are going to be part of. The good news is, we have had some positive momentum there as far as a couple of new anchor tenants. Dan and I just met yesterday with guys that are looking to purchase property down there, that come very well capitalized from the west coast and they seem to know what they are doing. It is certainly an issue, but I think in this case we have to look at the

characteristics of this site. Is there any other logical use for this site other than commercial retail? Not really. That is the balance that we have, and I just hope that the time Dan and I are here, we can bring some new uses to that area and continue the relationships that we have.

Chairman Rettke: I did not mean to cause the diversion. One of the things that I did not find, and forgive me if it is there and staring me in the face, the signage (*inaudible*) These two new units are going to be somewhat secluded. (*Inaudible*)

Mr. Snowden: Let me interject, there was a comprehensive sign plan done for this entire site, when it was originally developed in 2007. Essentially it is still in effect because the signs are still located in the same location. Now, the applicant can divide up the individual locations as they see fit to the tenant. But, the signage area and location is fixed by that sign plan. I will have at least two or three sign contractors on for next month from your tenants, contacting me to be on Design Review. So, we will have several next month, where they are getting approved for a wall sign, they are getting approved for a panel on these existing signs. No one is requesting new signage, or anything like that, at this time. And, they really wouldn't be because there are already monument ground signs on the site. When Hobby Lobby comes, based on the design rendering that I have seen, they will be requesting multiple signs, so I would expect them to be doing a comprehensive sign plan, with the Board, to get the signs approved, and DRB to approve the details of it. I am sure you will be seeing some additional signage for the buildings. I have to refer to the applicant here, but I can not imagine we will be seeing any additional ground signage. That seems to be basically fixed at this point.

Mr. Donovan: Are you planning on putting any direction signs out of there, at that access road there so people will no whether to turn left or right out of there.

Mr. Glitz: I think there is some there now. If we need to add more, we will work with the City of Reynoldsburg.

Mr. Donovan: I am trying to help your customers out over there.

Mr. Snowden: I looks like we have got a one way, and a one way sign there. Up at the top there are some "Do Not Enter" signs. Sometimes when you are dealing with something like this, it takes people a while to get use to it.

Mr. Donovan: (*Inaudible*)

Mr. Snowden: To address this in general, it will take people a while, as you have stated, and some people have learned. What we sill do is work with the applicant. If we are getting any complaints, if we have the Police being contacted, and they are calling Dan and me saying, "What is going on with this? We are having all kinds of problems." We can do a post mortem and see if there is anything that needs to be done with additional signage at this point, and we will contact the applicant.

Mr. Glitz: We are here to tell you we will address any problems that come along. If we need to add additional signage, we definitely will do that.

Chairman Rettke: I will move that we approve Application #172834 with the condition that the applicant submit an architectural lighting and landscape plan for review and approval by the Design Review Board, and staff to confirm compliance.

(Vote)

Mr Snowden: You have been in front of us enough to know that I do not need to read these you. You have already submitted several of your requirements, and we will be in contact.. I will provide the written notice. I know your plot grade utility is under review at the moment. Are your building plans in already? This would be a good time to move forward with your building plans as well.

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

E. OTHER BUSINESS

Mr. Snowden: There are two young men wearing purple jackets in the audience that are here for a school project and we obviously want them to get an "A" on their project. They would like to take a picture with the Board. We will take a picture with them if that is ok.

Chairman Rettke: Come on up and state your name. That way we will have it on record that you are here.

(Two Students from Reynoldsburg High School gave their names and addresses for the record, and spoke about their project/assignment.)

F. ADJOURNMENT

Chairman



Planning Administrator